



**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. 39/10**

**Date to Members: 08/10/10**

**Member's Deadline: 14/10/10 (5pm)**

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

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

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

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

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

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

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

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

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

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

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

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

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

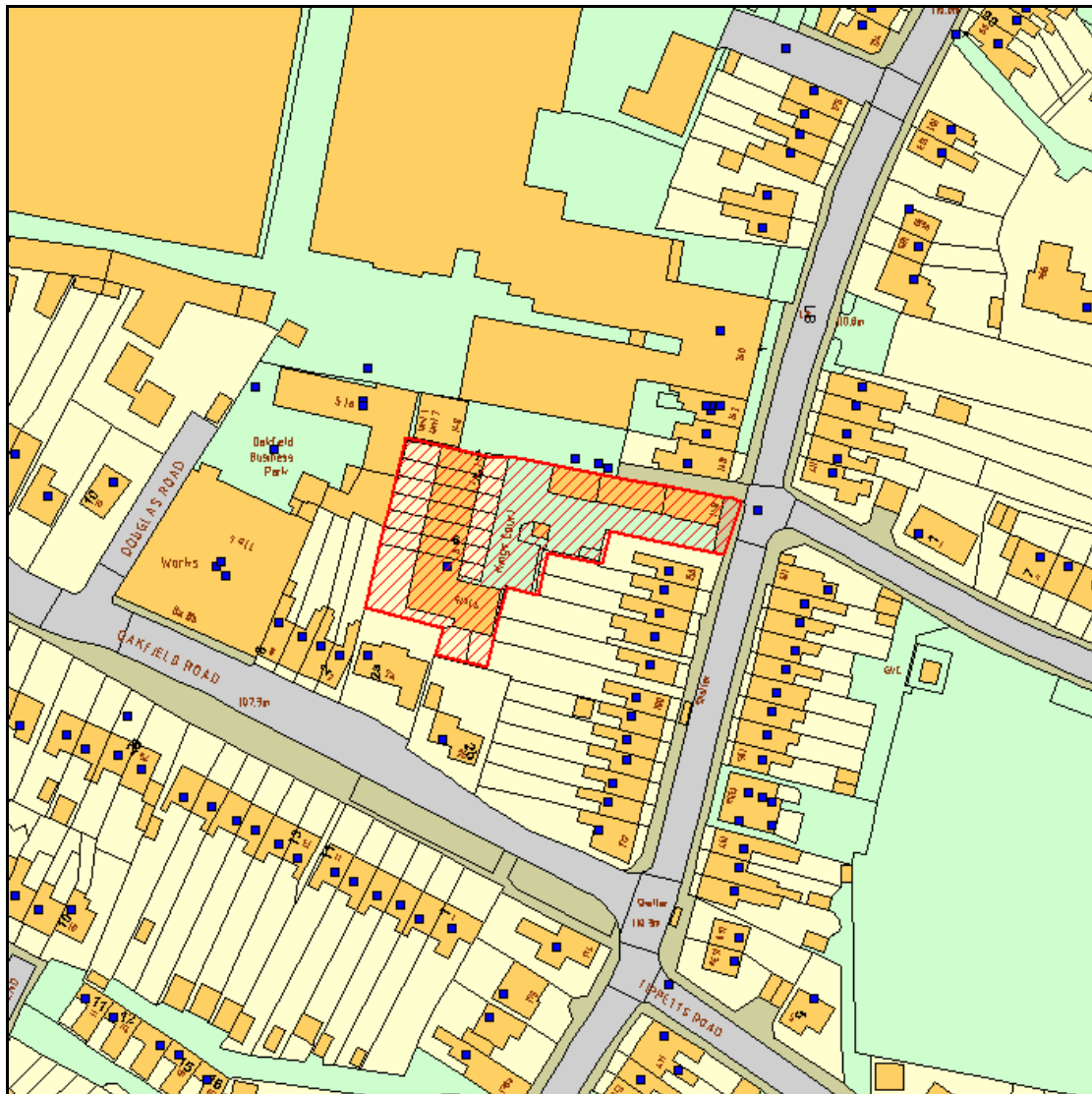
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s)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

# CIRCULATED SCHEDULE – 8 OCTOBER 2010

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK10/0506/F	Approve with Conditions	148 Hanham Road Kingswood South Gloucestershire BS15 8NR	Woodstock	None
2	PK10/2073/F	Refusal	55 Court Farm Road Longwell Green South Gloucestershire BS30 9AD	Longwell Green	Hanham Abbots Parish Council
3	PK10/2162/F	Approve with Conditions	Land Adjacent To Greystones Bury Lane Doynton South Gloucestershire BS30 5SW	Boyd Valley	Doynton Parish Council
4	PK10/2222/F	Approve with Conditions	18 Lime Road Hanham South Gloucestershire BS15 3AR	Hanham	Hanham Parish Council
5	PK10/2255/F	Approve with Conditions	2A Teewell Hill Staple Hill South Gloucestershire BS16 5PA	Staple Hill	None
6	PT10/1826/F	Approve	Beach House Riverside Park Severn Beach South Gloucestershire BS35 4PN	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
7	PT10/1917/CLE	Approve with Conditions	Hambrook Golf Range Common Mead Lane Hambrook South Gloucestershire BS16 1QQ	Winterbourne	Winterbourne Parish Council
8	PT10/2172/F	Approve with Conditions	Woodbine Cottage Church Hill Olveston South Gloucestershire BS35 4BZ	Severn	Olveston Parish Council
9	PT10/2218/F	Approve with Conditions	4 Painswick Avenue Patchway South Gloucestershire BS34 6DA	Bradley Stoke Central And Stoke Lodge	Patchway Town Council
10	PT10/2221/F	Approve with Conditions	15 Ormsley Close Little Stoke South Gloucestershire BS34 6EN	Stoke Gifford	Stoke Gifford Parish Council
11	PT10/2256/CLE	Approve with Conditions	Spring Barn Eastwood Park Falfield Wotton Under Edge South Gloucestershire GL12 8DA	Charfield	Falfield Parish Council
12	PT10/2288/F	Approve without conditions	27 Elm Park Filton South Gloucestershire BS34 7PR	Filton	Filton Town Council

## CIRCULATED SCHEDULE NO. 39/10 – 8 OCTOBER 2010

<b>App No.:</b>	PK10/0506/F	<b>Applicant:</b>	Onefoureight Development Limited
<b>Site:</b>	148 Hanham Road Kingswood Bristol South Gloucestershire BS15 8NR	<b>Date Reg:</b>	10th March 2010
<b>Proposal:</b>	Change of use of vacant offices (Class B1) to 7 no. flats (Class C3) as defined in the Town and Country Planning (Use Classes Order) 1987 (as amended).	<b>Parish:</b>	None
<b>Map Ref:</b>	364718 173123	<b>Ward:</b>	Woodstock
<b>Application Category:</b>	Minor	<b>Target Date:</b>	30th April 2010



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100023410, 2008.

**N.T.S.**

**PK10/0506/F**

## **Reasons for referral to the Circulated Schedule**

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

### **1. THE PROPOSAL**

- 1.1 Planning permission PK07/0119/F was previously granted for the erection of six houses and eight flats together with a two-storey office building to the west of Hanham Road, Kingswood; vehicular access was from Hanham Road. The site was previously used as a vehicle repair workshop, with a single access off Hanham Road. The original access is effectively retained through the new development. The residential element has since been completed and is now occupied; the shell of the office building has been constructed but to date has not been completed or occupied. The front of the office building lies parallel to the access road into the site, which then continues to serve the residential element. Amenity space to serve the existing flats and houses is provided at the southern and western ends of the site. The residential element comprises two-storey town houses facing east with the attic space converted for habitation, forming front and rear-facing gables. This is linked into a two-storey element containing eight flats. The office building is two-storey, although the central section of the first floor covers 6 parking spaces used to service the offices in the daytime and to provide overspill and visitors parking, in the evenings and at weekends, for the residential element.
- 1.2 Two earlier outline schemes in 2005 and 2006 were refused. The first scheme PK05/0820/O was generally similar in layout, albeit with two separate office buildings and only flats, to that which was approved, but the two office buildings were proposed to span the access road. This scheme was refused for eight reasons (see para. 3.1 below).
- 1.3 Despite a vigorous marketing campaign and a partially successful appeal to vary the operating hours of the office (see para. 3.4 below) the office remains unoccupied. The applicant therefore seeks a full planning permission to convert the office to 7no. flats i.e. 5no. one bed flats and 2no. 2 bed flats.
- 1.4 Officers consider that the key issues in determining this application relate to the highway implications of the conversion and the viability issues related to the provision of affordable housing. Given that the original proposal was a mixed residential and office scheme, officers consider that in consideration of the current proposal the assessment of affordable housing provision and parking provision must now be carried out on the basis of the whole site i.e. existing and proposed residential development together.
- 1.5 The application is supported by the following documents:
- Viability assessment
  - Legal Overview (Viability)
  - Transport Assessment
  - Marketing Report

## 2. POLICY CONTEXT

### 2.1 National Guidance

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

### 2.2 Development Plans

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

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

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

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

#### South Gloucestershire Local Plan (Adopted) 6th January 2006

D1 - Design  
L1 - Landscape Protection and Enhancement  
L17 & L18 - The Water Environment  
EP1 - Environmental Pollution  
EP2 - Flood Risk and Development  
EP7 - Unstable Land  
H2 - Residential Development within the existing Urban Area  
H5 - Residential Conversions, Houses in Multiple Occupation  
H6 - Affordable Housing  
T7 - Cycle Parking Provision  
T8 - Parking Standards  
T12 - Transportation Development Control Policy for New Development  
LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)  
LC2 - Provision of Education Facilities (Site Allocations and Developer Contributions)

#### Supplementary Planning Guidance

South Gloucestershire Design Checklist (SPD) adopted 23<sup>rd</sup> August 2007.  
Affordable Housing (SPD) Adopted Sept. 2008

### 3. RELEVANT PLANNING HISTORY

- 3.1 PK05/0820/O - Demolition of existing buildings to facilitate the erection of 14no. self-contained flats and 2no. offices (Class B1) (Outline) with siting, means of access and landscaping to be determined. All other matters reserved. Refused 28 June 2005 for the following reasons:
1. The access road width was inadequate for two way traffic
  2. The access road did not safely allow for pedestrians and cyclists
  3. The archway was too low to accommodate delivery vehicles
  4. Lack of a turning area for larger vehicles
  5. Inadequate size and poor location of bin store
  6. Design reasons including the poor relationship between the buildings, the separation between the flats and one of the communal gardens and the uncomfortable arrangement between the two parts of the flats building
  7. Lack of public open space and library Section 106 contributions to mitigate the effects of the development
  8. The absence of sectional drawings to demonstrate that there would be no harm to the residential amenity of surrounding properties
- 3.2 PK05/3186/O - Demolition of existing buildings to facilitate the erection of 14no. self-contained flats and 2no. offices (Class B1) (Outline) with siting, means of access and landscaping to be determined. All other matters reserved. (Resubmission of PK05/0820/O). Refused 10 April 2006 for the following reasons:
1. Lack of adequate sized bin store
  2. Height and mass of the proposed office building and block of flats would harm visual amenity and the street scene
  3. Lack of a Section 106 Agreement to cover under-provision of public open space, libraries, traffic management and highway safety.
- 3.3 PK07/0119/F - Demolition of existing buildings to facilitate the erection of 6no. dwellings, 8no. self-contained flats and 1no. office block (Class B1). Alterations to existing vehicular access. Approved 2 April 2008
- 3.4 PK08/3179/RVC - Variation of Condition 3 attached to previously approved planning permission PK07/0119/F dated 2 April 2008 for the operating hours to be from 08.00 to 18.00 hrs seven days a week. Refused 28 Jan 2009  
Appeal APP/P0119/A/09/2101598 allowed in part; condition 3 to now read as follows:  
*'The office element of the development shall not be used, including for the receipt or despatch of goods, other than between the hours of 08.30 – 18.00 Monday to Friday and 08.30 – 13.00 on Saturdays; and at no time on Bank Holidays.'*

## 4. **CONSULTATION RESPONSES**

4.1 Parish Council  
Not a parished area.

4.2 Other Consultees

### Sustainable Transport

No objection subject to conditions to secure the following:

- Provision of parking spaces prior to the first occupation of the flats.
- All parking spaces to be surfaced with bound material.
- Marking out with white paint of 3no. visitor parking spaces.
- Provision of cycle parking store.

### Environmental Protection

No adverse comments

### Community Services

No contributions required.

### Housing Enabling

No objection to zero on-site provision due to economic viability issues. A £20,000 off-site contribution is acceptable.

### Children and Young People

Contribution of £10,747.00p required towards provision of additional primary school places.

## **Other Representations**

4.3 Local Residents

4no letters/e-mails were received from local residents all objecting to the proposal. The concerns raised are summarised as follows:

- There is no footway on the access, there would be hazards to pedestrians from traffic entering/leaving the site.
- Insufficient bin storage.
- Insufficient parking provision would result in increased on-street parking in already congested area.
- Poor access for refuse vehicles and emergency services.
- The office building has not been finished.
- Cars already park within the access road.
- The traffic survey is not accurate.

## 5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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



- 5.2 Having regard to the adopted Joint Replacement Structure Plan, Policy 33 states that priority will be given to the re-use of previously developed sites *within the urban area*. Furthermore, Policy 2 of the JRSP, the locational strategy, aims to concentrate development for jobs, housing and facilities within the main urban areas, in order to maintain and develop their vitality and quality as regional and sub-regional centres. JRSP Policy 19 requires development to be managed in a manner that respects local character and distinctiveness through good design.
- 5.3 Government advice contained in PPS3 – ‘Housing’ supports a more efficient and sustainable use of land in the urban area, with a provision for more intensive housing development in and around existing centres and close to public transport nodes. The South Gloucestershire Local Plan (Adopted) 6th January 2006 (para.8.26) seeks to “*..increase the proportion of smaller dwellings, reflecting the projected growth in one-person households and the existing disproportionate provision of smaller dwellings in South Gloucestershire.*” There is therefore no in-principle objection to flats being in this locality.
- 5.4 The proposal falls to be determined under Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits the residential development proposed, subject to the following criteria:
- A. Development would not have unacceptable environmental or transportation effects, and would not significantly prejudice residential amenity; and
  - B. The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved. The expectation is that all developments will achieve a minimum density of 30 dwellings per hectare and that higher densities will be achieved where local circumstances permit. Not least, in and around existing town centres and locations well served by public transport, where densities of upwards of 50 dwellings per hectare should be achieved.
  - C. The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination; and
  - D. Provision for education, leisure, recreation and other community facilities, within the vicinity, is adequate to meet the needs arising from the proposals.
- 5.5 It should be noted however that in the recently revised version of PPS3 the reference to the national indicative minimum density target of 30dph has been deleted. The changes have been introduced to reflect concerns regarding overdevelopment of neighbourhoods, loss of green space and the impact upon local character.
- 5.6 Also of relevance is policy H5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 which permits the conversion of non-residential property to residential use, subject to similar criteria as H2. Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of the South Gloucestershire Core Strategy Pre-Submission Publication Draft

March 2010, both seek to secure good quality designs that are compatible with the character of the site and locality.

5.7 Density

Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and like PPS3 seeks to avoid development, which makes an inefficient use of land. Whilst not prescribing any maximum figure the PPS encourages the highest density that can be achieved within the various local considerations that need to be taken into account.

5.8 PPS3 (para.50) states that *“The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.”*

5.9 The proposal to convert an existing office building is considered to make efficient use of the land in what is a relatively sustainable location, situated midway between Kingswood and Hanham, within reasonable reach of bus routes and local services, as acknowledged by the Inspector for the appeal (para. 3 Decision Letter) against refusal of application PK08/3179/RVC. In this respect the proposal accords with government guidelines and in terms of its density alone, the development is not considered to be an overdevelopment of the site.

5.10 Scale and Design

Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 only permits new development where good standards of site planning and design are achieved. Criterion A of Policy D1 requires that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality. These criteria are carried forward into Policy CS1 of the emerging Core Strategy.

5.11 The conversion to 7no. flats would be accommodated within the form of the existing office building, the scale of which has already been accepted with the grant of PK07/0119/F. Similarly the appearance of the building as previously approved would remain largely unchanged except for some minor fenestration alterations and the adaptation of the ground floor accommodation to create an additional four car parking spaces. The scheme is therefore considered to comply with Local Plan and Core Strategy Policies D1 and CS1 respectively.

5.12 Landscape

Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 seeks to conserve and enhance those attributes of the landscape, which make a significant contribution to the character of the landscape.

5.13 The development would not affect any existing landscaping or vegetation on the site. The vast majority of the site is existing hard-standing.

5.14 Transportation Issues

The application site is part of a larger site with extant planning permission for 14 dwellings and an office block (the subject of this application). Given the location of the site, just off Hanham Road, the provision of a satisfactory level of off-street parking has always been a key issue with regard to the development of the site.

5.15 Planning permission PK07/0119/F for the mixed use was granted by the Council but a subsequent application PK08/3179/RVC to extend the hours of use of the office was only partly granted on appeal; the Inspector's Decision Letter is considered to be a material consideration in the determination of the current proposal.

5.16 In para. 6 of his decision notice, the Inspector states:

*"In my judgement, the 20 on-site car spaces would be insufficient to accommodate adequately the demand of occupants of both the dwellings and the offices simultaneously, at times such as evenings and weekends, when the domestic requirement for parking is likely to be at its peak."*

And in para.8 of his decision notice, the Inspector states:

*"the six car parking spaces for the offices would, outside of office hours and when residential parking needs would likely to be at their maximum, be available to serve the needs of the occupants of the dwellings".*

5.17 Although this current proposal is for the conversion of the office block only, officers consider that due to the nature of the site, its ownership by the same landowner at the time of the previous applications PK07/0119/F and PK08/3179/RVC and the phased development of the residential units proposed; the site must be regarded in its entirety and the parking provision considered in relation to the site as a whole.

5.18 It is proposed to convert the office block to 7no. residential units (5no. 1 bedroom and 2no 2 bedroom flats). This would result in residential development over the entire site utilising a common access. In highway terms there is no objection in principle to residential development in this location, there are however still issues about the parking provision for the whole site and in this respect the overall density of development is a factor of some significance.

5.19 The current South Gloucestershire Council maximum car parking standards requires 1no. parking space for a one bedroom flat and 1.5no. spaces for two bedroom accommodation; the parking requirement for the new development is therefore 8 spaces. The proposal however now shows 24no. parking spaces on the whole site and this is achieved by the conversion to parking space, of part of the ground floor of the office building and relocation of the bin store. In total therefore there would now be 24 parking spaces to serve the whole site compared to 20 for the previously approved mixed development, 6 of which served the office during office hours only. In the proposed scheme, the effective parking provision available for evenings and weekends (as mentioned in the

- Inspector's Decision Letter) would in fact now be reduced by four spaces (i.e. 20 + 8 –24).
- 5.20 In officer's view, the proposal, given its density and nature of development, would therefore be likely to increase demand for parking on the site in the evening and at weekends. There is no other area on site suitable for parking as acknowledged by the Inspector for the recent appeal. Furthermore the access road is too narrow to allow parking along its length either.
- 5.21 In addition to the originally submitted Transport Statement, the applicant has submitted additional information, which includes a parking survey within the site as well as the surrounding area. The survey is aimed at ascertaining the extent to which, the 'office' parking is currently used by visitors to the existing residential development during the evenings and weekends. Based on the survey it is evident that some of the office parking spaces are utilised by visitors to the existing residential development within the site. The figures however show that only up to 3 spaces were taken up by visitors during the survey period (weekends and Thursday and Friday evenings).
- 5.22 In his Decision Letter the Inspector states, there is no additional dedicated parking (other than the six spaces for the office) to serve, for example, visitors. The Inspector then continues to say that "*such visitors would be required to park off-site, probably on surrounding streets where, the available evidence suggests, parking pressure can be severe outside of normal office hours*".
- 5.23 In this respect, the developer considers that his parking survey is relevant and that the current proposal would create some visitor parking space on the site. If conversion of the existing office were allowed, the site would comprise a total of 21 residential dwellings (14 existing plus the 7 new flats) with 24 parking spaces. There would therefore be a minimum of 1 parking space per dwelling on site plus 3 visitors' spaces. This compares with the existing 14 residential units plus the office, with 14 parking spaces for the residential element plus 6 spaces for the office (available as visitor spaces outside office hours).
- 5.24 The parking provision as proposed for the whole site would be below the Council's maximum parking standards. Concerns have been expressed about the impact of the proposed development regarding additional on-street parking. Officers acknowledge that to some extent the visitor parking for the whole site would be reduced compared to the current situation (outside office hours only) i.e. 6 spaces as opposed to 3. Officer concerns however are tempered by the submitted Parking Survey, which indicates that only 3 of the visitor spaces are currently utilised.
- 5.25 A benefit of the proposal would be the creation of single residential use across the entire site; this would potentially remove/reduce safety conflicts between traffic movements from the office (some of which could include commercial vehicles such as couriers for the delivery and despatch of post and goods) and residential traffic through the same access. An adequate level of secure cycle parking would also be provided.

5.26 Having regard to the above and on balance, officers raise no objection subject to conditions to secure the highway matters listed in para. 4.2 above.

5.27 Impact Upon Residential Amenity

It has already been established with the grant of PK07/0199/F that the wider site is suitable for residential accommodation. The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination. The proposed residential use of the building is considered to have less overall impact on residential amenity than the already approved office use. The scale of the building would not change so there would be no additional overshadowing or overbearing impact over and above that which has already been accepted.

5.28 Whilst there would be some alterations to the previously approved fenestration, this would not result in any significant additional overlooking of neighbouring property. As previously, a condition can be imposed to prevent additional windows from being inserted at a later date and where possible windows can be obscurely glazed. All soundproofing between the flats would be secured through Building Regulations.

5.29 Whilst there would be common areas within the access drive, courtyard and bin store, there would not be any designated private amenity space for the flats created by the proposed conversion. Given the relatively small size of the flats, officers consider that it would not be essential to provide amenity space for the flats in this urban location. Officers are also mindful that many people who choose to live in the type of accommodation proposed do not always require private garden space. This view is supported by recent appeal decisions such as that for a scheme of flats at 56-58 Cleeve Hill, Downend (see PK07/1171/F). Officers are therefore satisfied that the scheme would not result in any significant adverse impact on the residential amenity for either occupiers of existing neighbouring property or for future occupiers of the proposed flats.

5.30 Bin Storage

Concerns have been raised about the level of bin storage proposed. In response to these concerns revised plans have been submitted. The revised plans confirm that the existing bin storage of 3 x 1100 litre euro bins would be retained for the existing residential development. The previously proposed separate bin store for the offices would now provide storage for 1 x 1100 litre euro bin for residual storage, and separate 240 litre bins for paper, cans, glass, food, plastic and cardboard respectively. This bin store would be enclosed and located adjacent to the access and turning area. The store has been designed in consultation with officers who are now satisfied that it meets the Council's latest household waste and recycling storage requirements.

5.31 Minimising the Use of Energy and Natural Resources

Policy D1(G) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 states that:

*"The design, density, orientation and location of buildings and associated landscape proposals seek to achieve energy conservation and the protection of environmental resources"*

5.32 Furthermore Questions 19 to 23 of the South Gloucestershire Design Check List are related to minimising the use of energy and natural resources. The originally approved scheme aimed to secure a BREEAM/ Eco Homes level of 'very good' and this is equivalent to the Code for Sustainable Homes Level 3. In this case much of the office building has already been completed and under part L of the new Building Regulations the scheme will, to all intents and purposes, achieve Code for Sustainable Homes Level 3. Officers are therefore satisfied that Policy D1(G) would be satisfied.

5.33 Viability Issues

The original scheme comprised 14no. residential units plus the office building. The threshold for a 33.3% affordable housing contribution in this location is currently 15 residential units or 0.5ha or more. On this basis the original scheme fell below this threshold and at that time no affordable housing contribution could be justified. However, at the time of the original application PK07/0119/F, it was considered that if the office building were to be converted to residential use at a later date, this would involve circumventing Council policy on affordable housing. Policy H6 'Affordable Housing' in the supporting text of the South Gloucestershire Local Plan, states that: 'Where it is proposed to *phase development*, subdivide sites, or where there is a reasonable prospect of adjoining land being developed for residential purposes in tandem, the Council will take the whole site for the purpose of determining whether the scheme falls above or below the thresholds'. In this instance it was considered that the positioning of the office block could lead to the conclusion that the development could be phased so as to provide more housing at a later date and this situation has now arisen. On this basis the Council's Housing Enabling officer originally sought an affordable housing contribution of 7no. units. The applicant however considered that the inclusion of affordable housing would render the scheme economically unviable.

5.34 As regards the office development, the shell of the building was completed in April 2009 with just the internal fitting out remaining to be undertaken; this element of the work has not yet been completed as the building would then incur business rates but without an occupier.

5.35 The office building has been robustly marketed since Oct.2007 and marketing is ongoing but all to no avail. A Marketing Report has been prepared by an experienced local commercial agent which at paras. 5.1-2 states that:

*"The response to the marketing undertaken to date has been very poor. This is predominantly due to the hours of opening. There are very few companies who work 8.30am until 6pm Monday to Friday and such restrictions in my opinion have made the scheme unmarketable."*

The applicant did apply (PK08/3179/RVC) to extend the hours of opening but the subsequent appeal was only partially successful and the highly restrictive hours of opening remain in place (see para.3.4 above). The concluding professional advice in the Marketing Report is that in order to generate possible interest the hours of opening would need to be extended to 08.00-20.00hrs

Mon to Fri. but this cannot be secured. Officers are therefore satisfied that the site has not been artificially sub-divided.

- 5.36 The applicant has submitted comprehensive viability information, which has been assessed by an independent District Valuer who concluded that the Residual Land Value would not support any on-site affordable housing for this scheme.
- 5.37 Housing Enabling  
Further to Housing Enabling Comments of the 31<sup>st</sup> March 2010 regarding planning application PK10/0506/F where Enabling requested the fully required affordable housing contribution of 33.3%, officers confirm the following.
- 5.38 Policy H6 of the South Gloucestershire Local Plan (Adopted) January 2006 advises that the Council will seek an element of subsidised affordable housing on windfall sites and negotiations will be based on a target of 33.3% of dwellings. The Council's objective is to seek the maximum level of affordable housing on each site that is feasible having regard to the economic viability of site development, likely costs (including other Section 106 obligations) existing market conditions and the availability of public subsidy.
- 5.39 The Council's adopted Supplementary Planning Document (SPD) relating to Affordable Housing advises that applicants who cite non viability as the reason for not complying with Policy H6 must support their case with sufficient evidence; such evidence is assessed by a District Valuer appointed by the Council. The SPD further advises if the Council is satisfied that the financial appraisal confirms that the affordable housing requirement renders the scheme unviable, then the Council can consider either grant funding, or adjusting the tenure split or unit mix, or a lower percentage, or a combination of these options to restore the scheme's viability.
- 5.40 In this instance, based on the number of units on this site, the Enabling team had sought the provision of 7 affordable housing units, which equates to the fully required amount of 33.3%. However it became apparent that as the application relates to conversion of an existing building, this gives rise to a number of problems. The scheme would fail to provide satisfactory affordable housing units in line with the Housing Association's development standards and the Council's own standards as set down in the Affordable Housing SPD, particularly in terms of floor space. A number of the Council's approved Housing Association partners have confirmed that the provision of on site affordable housing by way of conversion in this instance would not be suitable.
- 5.41 PPS3, Policy H6 and the Affordable Housing SPD advises that in exceptional circumstances, as a last resort, and where it can be robustly justified, an off-site provision or a financial contribution in lieu of on-site provision may be considered.
- 5.42 In light of the above identified constraints, it is considered acceptable in this instance to seek an off-site contribution based on 33.3%. However, as part of this application the applicant has cited non-viability as the reason for not complying with Policy H6 and has submitted evidence in support of this. This

has been assessed by the Council's appointed District Valuer who has confirmed that this residential scheme would not be viable with any affordable housing contribution. It is also considered that the development programme is too short to benefit from any growth and the Enabling team can confirm there is no opportunity to consider grant funding.

- 5.43 Notwithstanding the District Valuer's findings, the applicant has offered to make an off-site financial contribution of £20,000, which would be used towards enabling the provision of much needed affordable housing within the South Gloucestershire area as identified by the Council's Strategic Housing Marketing Assessment approved 2009, which in turn will contribute towards achieving a balanced and stable community. It has been identified that over the period 2009 to 2021 there is an annual need for 903 new affordable homes within South Gloucestershire. It is considered this approach in terms of directing the financial contribution to where there is an opportunity to enable the delivery of affordable housing within South Gloucestershire is in line with PPS3 and its companion document Delivering Affordable Housing i.e. paragraph 29 of PPS3 says "...as long as the agreed approach contributes to the creation of mixed communities in the local area." Para 83, Annex E of DAH says "...there are other possible sources (of funding), including: - commuted sums taken from planning obligations made in the context of other developments to fulfil the requirements of the LDF for off-site contributions in lieu of on-site;..."
- 5.44 It is considered that as it has been proven by way of evidence that this residential scheme is not viable with any affordable housing, but given there will be an off site contribution, which could be used towards enabling the delivery of affordable housing in South Gloucestershire, which in turn would contribute towards achieving a balanced and stable community, no objection is raised by the Enabling team.

## **6. CONCLUSION**

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

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

1. Consideration has been given to the impact of the proposed development on the character of the surrounding area, which would in this case not be adversely affected, in accordance with Policy D1 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006 and Policy CS1 of the South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010.
2. The proposal would not prejudice the amenities of neighbouring property, in accordance with Policies H2 and H5 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.



3. An acceptable level of off-street vehicle and cycle parking would be provided in accordance with Policies H2, H5, T8 and T7 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.
4. The design of the scheme would be in accordance with Policy D1 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006 and Policy CS1 of the South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010.
5. There would be no landscape implications to result from the scheme, in accordance with Policy L1 or L5 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.
6. An appropriate contribution towards Affordable Housing in the locality has been secured in accordance with Policy H6 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
7. An appropriate contribution to the Education Service has been secured in accordance with Policy LC2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
8. Consideration has been given to the need for contributions to Community Services in accordance with Policy LC4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
9. An appropriate drainage scheme is already in place in accordance with Policies L17, L18 and EP1 of the South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> Jan 2006.

This represents a summary of the reason for granting planning permission

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

## **7. RECOMMENDATION**

- 7.1 (1) That authority be delegated to the Director of Planning, Transportation and Strategic environment to grant permission, subject to conditions set out below and the applicant first voluntarily entering into an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:
- i. A contribution of £20,000.00p towards the provision of affordable housing within the locality.
  - ii. A contribution of £10,747.00p towards the Education Service for the provision of one additional Primary School place.
  - iii. A contribution at a rate of 4% of the total requirement sum for monitoring purposes. This equates to £1229.88p

The reasons for this agreement are:

- i. To provide affordable housing within the locality and to contribute towards achieving a balanced and stable community in accordance with

Policy H6 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

- ii. To provide adequate primary school provision, having regard to the increased population generated by the proposal, in accordance with Policy LC2 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- iii. To allow the Council to fully monitor the progress of the S106 Agreement.

- 7.2 (2) That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.

Should the agreement not be completed within 6 months of the date of the Committee resolution that delegated authority be given to the Director of Planning, Transport and Strategic Environment to refuse the application.

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

### **CONDITIONS**

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

Reason

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

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

Reason

To protect residential amenity in accordance with Policies H2 and H5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

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

Reason

To protect residential amenity in accordance with Policies H2 and H5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

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

Reason

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

5. The parking spaces shown on the approved plans shall be surfaced with a bound material prior to their first use and maintained as such thereafter.

Reason

To prevent stone scatter in the interest of highway safety and the amenity of the area, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

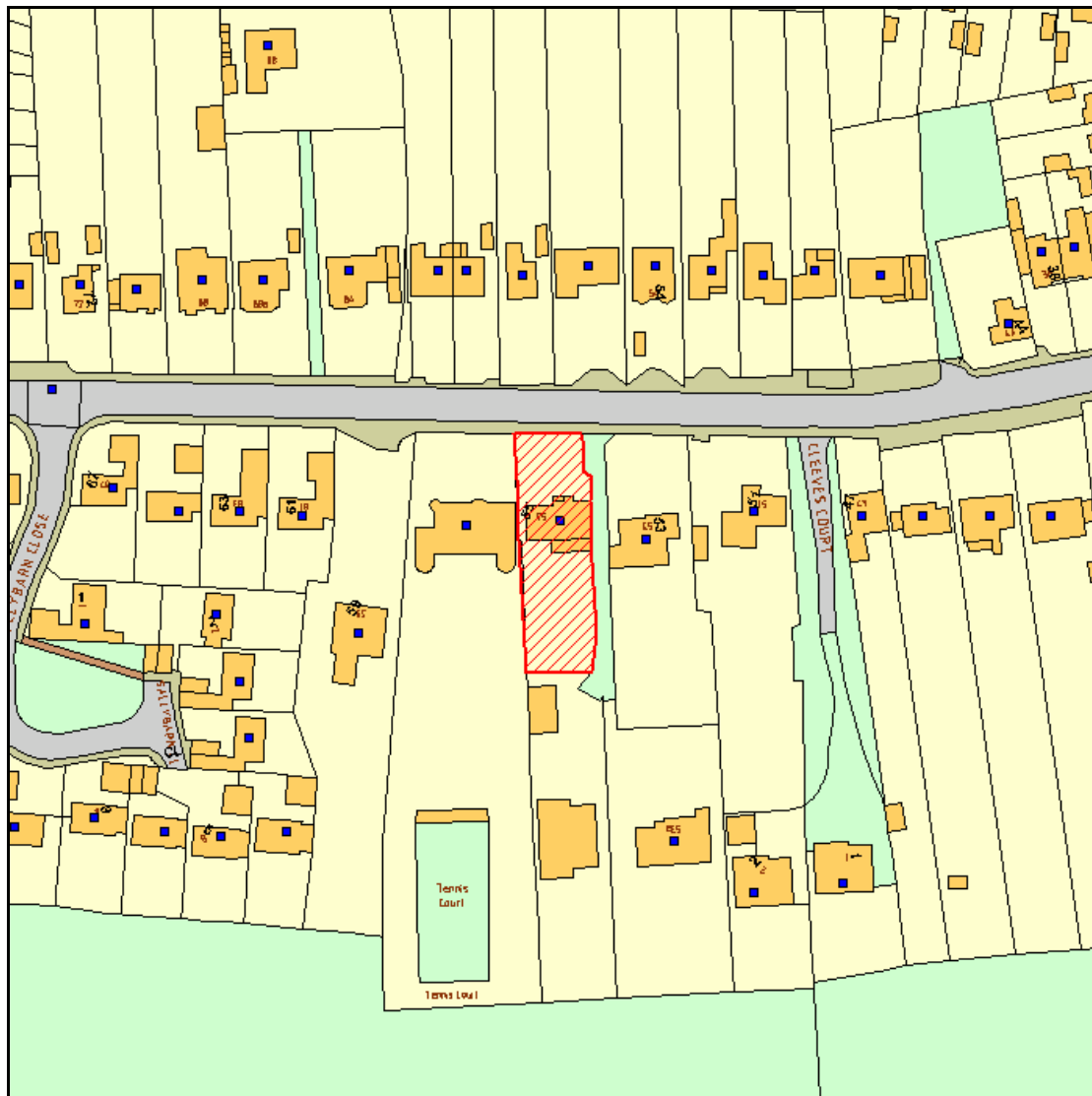
6. The 3no. visitor parking spaces shall be clearly marked out with white paint and maintained as such thereafter.

Reason

To ensure the provision of visitor parking and to prevent on-street parking in the interests of Highway Safety and the amenity of the area in accordance with Policies T8, T12, H2 and H5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

**CIRCULATED SCHEDULE NO. 39/10 – 8 OCTOBER 2010**

<b>App No.:</b>	PK10/2073/F	<b>Applicant:</b>	Mr/s Crozier
<b>Site:</b>	55 Court Farm Road Longwell Green Bristol South Gloucestershire BS30 9AD	<b>Date Reg:</b>	11th August 2010
<b>Proposal:</b>	Erection of two storey and single storey rear extension to provide additional living accommodation.	<b>Parish:</b>	Hanham Abbots Parish Council
<b>Map Ref:</b>	365587 170595	<b>Ward:</b>	Longwell Green
<b>Application Category:</b>	Householder	<b>Target Date:</b>	4th October 2010



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

This application has been referred to the Council's Circulated Schedule as the Officer is recommending refusal of the application and a letter of support has been received, contrary to that recommendation.

### **1. THE PROPOSAL**

- 1.1 This planning application seeks planning for the erection of a two storey and single storey rear extension.
- 1.2 The application site relates to a two storey semi dwelling within residential area of Longwell Green.

### **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 Extensions

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 PK09/0059/F Erection of detached dwelling with garage  
Approved with conditions March 2009
- 3.2 PK08/0959/F Erection of detached dwelling with garage  
Approved with conditions June 2008
- 3.3 PK08/0333/F Erection of detached dwelling with garage  
Withdrawn March 2008

### **4. CONSULTATION RESPONSES**

- 4.1 Hanham Abbots Parish Council  
Two letters have been received from the Parish Council making the following comments regarding the proposed development;  
-No objection  
-Building work to take place strictly between 8am and 5pm Monday to Friday, with no work being undertaken at weekends in view of the close proximity to neighbouring properties.

- Excess noise and dust be kept to a minimum, again, in view of the close proximity to neighbouring properties.
- The trees in the garden of 55 Court Farm Road be retained.

### **Other Representations**

#### 4.2 Local Residents

Two letters have been received from local residents regarding the proposed development, one of objection and the other of support. Both letters have been summarised by the Planning Officer as follows:

##### Objection

- Unable to discuss concerns at Office with Planner
- Letter of notification advises plans can be viewed and a member of staff can help
- Disappointed that more work is proposed
- Hours of construction be restricted
- Consideration given to neighbours i.e. noise and dust
- Retain trees, as trees have already been lost changing the environment with regards wildlife

##### Support

- Great design and should enhance the property

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Plan Adopted January 2006 allows for extensions to existing dwellings, subject there being no adverse impact on existing visual and residential amenities. Policy CS1 of the emerging Core Strategy seeks to achieve high quality design.

### 5.2 Visual Amenity

The application site relates to a two storey detached dwelling within the established residential area of Longwell Green. The property reads as a single storey property with a steep roof pitch from the front elevation and two storey dwelling from the rear due to the difference in eaves height. The surrounding area is residential with a mix of two storey/single storey and storey and half dwellings. Land to the rear of the application site which was former garden land belonging to no. 55 has recently been developed with a new detached dwelling.

5.3 This application seeks planning permission for the erection of a two-storey rear and single storey rear extension. Whilst no objection is raised in principle with regards the erection of a two storey extension in this location, an objection is raised regarding the overall scale i.e length. The main two-storey dwelling itself measures 5.50m in length. This application seeks permission for a 5.50m deep single storey and two-storey rear extension. Whilst it accepted this extension is on the rear, limited views are still available and any extension should read as an extension and have regard for the scale and proportions of the existing dwelling. It is considered that an extension of this scale is large scale and one that would compete with the original dwelling, to the detriment of the character of the dwelling and immediate surrounding area.

5.4 Residential Amenity

The proposed two storey rear extension will be sited alongside the adjoining boundary of no. 57. The side elevation of no. 57 comprises of a flank single storey side elevation and a rear conservatory with a window return. Both properties have a similar ridge height. It is considered that a two storey rear extension in this location would not have an adverse impact on the residential amenities of the neighbouring occupiers in terms of loss of privacy or overbearing impact.

5.5 Landscaping

The neighbour has requested that no trees be felled. Members are advised to consider that the proposed scheme will not result in the loss of any existing landscaping.

5.6 Other Issues

A neighbour has requested that the hours of work be restricted during construction. It is considered that given the nature and scale of the development i.e. extension that it would be unreasonable in this instance to do that. Matters of nuisance in terms of unacceptable noise levels are dealt with under separate legislation i.e. Environmental Services.

The neighbour has expressed concerns at how plans are viewed. Plans can now be viewed at the relevant one stop shop via the computer with the help of member of staff on reception. Planning Officers are no longer available to meet in person at the one stop shop due to recent office move. An appointment can be arranged however with the Planning Officer.

**6. CONCLUSION**

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

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

**7. RECOMMENDATION**

7.1 Planning permission be refused for the following reason.

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

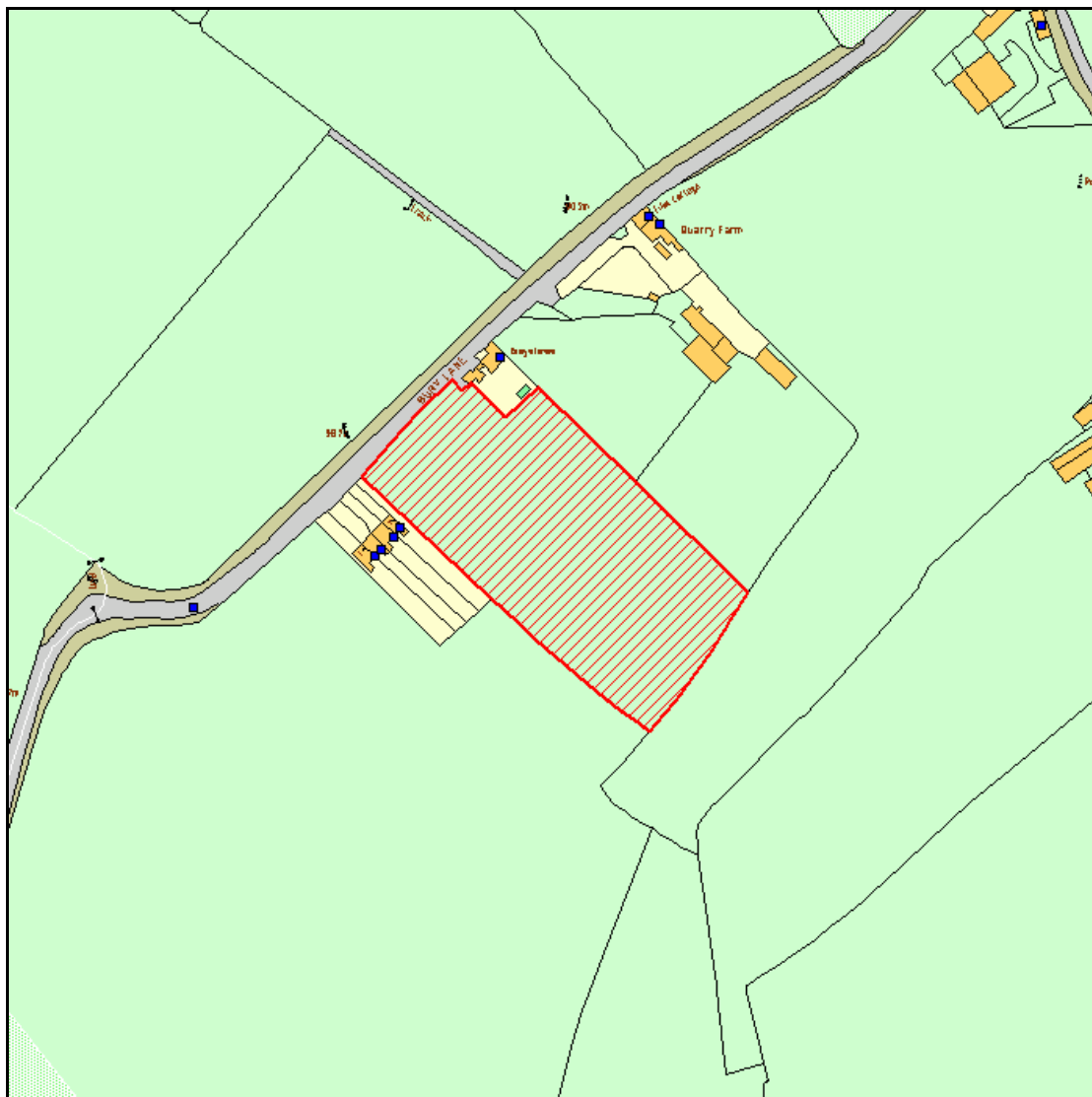
## **REASONS FOR REFUSAL**

1. The proposed two storey rear extension by reason of its design and scale in terms of length would result in a large scale addition out of keeping with the scale of the existing building which would be to the detriment of the character of the dwelling and the immediate surrounding area and contrary to Policies D1 and H4 of the South Gloucestershire Local Plan Adopted January 2006 and the provisions of Supplementary Planning Document Design Checklist.



**CIRCULATED SCHEDULE NO. 39/10 – 8 OCTOBER 2010**

<b>App No.:</b>	PK10/2162/F	<b>Applicant:</b>	Mrs Caroline Rogers
<b>Site:</b>	Land Adjacent To Greystones Bury Lane Doynton Bristol South Gloucestershire	<b>Date Reg:</b>	24th August 2010
<b>Proposal:</b>	Change of use of land from agricultural to land for the keeping of horses (equine). (Retrospective). Erection of stables with associated hardstanding.	<b>Parish:</b>	Doynton Parish Council
<b>Map Ref:</b>	371583 173507	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Major	<b>Target Date:</b>	19th November 2010



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 100023410, 2008. **N.T.S.** **PK10/2162/F**

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

This application is reported on the Circulated Schedule as it is for major development, as determined by the size of the site.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the change of use of agricultural land to the use of land for the keeping of horses, as well as the erection of a stable block, together with associated hard-standing. The site lies in the Green Belt, to the west of and outside Doynton village, at the edge of the Cotswolds Area of Outstanding Natural Beauty. It comprises a field with an access gate in the northwest corner. A mature hedgerow separates the site from Bury Lane. Along the other boundaries are two further hedgerows and a wire fence. The site itself is split into two with the use of a low lightweight fence, with a temporary appearance.
- 1.2 The stable block, consisting of stabling for two horses is existing and at the time of the site visit, three horses were grazing on the site. The proposal is therefore retrospective. The nearest neighbouring properties are to the west of the site, which has a blank side elevation facing it and in the northeastern corner where there is a standard window pattern on the rear elevation.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPG2 Green Belt  
PPS7 Development in the Countryside
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
GB1 Green Belt  
EP1 Environmental Pollution  
E10 Horse-related Development  
L1 Landscape  
L2 Cotswolds AONB  
L12 Conservation Areas
- 2.3 Supplementary Planning Guidance  
Development in the Green Belt  
Biodiversity Action Plan  
Doynton Conservation Area guidance note

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

- 3.1 None

### **4. CONSULTATION RESPONSES**

- 4.1 Doynton Parish Council

The parish are pleased to see the equestrian use of the land regularised, but wish to know if the stables are to be retained in their position. The parish would like to see them moved further from the nearest dwellings.

4.2 Other Consultees [including internal consultees of the Council]  
Environment Agency

No objection in principle, informatives are recommended for the decision notice.

Cotswolds Conservation Board

Suggest conditions if the Council is minded to approve, covering the following issues:

- Limiting the number of horses on the site
- A pasture and waste management plan is approved by the Council
- External lighting is limited
- Permitted development rights are restricted for shelters, fences and jumps, etc.

Avon Ramblers

Seek to ensure that the public right of way close to the SE boundary of the site is protected for future use.

Ecology Officer

No objection in principle, but the development should also provide appropriate maintenance of hedgerows to accord with the Biodiversity Plan. A condition has been suggested to achieve this.

Conservation Officer

The proposal is outside Doynton Conservation Area and is considered to have no impact on it. The proposal complies with policy L12 in this respect.

Landscape Officer

No objection in principle. A condition has been recommended to prevent jumps etc being brought onto the site, in the interests of maintaining the natural beauty of the location within the AONB.

Public Rights of Way

No comment to make as the proposal is unlikely to affect the nearest right of way.

Sustainable Transportation

Planning permission is sought to change the use of existing agricultural land to facilitate its use for the keeping of horses. The development also proposes the erection of a stable block.

It would appear from the plans submitted that the proposal involves the erection of two stables which could accommodate four horses.

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

- 1) The use of this site to be kept for the personal use of the owner/occupier of the site.
- 2) The proposed number of horses to be kept to a maximum of four at any one time.
- 3) At no time shall the stables or the associated land be used for livery, riding school or other business purpose whatsoever.

### **Other Representations**

#### 4.3 Local Residents

No replies received

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

In the Green Belt, changes of use for recreational purposes and the erection of essential buildings to support those purposes fall within the categories of development that is not inappropriate. Therefore there is no objection in principle to this proposal. However, the most important attribute of the Green Belt is its openness and therefore this issue is analysed below. Beyond that, the proposal is tested against the criteria set by policy E10 for horse-related development.

### 5.2 Impact on the Openness of the Green Belt

The impact is considered to be limited to two factors, the location of the stable block and the likelihood of new obstructions to openness being brought onto the site, such as further fences, jumps etc. With regard to the latter, appropriate conditions have been recommended below in order to preserve the openness. With regard to the siting of the stable block, it is hidden from public view by the hedgerow at the front of the site and views of it from the nearby houses are as limited as the site will allow. It is therefore considered that this element of the proposal would not harm the openness of the Green Belt, subject to compliance with the conditions shown below. The proposal is therefore considered to accord with policy GB1.

### 5.3 E10: Would the development have unacceptable Environmental Impacts?

The proposed use of the site has been carried out for some time, according to the application forms. If there were unacceptable environmental impacts either through the change of use or the operation of the site, it is considered that they would have become evident by this stage. In the absence of any evidence to the contrary regarding the change of use it is considered that the relevant information on the decision notice will suffice in order to guide this applicant and future owners in good site management practice. It is therefore considered that this criterion of policy E10 has been satisfied.

### 5.4 E10: Impact on Residential Amenity

Given the rural location of the site and the default agricultural use, it is considered that using the land for the grazing of livestock or horses would make little difference in terms of impact on residential amenity. The stables are considered to be at a reasonable distance from either nearest dwelling to preclude any noise impact. It is therefore considered that the proposal accords with this criterion of policy E10.

5.5 E10: Vehicular access, Parking and Highway Safety

As the highway comments at 4.2 above indicate, there is no objection raised to maintaining the current use of the site. Conditions have been recommended to ensure that the number of horses kept on site is controlled. This would be carried out in any event as detailed at 5.8 below. Sustainable Transportation also request that the use is made personal to the applicant, but this is considered to be unnecessary as anyone could own and operate the site in accordance with the conditions shown below in a manner which would be acceptable in planning terms. The final requested condition is to prevent livery use of the site and this is considered necessary and appropriate in view of highway safety concerns over intensifying the trip generation to and from the site. Subject to the above-mentioned controls, this aspect of the proposed development is considered to accord with policy E10.

5.6 E10: Access to Bridleways

There are no direct links from the site to bridleways, however Bury Lane links into bridleways to the east and the west of the site, in the centre of the village and at the nearby quarry. It is considered that this situation is satisfactory to accord with this criterion of policy E10.

5.7 E10: Preferred use of other existing buildings on the site

There are no other buildings on this site which could provide accommodation for horses. Therefore it is considered that this policy test is satisfied.

5.8 E10: Safety and comfort of horses in the design of the buildings and site

The site extends to 1.2 hectares, which is equivalent to marginally under 3 acres and the standard for horse welfare is one acre per horse. It is therefore considered that a condition to limit the number of horses kept on the site to the current number of 3 is justifiable on horse welfare as well as highway safety grounds. This condition is shown below.

5.9 L12: Impact on Doynton Conservation Area

As evidenced by the relevant consultation reply at 4.2 above, it is considered that the site is too distant from Doynton Conservation Area to have any impact on it directly or views out of the Conservation Area. The proposal is therefore considered to accord with policy L12 of the adopted Local Plan.

**6. CONCLUSION**

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

6.2 The proposed development would maintain and support an appropriate recreational use in the Green Belt. The stables are considered to be located in the best possible location within the site to protect the openness of the Green Belt and visual amenity has been secured through the use of appropriate conditions. The development would be appropriate to this sensitive location and accords with the relevant policies in the adopted South Gloucestershire Local Plan.

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

## 7. **RECOMMENDATION**

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

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

### **CONDITIONS**

1. At no time shall the stables and the associated land be used for livery, riding school or other business purposes whatsoever.

Reason

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

2. No jumps, fences, gates or other structures for accommodating animals and providing associated storage shall be erected on the land.

Reason

To protect the character and appearance of the area and maintain the openness of the Green Belt, and to accord with Policy E10 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The number of horses kept on the site edged in red shall not exceed 3.

Reason

In the interests of the welfare of horses, to accord with the guidance of the British Horse Society; and Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Within 3 months of the date of this permission details of any floodlighting and external illuminations, including measures to control light spillage, shall be submitted to the Local Planning Authority. Development shall be carried out in accordance with the approved details and no additional lighting shall be installed on the site without the written consent of the Local Planning Authority.

Reason

To protect the amenities of the occupiers of the nearby dwellings and to preserve the openness of the Green Belt, and to accord with Policy E10 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Within 3 months of the date of this permission an 'ecological (habitat creation and) management plan' shall be drawn up and submitted to the Council to be agreed with the Council in writing. This plan shall include details of the habitat to be created within

the site, the species mix (hedges and grassland) and how this new habitat will be managed to benefit local wildlife.

#### Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree(s), and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the Biodiversity Action Plan.

# ITEM 4

## CIRCULATED SCHEDULE NO. 39/10 – 8 OCTOBER 2010

<b>App No.:</b>	PK10/2222/F	<b>Applicant:</b>	Mr Rory Mortimore
<b>Site:</b>	18 Lime Road Hanham South Gloucestershire BS15 3AR	<b>Date Reg:</b>	26th August 2010
<b>Proposal:</b>	Erection of single storey rear extension to provide additional living accommodation.	<b>Parish:</b>	Hanham Parish Council
<b>Map Ref:</b>	363335 172138	<b>Ward:</b>	Hanham
<b>Application Category:</b>	Householder	<b>Target Date:</b>	19th October 2010



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## **INTRODUCTION**

This application has been forwarded to the Council's Circulated Schedule of applications as a representation has been received with views contrary to the Officer recommendation.

### **1. THE PROPOSAL**

1.1 The application site is situated on the west side of Hanham close to the River Avon. The site is bounded by residential development to the north and south with a service road at the west and Lime Road to the east. The site comprises a post war two storey semi detached dwelling with single storey flat roofed rear projection.

The application site is situated within the urban area as defined in the adopted Local Plan.

1.2 The application proposes erection of single storey rear extension to provide additional living accommodation.

### **2. POLICY CONTEXT**

2.1 National Guidance  
PPS1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

H4 Development within Existing Residential Curtilages

South Gloucestershire Core Strategy Pre Submission Publication Draft – March 2010

CS1 High Quality Design

2.3 Supplementary Planning Guidance/Documents  
South Gloucestershire Design Checklist – August 2007

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

3.1 None

### **4. CONSULTATION RESPONSES**

4.1 Hanham Parish Council

No objection

4.2 Other Consultees

None

## **Other Representations**

### **4.3 Local Residents**

One letter of objection received from the occupiers of 16 Lime Road raising the following concerns:

Ground level of the application site is higher than no.16; bulk and overbearing impact; loss of sunlight.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity.

The South Gloucestershire Core Strategy Pre-Submission Publication Draft was issued March 2010 and the consultation period expired on 06.08.2010. Whilst this document is a material consideration in the determination of planning applications, it can only be afforded very limited weight given the very early stage that the document has reached.

### **5.2 Design**

Policy D1 of the Local Plan requires all new development to be well-designed. The dwelling is situated within a suburban residential context. The dwelling the subject of this application is a two storey semi detached dwelling. The proposed extension, situated at the rear, would be barely visible from public vantage points. The design and materials would be of good quality in keeping with the character of the existing dwelling and would respect the character distinctiveness and amenity of the surrounding area. As such it is considered that the design of the proposal accords with the criteria of Policy D1.

### **5.3 Residential Amenity**

Adequate rear amenity space to the property would be retained following the erection of the proposed extension. The extension would be screened from the neighbour to the south west (no.20) by the existing dwelling. The extension would project by 1.34m to the north east towards no.16. The extension would be situated at the same height and have the same length as the existing flat roofed rear projection (2.72m height and 5.61m length). The extension would be situated 10m from the facing rear projection of no.16. No.16 is situated at a lower ground level than the application site. However, due to the distance to the proposal and the modest scale of the resultant rear projection it is considered that the proposal would not result in an overbearing impact on no.16 and would not result in a material shadowing of the rear garden or rear windows of no.16. As such it is considered that the proposal would not result in a material loss of residential amenity to the adjacent occupiers.

## 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report. A summary of reasons for granting planning permission in accordance with article 22 of the town and country planning (general development procedure) order 1995 (as amended) is given below.
- a) Due to its scale and position in relation to the adjacent dwellings, the proposed development is considered not to give rise to a material loss of amenity to the adjacent occupiers. The development therefore accords to Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
  - b) It has been assessed that the proposed extension has been designed to respect and maintain the massing, scale, proportions, materials and overall design and character of the street scene and surrounding area. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.

## 7. RECOMMENDATION

- 7.1 Consent is GRANTED subject to the conditions and informatives as outlined in the attached decision notice:

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

### CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason  
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. The 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.

# ITEM 5

CIRCULATED SCHEDULE NO. 39/10 – 8 OCTOBER 2010

<b>App No.:</b>	PK10/2255/F	<b>Applicant:</b>	Mr Nigel Coulston-Stevens
<b>Site:</b>	2A Teewell Hill Staple Hill Bristol South Gloucestershire BS16 5PA	<b>Date Reg:</b>	31st August 2010
<b>Proposal:</b>	Change of use from Office (Class B1) to Residential (Class C3) as defined in the Town and Country Planning (Use Classes Order) 2005 (as amended). (Resubmission of PK10/0672/F).	<b>Parish:</b>	None
<b>Map Ref:</b>	365353 175824	<b>Ward:</b>	Staple Hill
<b>Application Category:</b>	Minor	<b>Target Date:</b>	20th October 2010



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100023410, 2008. **N.T.S.** **PK10/2255/F**

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

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

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the change of use of a two storey office building (B1 use) to residential use (Class C3).
- 1.2 The site consists of a Victorian building, now offices, at the rear of properties in Broad Street. The access to the site is from a narrow lane of Teewell Hill, and is shared with 104 Broad Street, to access the rear of their property. To the rear of the site is a large garden belonging to 13 Lydney Road.

### **2. POLICY CONTEXT**

- 2.1 South Gloucestershire Local Plan (Adopted) January 2006
  - D1 Design
  - H2 Proposals for residential development within urban areas
  - H5 Reuse of buildings for residential use
  - T12 Transportation Development Control Policy for New Development
  - T7 Cycle Parking Standards
  - T8 Parking Standards
  - EP1 Environmental Pollution
  - EP2 Flood Risk and Development

South Gloucestershire Core Strategy Pre-submission Draft March 2010

- CS1 High Quality Design
- CS13 Non Safeguarded Economic Development sites

- 2.2 Supplementary Planning Guidance  
Design Checklist

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

- 3.1 K526/3 Change of use to residential and alterations to elevations. Refused 6/6/1988 on the grounds of a cramped form of development with unsatisfactory access and parking arrangements, no private garden area and unsatisfactory outlook onto the adjoining garages serving no. 104 Broad Street.
- 3.2 PK02/2847/F Erection of first floor side extension. Approved 4/11/2002
- 3.3 PK05/1400/F Demolition of existing commercial offices to facilitate Erection of two dwellings Refused June 2005 on highway grounds and residential

Amenity.  
Dismissed at appeal ONLY highway grounds upheld.

3.2 PK07/2877/F Demolition of existing commercial offices to facilitate  
Erection of two dwellings  
Refused June 2005 on highway grounds

3.3 PK10/0672/F Change of use of first floor from offices to residential  
Withdrawn May 2010

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

4.1 Parish/Town Council  
Not covered

4.2 Internal consultees of the Council]

##### Transportation Issues

No objection. Discussed below in detail under paragraph 5.10-5.12 of this report.

##### Environmental Protection

No adverse comments

#### **Other Representations**

4.3 Local Residents

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

- More details required for proposed bin area next to my boundary
- Clarification required window on side elevation
- 3 bedroom property not appropriate in this location
- Issues of Access and turning
- Area of parking incorrect
- Cannot afford to have any obstruction causing people to reverse out
- Issues of visibility

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

5.1 Principle of Development

The proposal stands to be assessed against Policy H5 of the South Gloucestershire Local Plan which allows for the conversion of non residential buildings within the existing urban area subject to a number of criteria being satisfied and any other relevant development plan policies e.g. Transport and Design.

5.2 Policy CS13 of the South Gloucestershire Core Strategy Pre-submission Draft March 2010 seeks to safeguard those economic development sites not safeguarded under Policy CS12. The weight to be attached to the emerging Core Strategy must be commensurate with the stage at which the plan has

reached. Notwithstanding the status of the plan it is considered although this site relates to an existing B1 use it is considered given the scale of the B2 site that it does not stand to be considered against Policy CS13 in this instance.

5.3 Regard must be had for an appeal decision, which is a material consideration in the determination of this application. Application PK07/2877/F relating to this site sought planning permission for the erection of two dwellings. This application was refused on highways grounds and residential amenity grounds, and was subsequently dismissed at appeal on highway grounds only.

5.4 **Would not prejudice the character of the surrounding area; and**

The site is tucked away off Teewell Hill, and is not highly visible from the public realm, but can be viewed from the rear gardens of a number of properties. An objection has been raised on the grounds that the introduction of a three-bedroom property is not appropriate in this location. The Officer is of the opinion as this application relates to a change of use of an existing building within a predominantly residential area and as satisfactory levels of private amenity space, bin storage area and car parking facilities can be provided the introduction of a residential use in this location would not have an adverse impact on the character of the area or result in over development of the site. In addition the proposed alterations required to facilitate the proposed change of use are considered minimal.

5.5 **Would not prejudice the amenities of nearby occupiers; and**

The site lies at the rear of gardens of properties on Teewell Hill, Broad Street and Lydney Road. As this application relates to the conversion of an existing building, then clearly there are no issues of overbearing impact. The key issue for consideration is whether or the proposed alterations required to enable the change of use would have an adverse impact on neighbouring occupiers particularly in terms of loss of privacy.

5.6 No windows are proposed on the rear of the property. The application proposes to retain an existing window opening on the southern elevation of the property at first side level. A planning condition will be imposed requiring the window be fixed closed at all times, so as to maintain existing levels of privacy for the occupiers of no.2 Teewell Hill. In addition concerns have been raised that the existing and proposed plans do not show a first floor window on the northern elevation adjacent no.104, despite there being one. The agent has confirmed that it is proposed to fill in this window opening this to will be subject to a planning condition so as to safeguard residential amenity.

5.7 The previous application for two dwellings was refused on the grounds that the proposed dwellings would result in a loss of privacy for the nearby neighbours of no. 2. This however was not upheld by the Planning Inspector who was of the following view:

*I accept that there would be some overlooking of this property (no.2) albeit at an angle because the windows would directly overlook the parking area and access drive. However no.2 is already overlooked by the office windows and in my opinion, any additional overlooking would*

*not be unusual in an urban area or justify a refusal of planning permission*

- 5.8 It is considered that the introduction of a residential use would not have an adverse impact on the amenities of nearby residential occupiers in terms of loss of privacy, overbearing impact or disturbance.
- 5.9 The neighbour has requested additional information regarding the proposed bin area. The application proposes to demolish an existing single storey side extension to provide an area for the storage of refuse bins. As the existing boundary treatment will remain in situ, it is considered the proposed use of this area for bin storage will not have an adverse impact on the living conditions of the neighbouring occupier.

**5.10 Would identify an acceptable level of off-street parking; and**

A local resident has raised objections regarding access/parking and turning on this site. Vehicular and pedestrian access to the site is gained via an existing single-track access of Teewell Hill. Existing on site car parking for two cars is proposed on land currently laid out as hard standing. A previous application for two dwellings was refused on the following grounds and upheld by the Planning Inspector:

*By virtue of inadequate parking and manoeuvring space on the site, the development would lead to increase parking on public highway thereby interfering with safe and free flow of traffic on public highway and furthermore, it would increase vehicles reversing onto the public highway at location where visibility is restricted all to detriment of highway safety. This is contrary to policy T12 of the South Gloucestershire Local Plan Revised Deposit Draft (incorporating proposed modifications) March 2005.*

- 5.11 This current application is materially different as planning permission is sought for the conversion of the building to provide one residential unit. A recent application (PK10/0672/F) sought to change the use of the existing offices to a live/work unit. No transportation objection was raised on this proposal subject to the existing parking and manoeuvring area being kept within the site.
- 5.12 This current proposal seeks to change the use of the offices to a single residential dwelling. No extension to the building or change to the existing parking or turning area is proposed. In light of the above, there is no transportation objection to this proposal. Members are advised to consider that Officers are of the opinion that regard must be had for the fact there is an existing authorised office use on this site and it is considered that this proposal for a residential use would have no greater materially impact.
- 5.13 **Would provide adequate amenity space;**  
This scheme relates to a three-bed dwelling and proposes to remove the roof of an existing flat roof garage and retain the boundary walls in order to provide an area of enclosed private amenity space. This will measure 29 square meters and is South facing. It is therefore considered satisfactory levels of private amenity space will be provided for the future occupiers of the development.



5.14 **In the case of building not previously used for residential purposes, the property is located within the existing urban area**

The building is within the existing urban area of Staple Hill and is deemed to be in a sustainable location.

5.15 **Other Issues**

Concerns have been raised by the neighbour who has a right of way across the application site in order to gain access to the rear of his property and garage that the plans are incorrect. He has advised that the application site red edge line includes part of his land which was previously fenced off with a post and chain but was removed to allow better access. He has advised that a 1.0m wide strip was left on front of the application site property to enable access to the application site property. Members are advised that the applicant has confirmed via the agent that the information as submitted is correct and as part of this application has not served the relevant notice as it is not considered necessary. As with all planning application issues of land ownership and rights of way are a civil matter. In the event planning permission is granted an informative will be issued advising the applicant that this permission does not grant rights to carry out works on or over land not within their ownership.

## **6. CONCLUSION**

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

The decision 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 alterations required to facilitate the change of use have been designed to have regard for the character and appearance of the building and area taking account of materials and design and indeed will enhance the character of the existing building and area – Policies D1 and H5.
- b) The proposed change of use to residential has taken account of neighbouring residential amenities and through careful design, the proposal will not materially harm the amenities of neighbouring properties by reasons of loss of privacy or overbearing impact – Policy H5.
- c) Satisfactory levels of on site car parking are provided – Policy T8 and T12.

## **7. RECOMMENDATION**

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

**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 two car parking spaces and manoeuvring facilities as shown on the approved block plan shall not be used for any purpose other than the parking and manoeuvring of vehicles.

Reason

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

3. The glazing on the side (Southern) elevation shall at all times be of obscured glass to a level 3 standard or above and be permanently fixed in a closed position.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006

4. No windows other than those shown on the plans hereby approved shall be inserted at any time in the rear (Western) or side (Northern) elevations of the property.

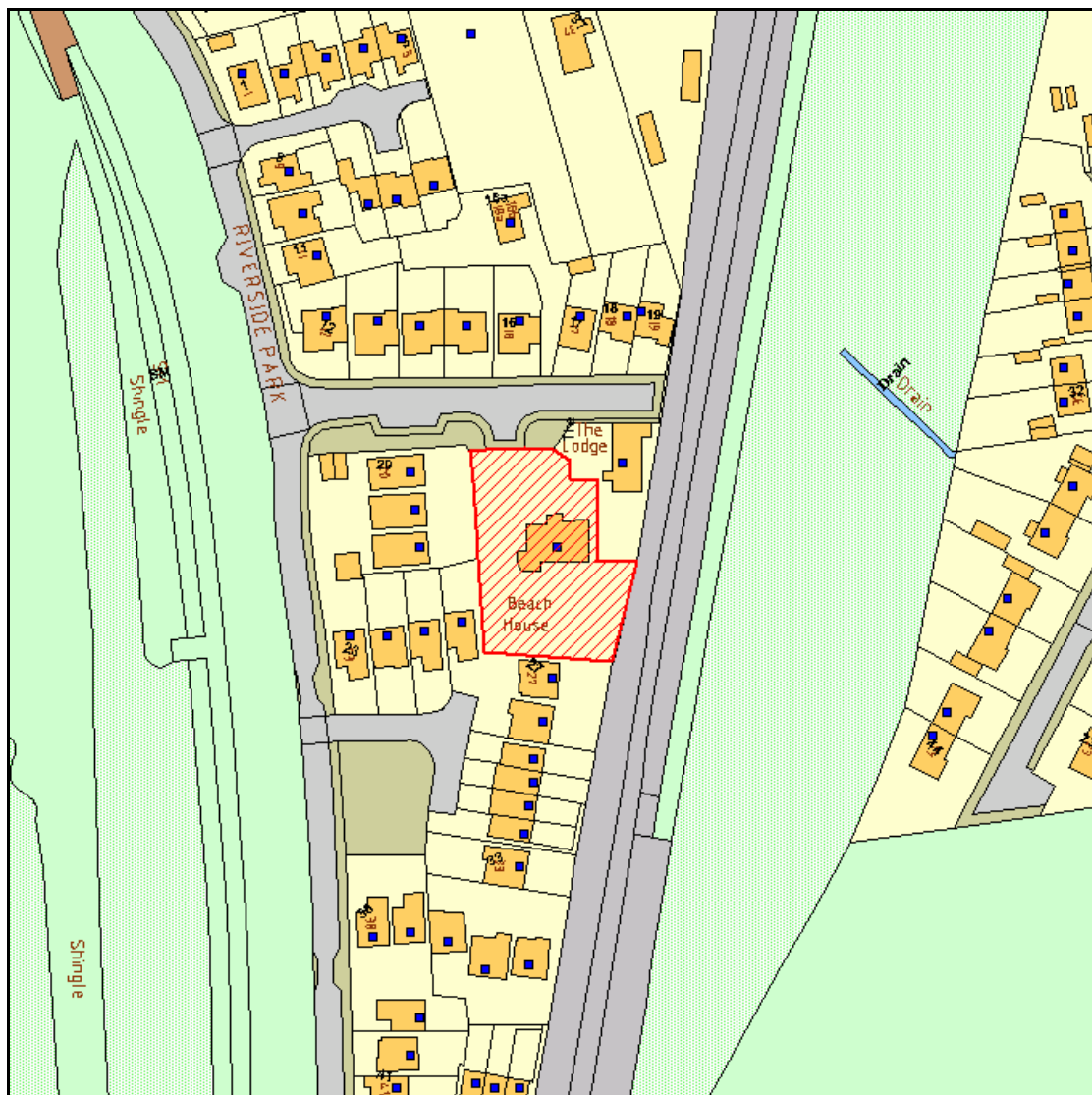
Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

# ITEM 6

## CIRCULATED SCHEDULE NO. 39/10 – 8 OCTOBER 2010

<b>App No.:</b>	PT10/1826/F	<b>Applicant:</b>	Mr Vincent Budd
<b>Site:</b>	Beach House Riverside Park Severn Beach Bristol South Gloucestershire	<b>Date Reg:</b>	30th July 2010
<b>Proposal:</b>	Erection of two storey rear extension to provide additional living accommodation. Erection of 2.8 metre high fence. (Retrospective)	<b>Parish:</b>	Pilning And Severn Beach Parish Council
<b>Map Ref:</b>	353981 184613	<b>Ward:</b>	Pilning And Severn Beach
<b>Application Category:</b>	Householder	<b>Target Date:</b>	17th September 2010



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100023410, 2008. **N.T.S.** **PT10/1826/F**

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

This application appears on the Circulated Schedule as a representation was made contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of a two storey rear extension to provide additional living accommodation and for the erection of a 2.8 metre high fence. (Retrospective)
- 1.2 This is a detached property within the defined settlement boundary of Severn Beach. The property is located to the south of a cul-de-sac within Riverside Park and is in Flood Zone 3. The application site is adjacent to a railway line to the east. Consent was originally sought for a single storey rear extension but revised plans were received for a two storey rear extension. A full reconsultation took place. The application for both the fence and extension are retrospective.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPG13	Transport
PPS25	Flood Risk and Development

#### **2.2 Development Plans**

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

D1	Achieving Good Quality Design
EP2	Flood Risk and Development
H4	Development within Existing Residential Curtilage
T12	Transportation Development Control Policy for New Development

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

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

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

#### **2.3 Supplementary Planning Guidance**

South Gloucestershire Design Checklist (Adopted) 2007

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

No relevant history.

## 4. **CONSULTATION RESPONSES**

### 4.1 Pilning and Severn Beach Parish Council

No objection raised.

### 4.2 Other Consultees

Drainage – No objection subject to Flood Mitigation Form being completed.

### **Other Representations**

### 4.3 Local Residents

Two letters of objection were received raising the following concerns:

- A two storey extension has been built.
- Fence is out of keeping with other fences in area.
- Fence would result in loss of light to garden.
- Fence is disproportionate size and staggered layout.
- Fence would be difficult to maintain without entering third party land and there should be a gate to provide access.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy H4 of the Local Plan states that *proposals for development within existing residential curtilages*, will be permitted subject to certain criteria. The principle of the development is therefore acceptable subject to the following detailed assessment.

### 5.2 Residential Amenity

#### Overbearing Analysis

The two storey extension is set within the rear garden of Beach House, which is of a generous size. The extension is set away from the boundaries of the site and it is not considered there would be any adverse overbearing impact upon neighbouring occupiers.

The 2.8 m section of fence runs north to south and abuts the eastern boundary of The Lodge. Along the eastern boundary, adjacent to the railway line, is vegetation approximately 3-7 m in height. Due to this existing vegetation to the south of The Lodge and the angle that the 2.8 m section of fence runs up to The Lodge, it is not considered there would be any undue loss of light or overbearing impact.

### Privacy Analysis

Windows on the west and south facing elevations would add to existing fenestration on these sides and therefore there would be no undue loss of privacy as a result of the extension.

### Amenity Space

Whilst the extension does project into the rear garden sufficient garden space will remain to serve occupiers of the property.

### Highway Safety Analysis

As the extension is located at the rear of the property it will not impact on the property's parking arrangements, located at the front of the house, nor will it prejudice highway safety.

## 5.3 Design / Visual Amenity

The two storey extension is of a satisfactory scale and fits with the character of the existing property. Its location to the rear of the building together with the chosen construction materials, which match the palette of materials displayed in the existing building, means that this is an appropriate addition to the dwelling and streetscene. The extension has been set down from ridge height to ensure subservience.

The fence is considered to be of a satisfactory size and scale. The fence runs adjacent to a railway line and so views from the public realm are limited. There is also heavy boundary treatment in the form of high trees and hedgerow meaning that overall, no harm is caused to the visual amenity.

## 5.4 Flood Risk

A Flood Mitigation Form was requested to be completed by the Council's Drainage Engineer, this form was completed by the applicant's agent and returned to the Engineer for compliance with Environment Agency standing advice.

## 5.5 Other Issues

Concern was raised by a resident in respect of the retrospective nature of this application. It should be noted that no weight is given in favour of the applicant because the development has already been undertaken and a full reconsultation was carried out following the applicant's decision to change the development description from a single storey extension to a two storey.

A resident also raised concern that the fence would be difficult to maintain without entering third party land and there should be a gate to provide access. This issue has been given limited weight as it is up to the owner of Beach House to maintain the fence and seek consent if needs be from a third party landowner.

## 5.6 Improvements to Scheme

No improvements considered necessary.

## 6. CONCLUSION

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

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

- a) The development would not give rise to an adverse overbearing effect or a material loss of privacy to nearby occupiers. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) The development has been designed to respect and maintain the massing scale, proportions, materials and overall design and character of the existing dwelling and the surrounding area. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (Adopted) 2007.

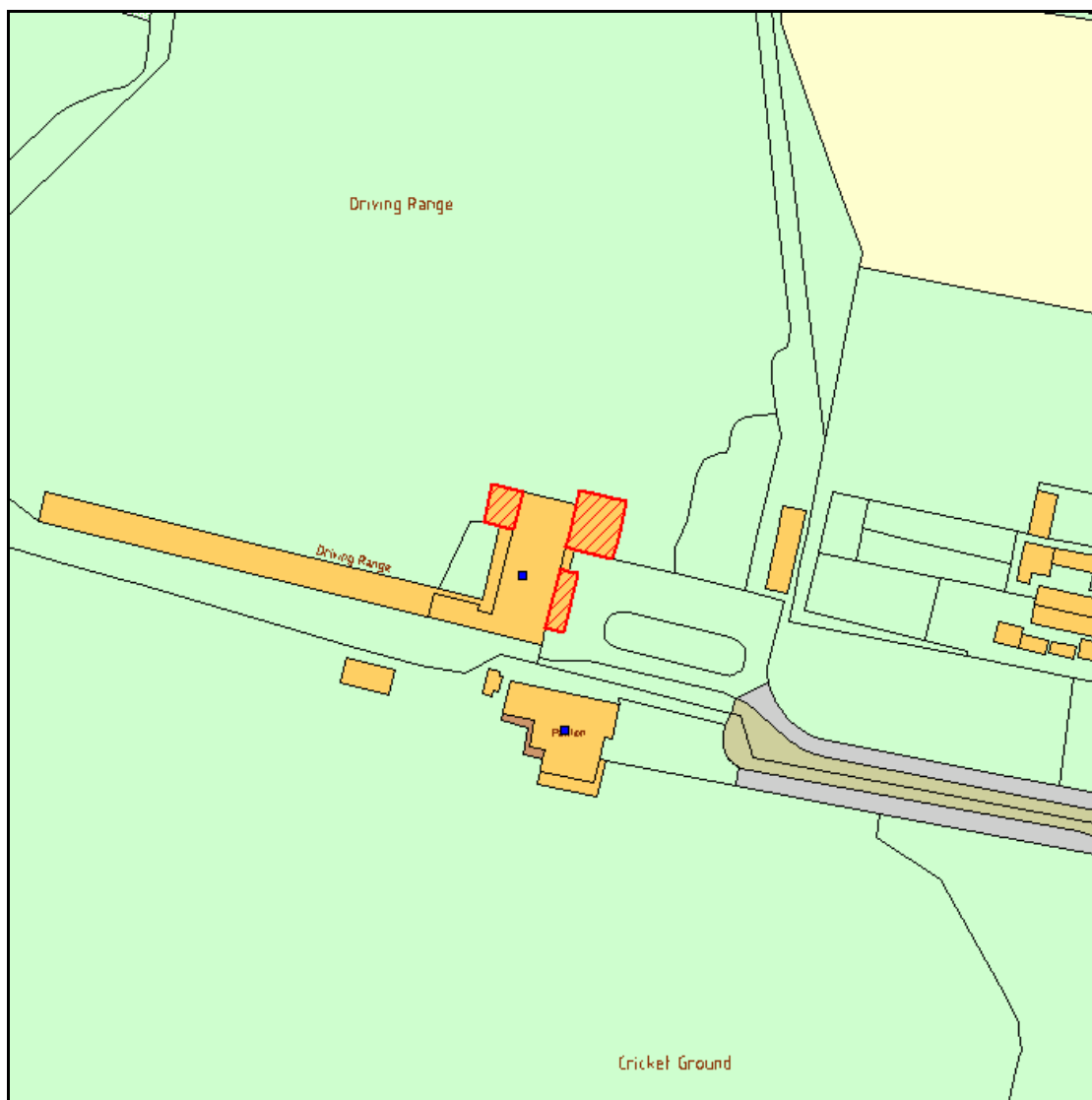
## 7. RECOMMENDATION

7.1 That planning permission is **GRANTED**.

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

**CIRCULATED SCHEDULE NO. 39/10 – 8 OCTOBER 2010**

<b>App No.:</b>	PT10/1917/CLE	<b>Applicant:</b>	JPC Strategic Planning And Leisure
<b>Site:</b>	Hambrook Golf Range Common Mead Lane Hambrook Bristol South Gloucestershire	<b>Date Reg:</b>	10th August 2010
<b>Proposal:</b>	Application for Certificate of Lawfulness for an existing use as office, retail store room and extension to clubhouse.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	363167 178492	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Minor	<b>Target Date:</b>	4th October 2010



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 100023410, 2008. **N.T.S.** **PT10/1917/CLE**



## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 This application is for a Certificate of Lawfulness for the existing use of buildings as office, retail store room and extension to clubhouse.
- 1.2 The site consists of a golf driving range and ancillary clubhouse with retail shop. The site is in the Green Belt and outside of any settlement boundary.
- 1.3 This Certificate of Lawfulness application seeks to authorise the construction and subsequent use of three developments that have taken place to Hambrook Golf Range. A revised site plan was received on 4<sup>th</sup> October 2010.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

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

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

- 3.1 P91/1244 - Demolition of existing buildings and construction of a golf driving range and associated clubhouse; construction of car park and alterations to existing vehicular and pedestrian access; erection of perimeter fencing and floodlighting (in accordance with the amended plans received by the council on 26th April 1991 and 26th June 1991). Approved 10<sup>th</sup> July 1991.
- 3.2 P95/2039 – Use of part of existing building for retail sales. Refused 11<sup>th</sup> September 1995.
- 3.3 P95/2805 – Erection of extension to form equipment store. Approved 12<sup>th</sup> February 1996.
- 3.4 P98/1353 – Change of use of part of existing building from reception / waiting area to golf shop (retrospective). Approved 16<sup>th</sup> April 1998.
- 3.5 P98/2040 – Provision of indoor teaching facilities and sundry storage. Refused 4<sup>th</sup> August 1998.

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

- 4.1 The applicant has submitted a supporting statement that includes a planning statement, site photographs, historical aerial photographs, architects drawings and receipts from orders of steel storage containers.

## 5. SUMMARY OF CONTRARY EVIDENCE

5.1 None.

## 6. OTHER REPRESENTATION RECEIVED

6.1 Winterbourne Parish Council

No objection.

6.2 Other Consultees

Highways

No objection.

### Other Representations

6.3 Local Residents

No response.

## 7. EVALUATION

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

In this instance the applicant needs to demonstrate that the developments subject to this application have been in situ, with a use incidental to the golf driving range, for a continuous period immediately prior to the submission of this application. In the case of permanent structures this period is 4 years, and in the case of non-permanent structures the period is 10 years, as a use of the land for the stationing of storage containers is taking place.

Following discussions with the applicant's agent, three storage containers to the north east of the existing clubhouse were omitted from this application as there was no forthcoming evidence that they had been in situ for the required 10 year period.

This Certificate application therefore, relates to one storage container (that has had a roof erected over it and the three other containers that have been omitted from this application) to the north east of the main building, a pre-fitted office container to the front of the existing clubhouse and a single storey extension to the rear of the clubhouse.

Given the evidence submitted with the application and also gathered from a site visit it has been assessed that the single storey extension to the rear of the clubhouse is a permanent structure that required a building operation to be built and could not be removed from the site without being demolished. This assessment is based on the

permanent appearance of the extension and also the architect's drawings submitted which show the foundations and roof/wall structures that were put in place in order to construct the extension are of a permanent nature. In order for the rear extension to be lawful it must have been in situ for 4 years. The Council's aerial photograph dated 05/06/2006 confirms that this development was in situ. The plan drawing dated 29<sup>th</sup> June 2005 provided by the applicant provides corroborating evidence that the building has been present for 4 years.

The storage container to the north east of the main building and pre-fitted office container to the front of the existing clubhouse have been assessed as being non-permanent structures. This assessment is based on the appearance of the containers and also the receipts provided by the applicant which show the purchase of an 'office unit' and 'steelstore'. No further evidence was provided by the applicant in respect of demonstrating that these containers were permanently fixed to the ground or the existing clubhouse. Nevertheless, the Council's aerial photograph dated 24/07/1999 confirms that the pre-fitted office and storage container were in situ. A receipt of purchase for a storage unit and pre-fitted office dated 31/05/1999 provides corroborating evidence that the buildings have been in use for 10 years. On visiting the site the case officer entered all of the buildings associated with this application and all were in use for business associated with the golf driving range.

Given this evidence and considering the appearance of the buildings (both external and internally) and their location in attachment to the existing main building, the claim that the buildings have been in continuous incidental use to the golf range for a period in excess of 4 and 10 years has been demonstrated on the balance of probability.

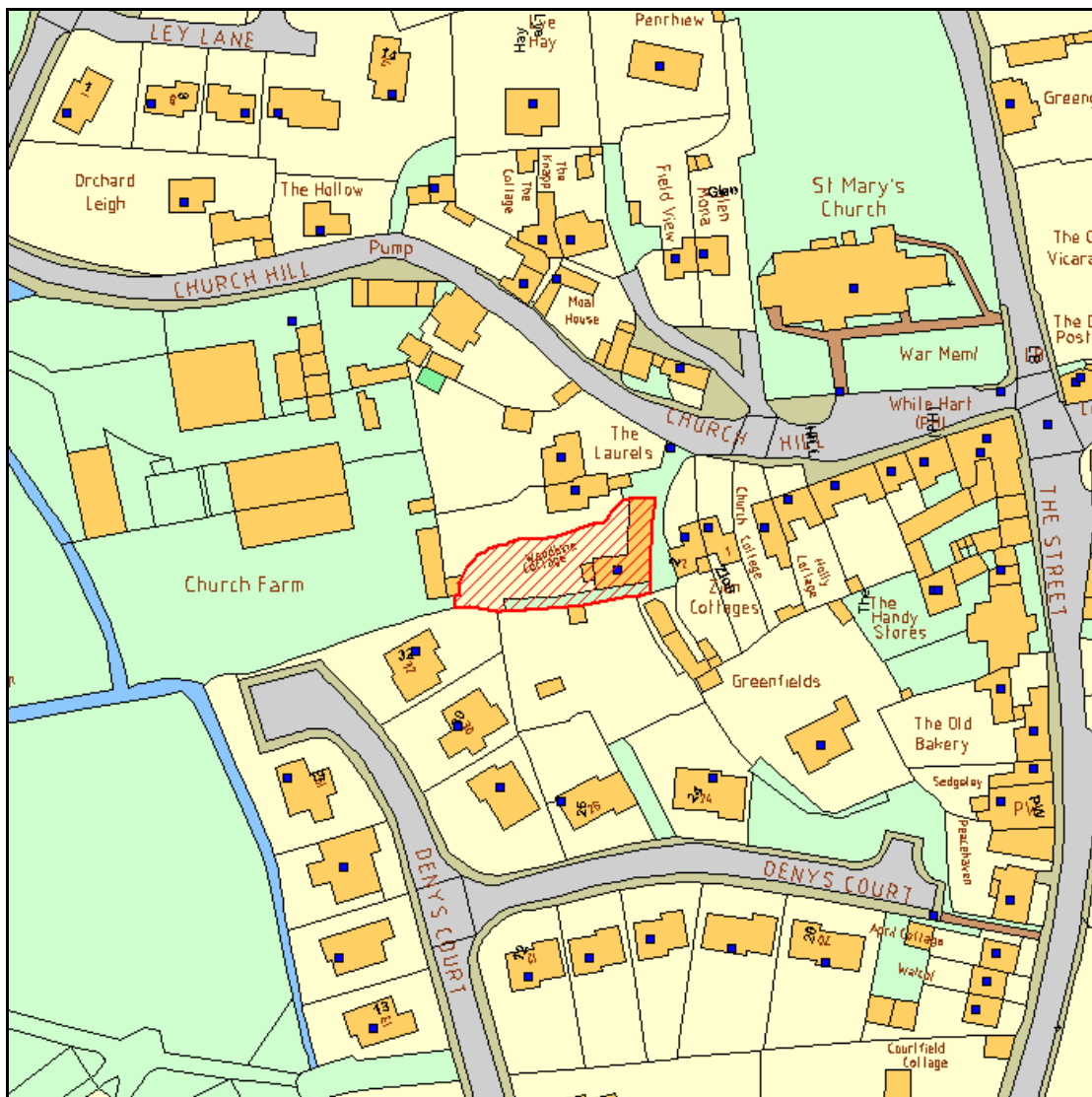
## 8. **RECOMMENDATION**

8.1 A Certificate of Lawfulness for the existing use of buildings as an office, retail store room and extension to clubhouse is **GRANTED**.

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

CIRCULATED SCHEDULE NO. 39/10 – 8 OCTOBER 2010

<b>App No.:</b>	PT10/2172/F	<b>Applicant:</b>	Ms Janne Priess
<b>Site:</b>	Woodbine Cottage Church Hill	<b>Date Reg:</b>	23rd August 2010
<b>Proposal:</b>	Erection of two storey and single storey side extension to form additional living accommodation.	<b>Parish:</b>	Olveston Parish Council
<b>Map Ref:</b>	360026 187226	<b>Ward:</b>	Severn
<b>Application Category:</b>	Householder	<b>Target Date:</b>	15th October 2010



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 100023410, 2008. **N.T.S.** **PT10/2172/F**

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of a two storey and single storey side extension to form additional living accommodation.
- 1.2 This is a detached historic building, predominantly built from local stone, situated within the heart of the Olveston Conservation Area. The property also lies within the Olveston settlement boundary which is 'washed over' by the Green Belt. The proposal consists of two elements; a two storey side extension with matching natural stone and clay pantiles, and a single storey front extension with local stone walls, aluminium framed glazing and a covered sheet zinc flat roof.

### **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	Design
H4	Development within Existing Residential Curtilage
GB1	Development within the Green Belt
L12	Conservation Areas

##### Emerging Development Plan

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

CS1	High Quality Design
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#### **2.3 Supplementary Planning Guidance**

South Gloucestershire Design Checklist (Adopted) 2007  
South Gloucestershire Development in the Green Belt (June 2007)

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

- 3.1 P90/2848 – Erection of two storey side and rear extension. Approved 30/01/1991.
- 3.2 P92/2614 - Erection of two storey side and rear extension. Approved 10/01/1993.
- 3.3 PT07/2855/F – Erection of two storey side and first floor front extension. Refused 18/10/2007 and dismissed at appeal 24/04/2008.

### **4. CONSULTATION RESPONSES**

#### **4.1 Olveston Parish Council**

Olveston Parish Council objects to the application, as the windows do not match, and the flat roof is totally out of keeping with the other properties in the area (which is part of the conservation area).

#### **4.2 Other Consultees**

##### **Conservation Officer**

No objection subject to conditions securing all external materials and a sample panel of masonry to include the pointing.

#### **Other Representations**

#### **4.3 Local Residents**

One letter of objection received raising the following concerns:

- Materials used will be out of character with other buildings in the Conservation Area.
- Historic wall adjacent to proposed development may be vulnerable.
- Eucalyptus tree in neighbouring garden could be damaged by proposed development.

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

- 5.1 The application site lies within the Green Belt, therefore, consideration must be taken in regards to the impact on the openness of the Green Belt. PPG2 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006 allow in principle for extensions to residential dwellings subject to the cumulative additions to the dwelling house being proportionate to the original size.
- 5.2 Policy L12 of the Local Plan allows for development within a Conservation Area provided that development would preserve or enhance the character or appearance of the Conservation Area having regard to design considerations.
- 5.3 Policy H4 states that *proposals for development within existing residential curtilages*, will be permitted subject to certain criteria. The principle of the

development is therefore acceptable subject to the following detailed assessment.

#### 5.4 Green Belt

Together with the previously added two storey side extension and single storey rear extension, the proposed additions subject to this planning application would result in an approximate 50% volume increase in comparison to the volume of the original dwellinghouse. This is considered a proportionate addition in Green Belt terms. It is also worth noting that Policy GB1 of the South Gloucestershire Local Plan allows for 'infill' development within the settlement boundary of Olveston and this proposal would certainly not have any more of an impact upon the 'openness' of the Green Belt than 'infill' development especially as the site is surrounded by a close group of existing buildings.

#### 5.5 Design / Impact on Conservation Area

The Council's Conservation Officer was consulted as a part of this application. Woodbine Cottage is a historic building situated within the heart of the Olveston Conservation Area. It is set back from, and at right angles to, the main road and appears to almost follow an interesting curve in the road which may relate to an early settlement or field boundary. The building presents a virtually blank elevation to the conservation area, with the current extensions tucked down behind the stone wall. The proposal seeks to create a two storey extension to the building (which is unlisted), and to replace the existing conservatory with a larger, more contemporary flat roof extension with views out to the west. From publicly accessible areas, the main impact will be the erection of the two storey extension. This is stepped back from the existing wall which is identified as being retained in-situ and has a lower ridge and slightly lower eaves levels compared to the original building. Providing the correct materials are used (as stated on the plans) and the stone walling is carried out to a high standard, it is considered that the proposals will not harm the character or appearance of the conservation area.

#### 5.6 Residential Amenity

At first floor level the proposed side extension is set back from the boundary wall with Greenfields Cottage. On the opposite side of the access lane is no. 2 Zion Cottage. Whilst inevitably there is a visual impact created by the proposed extension, it is not deemed that there would be an unacceptable overbearing impact upon the occupiers of the adjacent houses. Windows at the rear of the proposed development would be adding to existing fenestration and therefore there is no undue loss of privacy as a result of the proposal. Concern regarding the integrity of the boundary wall in the event of construction work taking place is noted, however this matter is covered by other legislation and therefore there can be no objection to the scheme on this basis.

#### 5.7 Transportation

Given the nature of the proposal it is not considered there would be any transportation issues as a result of the proposed development.

## 5.8 Trees

A neighbour has raised concern that development would take place close by to a eucalyptus tree, within their ownership. It is considered unlikely that the type of foundations put in place for a single storey addition would harm the health of the tree, and in any event a eucalyptus tree would be unlikely to meet the criteria for a Tree Preservation Order.

## 5.9 Design and Access Statement

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

## 6. CONCLUSION

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

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

- a) The proposed extension would not give rise to an adverse overbearing effect or a material loss of privacy to nearby occupiers. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) The proposed extension has been designed to respect and maintain the massing scale, proportions, materials and overall design and character of the existing dwelling and the Olveston Conservation Area. The development therefore accords to Policy D1, H4 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (Adopted) 2007.
- c) The proposal would represent a proportionate addition to the existing dwellinghouse and would not harm the 'openness' of the Green Belt. The development therefore accords to Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

## 7. RECOMMENDATION

- 7.1 That planning permission is **GRANTED** subject to the conditions attached to the decision notice.



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

## **CONDITIONS**

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

Reason

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

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

Reason

To ensure a good quality external appearance to the development in the interests of visual amenity and to accord with Policy D1, L12 and H4 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 minimise disturbance to occupiers of nearby dwellings and to accord with Policies D1, EP1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 39/10 – 8 OCTOBER 2010**

<b>App No.:</b>	PT10/2218/F	<b>Applicant:</b>	Mr And Mrs T Butcher
<b>Site:</b>	4 Painswick Avenue Patchway Bristol South Gloucestershire BS34 6DA	<b>Date Reg:</b>	25th August 2010
<b>Proposal:</b>	Installation of front and rear dormers to facilitate loft conversion.	<b>Parish:</b>	Patchway Town Council
<b>Map Ref:</b>	360882 181873	<b>Ward:</b>	Bradley Stoke Central And Stoke Lodge
<b>Application Category:</b>	Householder	<b>Target Date:</b>	15th October 2010



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 100023410, 2008. **N.T.S.** **PT10/2218/F**

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

This application appears on the Circulated Schedule because a neighbouring occupier has raised a concern regarding the removal of trees.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of front and rear dormer windows to facilitate a loft conversion.
- 1.2 The application site comprises a two-storey semi-detached property situated on the southern side of Painswick Avenue within the established residential area of Patchway.

### **2. POLICY CONTEXT**

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

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

- 3.1 No relevant planning history.

### **4. CONSULTATION RESPONSES**

- 4.1 Patchway Town Council  
No comments received
- 4.2 Public Rights of Way  
No objection

#### **Other Representations**

- 4.3 Local Residents  
One letter has been received from a neighbouring property. The occupier requests that the trees adjacent to no.15 Amberley Road be retained and maintained to ensure the existing privacy that they provide.

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

- 5.1 Principle of Development  
Planning Policy D1 applies to all types of development and requires that a good standard of design is achieved. Planning Policy H4 allows for the principle of

residential extensions subject to design, residential amenity and transportation considerations.

5.2 Appearance/Form

The 2no. dormers would be located on the front and rear roofslopes of the dwellinghouse. The dormers would comprise a boxed design, with vertical hanging tiles for the front and sides and a felt flat roof. The dormer windows, which would span almost the entire width of the roof, would be set down from the apex of the building by approximately 1.8 metres and be positioned above the eaves by approximately 0.4 metres.

5.3 The proposed dormers, which would cover almost the entire roofslope, would normally be considered to be unsympathetic to the character of the existing dwellinghouse by reason of their large scale and flat roof design and therefore, unacceptable. However, similar dormer windows are a common feature within the streetscene to an extent that on balance, it is considered unreasonable to refuse the proposed development on this basis. It is considered therefore, that the proposal would not bring about any significant issues to the character of the streetscene.

5.4 Residential Amenity

A distance of approximately 20 metres separates the host dwelling from the neighbouring dwellings on the opposite side of the street and this is considered to be a sufficient distance to ensure that no significant privacy or inter-visibility issues would be introduced from views from the front dormer window, which would have an adverse impact on the residential amenity of the neighbouring occupiers. The rear dormer window would allow for oblique views into the rear garden of the neighbouring properties, however, this is considered to be a typical domestic relationship and would not result in an adverse loss of privacy to the neighbouring occupiers.

5.5 A neighbouring occupier has stated that the trees adjacent to no.15 Amberley Road should not be cut down as they provide for privacy. However, the trees fall outside the remit of this application as they will be unaffected by the proposed development and planning permission would be unlikely to be required for their removal.

**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 from the following reasons:

Although the scale and design of the proposed development is considered to be unsympathetic to the character of the dwellinghouse, existing dormer

windows of similar scale and design are a common feature within the streetscene to an extent where on, balance, it is considered that it would be unreasonable to refuse planning permission on this basis. The proposal would therefore, not bring about any significant issues to the character of the streetscene – Policies D1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposal would not introduce any significant overlooking or inter-visibility issues, which would have a significantly harmful impact on the residential amenity of the surrounding occupiers- Policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.

## **7. RECOMMENDATION**

7.1 Planning Permission is GRANTED subject to the following condition.

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

### **CONDITIONS**

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

Reason

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

## CIRCULATED SCHEDULE NO. 39/10 - 8 OCTOBER 2010

<b>App No.:</b>	PT10/2221/F	<b>Applicant:</b>	Mr Vivian Bevan
<b>Site:</b>	15 Ormsley Close Little Stoke Bristol South Gloucestershire BS34 6EN	<b>Date Reg:</b>	2nd September 2010
<b>Proposal:</b>	Erection of single storey front and side extension to form porch and additional living accommodation. Erection of extension to rear conservatory.	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	361294 181596	<b>Ward:</b>	Stoke Gifford
<b>Application Category:</b>	Householder	<b>Target Date:</b>	26th October 2010



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**PT10/2221/F**

## **INTRODUCTION**

This application appears on the Circulated Schedule following the receipt of representations from Stoke Gifford Parish Council and a local resident that are contrary to the Case Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks planning permission for the erection of a single storey front and side extension, and for the erection of an extension to the rear conservatory.
- 1.2 The application site relates to a semi-detached 'radburn' style dwelling and its associated curtilage. The site is situated within a well established residential 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  
H4: Development Within Existing Residential Curtilages  
L1: Landscape Protection and Enhancement
- 2.3 Emerging Development Plans  
South Gloucestershire Core Strategy (Pre-Submission Draft) March 2010
- 2.4 Supplementary Planning Guidance  
South Gloucestershire Design Checklist SPD (Adopted) 2007

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

- 3.1 None.

### **4. CONSULTATION RESPONSES**

- 4.1 Stoke Gifford Parish Council  
Stoke Gifford Parish Council comment that the applicant should liaise with Street Care officer Gary Meddick and a report should be sent to the Parish Council following consultation.
- 4.2 Local Residents  
One letter has been received from a local resident. The main concern related to the proximity of the development to the adjacent dwelling and the potential for damage and effects to the structure of the neighbouring property.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for extension to residential dwellings. This is subject to the proposal:

- respecting the character and appearance of the existing dwelling and the surrounding area;
- not prejudicing the amenities of nearby occupiers,
- maintaining highway safety; and
- providing adequate amenity space.

5.2 Policy D1 of the Local Plan applies to all types of development. It considers general design principles to ensure new development respects, conserves and enhances the character and quality of the surrounding local environment.

### 5.3 Residential Amenity

The proposed development comprises of a single storey front and side extension, and an extension to the existing rear conservatory. This development would be single storey in scale and it would not significantly extend past the dwelling's rear elevation. It is therefore considered that the proposal would not give rise to a material overbearing effect. Furthermore the proposal would not include any windows that would result in a direct inter-visibility into either adjacent property that would prejudice privacy. It is therefore concluded that the proposed development would not materially harm residential amenity and would accord with policy H4 of the South Gloucestershire Local Plan.

### 5.4 Design

It is considered that the proposed front and side extension and the extension to the conservatory would respect the materials, proportions, scale, and massing of the existing dwelling. Moreover, it is considered that this development would be appropriate with a well established residential area. The proposed development would therefore respect the character and appearance of the existing dwelling and surrounding area, and thus would accord to policies D1 and H4 of the South Gloucestershire Local Plan.

### 5.5 Trees

The proposed development would be situated approximately 7 metres from of a row of mature trees situated within an area of public open space. With regard to this, it is noted that the Parish Council have requested that the applicant should liaise with Street Care and a report should be sent to the Parish Council following consultation.

5.5 Notwithstanding these comments, Officers are satisfied that the development would be situated outside of the root protection areas of these trees and therefore would not require a tree survey in this instance. The Council Street Care department has advised that the trees should be protected during construction. On this basis, it is recommended that an informative be attached



to ensure that the applicant liaises with the Street Care department to protect the trees during the construction period.

#### 5.6 Other Matters

It is noted that the neighbouring occupier has raised concerns to the proximity of the proposed side extension to their property. Notwithstanding these comments, it should be noted that it is beyond the remit of this planning application to scrutinise the precise construction details of the proposed development. Nevertheless Officers believe it is reasonable to judge that the proposal could be constructed without harming the structural integrity of the adjacent property. Furthermore a surveyor would assess the detailed construction methods and their potential effects upon surrounding properties during any Building Regulation application.

### 6. CONCLUSION

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

- a) The proposal would not give rise to an adverse overbearing effect or a material loss of privacy to nearby occupiers. The development therefore accords to policies H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) The proposal would respect the overall design and character of the existing dwelling and the surrounding area. The development therefore accords to policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (Adopted) 2007.
- c) The proposal would not harm the health and longevity of the trees situated on the nearby public open space. The development therefore accords to policies L1 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).

**CIRCULATED SCHEDULE NO. 39/10 – 8 OCTOBER 2010**

<b>App No.:</b>	PT10/2256/CLE	<b>Applicant:</b>	Mr A May
<b>Site:</b>	Spring Barn Eastwood Park Falfield Wotton Under Edge South Gloucestershire	<b>Date Reg:</b>	31st August 2010
<b>Proposal:</b>	Application for Certificate of Lawfulness for existing use as a residential dwellinghouse and for the continued use of land for residential purposes.	<b>Parish:</b>	Falfield Parish Council
<b>Map Ref:</b>	367465 192045	<b>Ward:</b>	Charfield
<b>Application Category:</b>	Minor	<b>Target Date:</b>	20th October 2010



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 100023410, 2008. **N.T.S.** **PT10/2256/CLE**

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

This application has been referred to the Circulated Schedule because it forms a Certificate of Lawfulness.

### **1. THE PROPOSAL**

- 1.1 The application seeks a certificate of lawfulness in respect of the use of a former agricultural building for a residential use and for the use of land for residential purposes. The application has been submitted because although planning permission was granted for this change of use, the applicant understands that none of the pre-commencement conditions were discharged; as such the agent considers the existing development to be unlawful.
- 1.2 The application relates to Spring Barn at Eastwood Park, Falfield. The application site is positioned beyond any settlement boundary within the open countryside. The building is curtilage listed.
- 1.3 It is noted that in the event that this certificate were granted, the dwelling would not be subject to the further conditions that were attached to the original permission; significantly the removal of permitted development rights.

### **2. POLICY CONTEXT**

- 2.1 Because the application is for a Certificate of Lawfulness the policy context is not directly relevant and therefore the planning merits are not under consideration. The applicant need only prove that on the balance of probabilities the use has taken place for a continuous period of 4 years up to the date of this application.

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

- 3.1 P99/2602: Conversion of barn to form one dwelling (amendments to previous design). Permitted: 23 January 2000
- 3.2 P99/2603/L: Conversion of barn to form one dwelling. Permitted: 23 January 2000
- 3.3 PT09/0431/F: Erection of two-storey side extension to provide additional living accommodation; installation of dormer window in south elevation. Refused: 22 April 2009
- 3.4 PT10/1239/F: Erection of first floor rear extension and installation of louvered dormer window to the side to provide additional living accommodation. Refused: 12 November 2008

### **4. CONSULTATION RESPONSES**

- 4.1 Falfield Parish Council  
No comments received

- 4.2 Other Consultees [including internal consultees of the Council]  
No comments received

### **Other Representations**

- 4.3 Local Residents  
No comments received

## **5. ANALYSIS OF PROPOSAL**

- 5.1 The application site comprises Spring Barn and its surrounding domestic curtilage at Eastfield Park, Falfield. The issue for consideration is whether the use of this building as a dwelling and the use of the surrounding land for residential purposes have taken place for a continuous period of 4 years up to the date of this current application without compliance with the original planning permission that was granted; P99/2602. This application is purely an evidential test irrespective of planning merit, and is judged on the balance of probability.

### **5.2 Site History**

Planning application P99/2602 was granted on 23 January 2000 allowing the conversion of this barn to form a dwelling. A number of conditions were attached to this permission as follows:

1. Development to commence within five years;
2. No development to take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority;
3. Landscaping to be undertaken during the first planting season further to occupation/ completion;
4. Screen walls and fences to be erected following approval by the Local Planning Authority;
5. Removal of permitted development rights- Classes A, B, D, E, G and H and minor alterations as specified in Part 2 (Class A);
6. Materials to match;
7. Sample panel of materials to be submitted;
8. No development to take place until a drainage scheme has been submitted to and approved in writing by the Local Planning Authority;
9. No development to take place until a scheme of structural works has been submitted to and approved in writing by the Local Planning Authority;
10. No development to take place until joinery details have been submitted to and approved in writing by the Local Planning Authority.

- 5.3 The agent writes that these conditions were not discharged and thus the development was unlawful and liable to enforcement action.

### **5.4 Evidence in Support of the Application**

The application is supported by an affidavit prepared by the agent and signed by the applicant. This sworn statement confirms that the applicant purchased the host building on 12<sup>th</sup> March 1999 with the understanding that the building had planning permission for its conversion to a dwelling. However, the applicant was not happy with this scheme thus in the event, two further planning applications were submitted amending the design of the proposal.

- This culminated in application P99/2602 that was approved on 23 January 2000.
- 5.5 The recollection of the writer is that contact was made with the Planning Department to discharge the necessary planning conditions but that no formal submission was made. Nevertheless, development works were completed by April 2000 following which the applicant and his wife moved into the converted barn occupying this as their principal dwelling house. It is advised that the Councils Building Control team supervised the works.
- 5.6 Since this time (spring 2000), the writer confirms that he and his wife have occupied Spring Barn on a continual basis with a series of Council tax bills from South Gloucestershire Council dated from 12 March 2003 to 1 April 2010 submitted to help demonstrate this.
- 5.7 Finally, the applicant writes that his planning agent advises that with the associated planning conditions not having been formally discharged, and with a period of five years having passed since the time of the decision, this permission has now lapsed. On this basis, these planning breaches cannot be rectified retrospectively. However, it is understood that with the building having been occupied for a period in excess of four years, the remedy is now to apply for a Certificate of Lawfulness application.
- 5.8 Conflicting Evidence  
The sworn evidence provided is accepted as true unless contradictory evidence indicates otherwise. There is no contradictory evidence whilst it is noted that the Council would also appear to have no record of these conditions having been formally discharged.
- 5.9 Analysis of Evidence  
The evidence received indicates that that building has now been used for residential purposes for a period in excess of four years (now ten years); in this regard comments received from the Councils Solicitor advise that under section 171B(2) of the Town and Country Planning Act 1990 there is a four year time limit for the change of use of a building to use as a single dwelling. The evidence does not specifically relate to the garden area although at the time of the officer site visit, it was noted that the extent of the residential curtilage accords with the details shown on the approved planning application.
- 5.10 In view of the above, it is considered that the evidence available does indicate that on the balance of probabilities, this building has been occupied for a continuous period of 4 years up to the date of this application for the purposes of a dwelling.
- 5.11 Outstanding Issues  
The application falls within the curtilage of Eastfield Park (a listed building) thus having regard to the evidence available, the Council considers the application site to be curtilage listed. Accordingly, application P99/2602 was accompanied by a listed building application, reference P99/2603/L the associated conditions of which also remain outstanding. Significantly, these works can never become

lawful owing simply to the passage of time thus the host dwelling remains unlawful in listed building terms.

5.12 Notwithstanding the above, advice received from the Councils Solicitor confirms that the listed building legislation is a separate statutory code and therefore this issue is considered to have no bearing on the consideration of the current application. Accordingly, this dictates that a breach of the listed building legislation does not prevent the issue of this Certificate of Lawfulness application (if appropriate); however at the same time, it also means the issue of this certificate would not make lawful a breach of the listed building legislation.

5.13 At the time of the officer site visit, it was noted that there was a metal shipping container and a lorry body on site adjacent to the detached workshop at the rear; it is understood that these are used for storage. Further, there is a detached outbuilding in the rear garden that the applicant confirmed has replaced a former agricultural building. Planning permission would have been required for the change of use of land to allow for the stationing of the shipping container and the lorry body whilst planning permission might have been required for the detached garage building (there are no details regarding its size/ position etc). Accordingly, it is not considered that the granting of this certificate should authorise these works thus the description on any favourably certificate should be carefully worded so as to omit these buildings.

## **6. RECOMMENDATION**

6.1 A Certificate of Lawful Use is **GRANTED**.

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

## **CONDITIONS**

1. The applicant has demonstrated that on the balance of probability the site has been occupied as a dwelling for a continuous period of four years up to and including the date of this application with the surrounding land also used for residential purposes. This certificate does not relate to the detached outbuilding behind the dwelling and the metal shipping container and lorry body sited in the rear garden area in respect of which no evidence has been submitted.



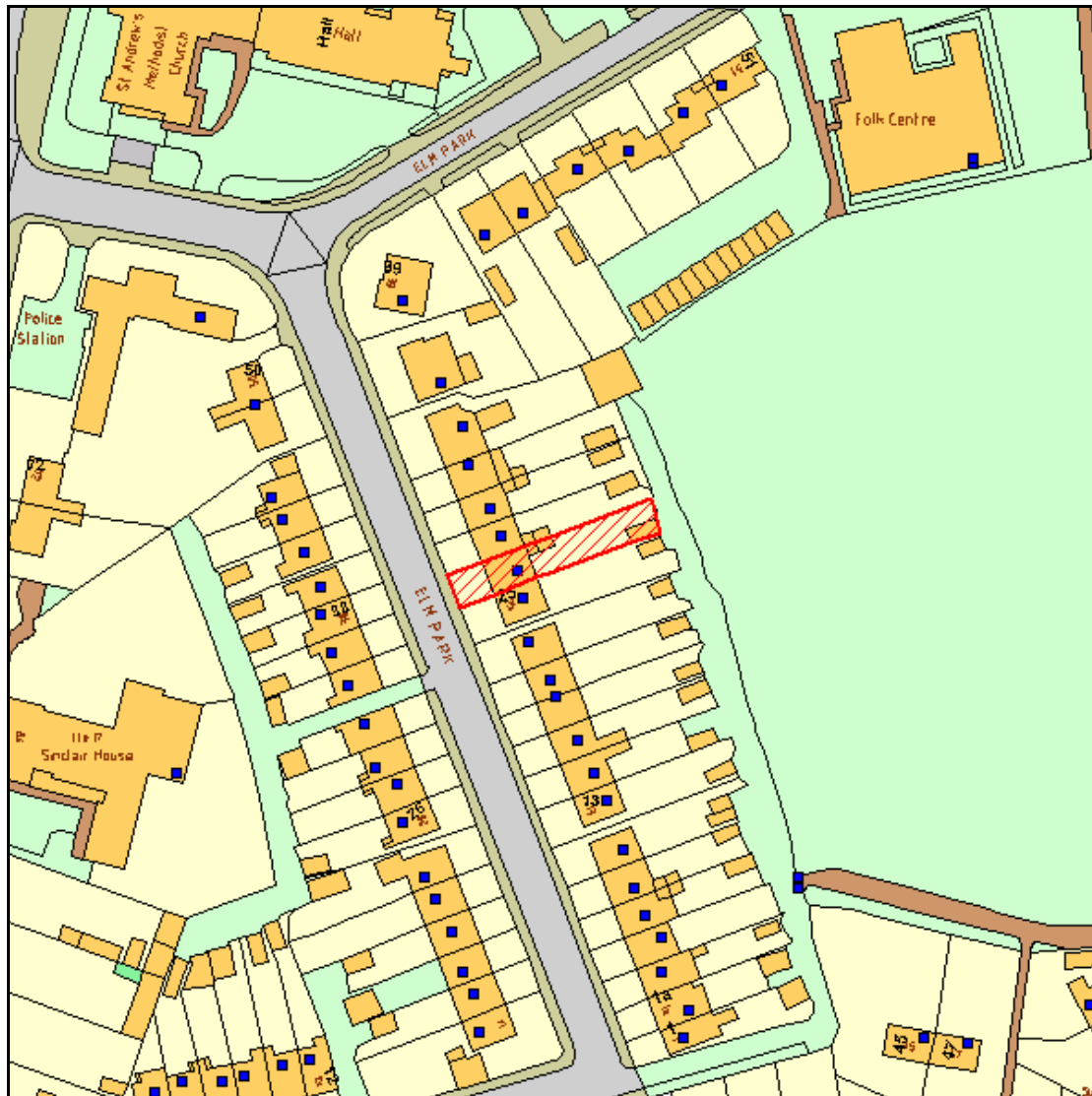


# ITEM 12

## CIRCULATED SCHEDULE NO. 39/10 – 8 OCTOBER 2010

**App No.:** PT10/2288/F  
**Site:** 27 Elm Park Filton South  
Gloucestershire BS34 7PR  
**Proposal:** Erection of detached garage  
(Retrospective).  
**Map Ref:** 360157 178662  
**Application Category:** Householder

**Applicant:** Mr Roger Venus  
**Date Reg:** 3rd September  
2010  
**Parish:** Filton Town  
Council  
**Ward:** Filton  
**Target Date:** 26th October 2010



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100023410, 2008.

**N.T.S.**

**PT10/2288/F**

This report is being circulated to members because the officer recommendation is contrary to written representations received from local residents and the parish council.

## 1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a detached garage. The proposal would measure approximately 5 metres in width, 6 metres in depth with a ridge height of approximately 3.8 metres falling to circa 2.5 metres at the eaves. The development has started with the floor and part of the walls existing. On this basis it is recommended that in the event of an approval the condition requiring implementation of the development within 3 years is not included as it is not necessary as sufficient development has begun to satisfy this condition.
- 1.2 The application site consists of a two-storey white rendered terrace house located in the well-established area of Filton. The garage is located to the rear of the garden within the residential curtilage.

## 2. POLICY CONTEXT

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1: Achieving Good Design  
H4: Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist Supplementary Planning Document 2007
- 2.4 Emerging Policy  
South Gloucestershire Council Core Strategy Pre-Submission Publication Draft March 2010:  
CS1: High Quality Design

## 3. RELEVANT PLANNING HISTORY

- 3.1 PT04/2782/F Demolition of existing garage to facilitate erection of double garage. **Withdrawn.** 25 August 2004.

## 4. CONSULTATION RESPONSES

- 4.1 Filton Town Council  
Strong objection in support of neighbouring properties.

### Other Representations

- 4.3 Local Residents  
2 letters received objecting to the proposal on the following grounds:

- a) height exceeds planning regulations for common projects;
- b) too big
- c) out of keeping with surrounding locality and other garages;
- d) loss of light;
- e) loss of view;
- f) detriment to visual amenity;
- g) possible commercial use rather than domestic use;
- h) overbearing.

These concerns will be addressed in the relevant sections of the report. For those concerns falling outside these sections they will be addressed in the 'Other Matters' Section found towards the end of the report.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

This proposal consists of residential development. Policy H4 permits residential development within existing residential curtilages and accordingly the proposal is acceptable subject to the following considerations.

### **5.2 Residential Amenity**

The proposal would be located to the rear of the residential curtilage in the garden, the standard location for garages in Elm Park. It would back onto an access road, the other side of which is an open playing field screened by trees at some 8-10 metres tall. The proposal would be set back from the boundary shared with number 25 by some 2.2 metres. The boundary treatment consists of an approximately 1.5 metre tall timber fence. It would be located on the boundary shared with number 29 where there is no existing boundary treatment.

Concerns have been raised regarding the height of the proposal and its potential to result in an overbearing impact on the neighbouring occupiers. The garage would be in line with other garages and would be set away from the main dwelling and neighbouring dwellings due to it being located at the far end of the rear garden, some 15 metres from the rear elevation of the dwellinghouses. Whilst this may restrict some sunlight reaching the very end of the garden of No. 29, the reduction of sunlight in this location is considered negligible and is not considered to unreasonably or materially harm the existing residential amenity of the neighbouring occupiers.

- 5.3 Concerns have been raised regarding the loss of the view to the rear of the properties. This has been assessed as part of the impact on residential amenity in terms of outlook. The rear of the properties are characterised by garages of a similar style to the development proposed. These front a playing field which is partially screened from view by tall and relatively mature trees and hedges. The majority of the view, where not screened by the existing trees is likely to remain and it is considered that any impact on outlook would not result in material harm to the existing levels of residential amenity.

Accordingly it is considered that the proposed development would not result in material harm to the existing levels of residential amenity afforded to neighbouring occupiers. Given that the existing rear garden is modest in size, it

is considered that there would be sufficient space remaining to serve the main dwelling. No transport issues are raised. On this basis the proposal meets criteria contained in policy H4 of the South Gloucestershire Local Plan 2006.

5.4 Design/Visual Amenity

The proposed development would be constructed of concrete block with a sand and cement render. It would be finished with brown double roman concrete tiles and white upvc double glazed windows and side door, with a steel roller shutter garage door. These materials are considered acceptable for the type of development proposed and the location.

5.5 Objections have been raised that the garage would be too big and by virtue of its height would appear out of keeping with the other garages and surrounding area. It is considered that 3.8 metres to ridge height is a reasonable size for a detached garage with a pitched roof; the eaves height is approximately 2.5 metres. On the basis of measurements submitted by a local resident and the officer's site inspection, there are evidently other garages in similar locations of a similar style and height in close proximity to the proposal, with one or two garages exceeding the height and size of that proposed. As such it is considered that the proposed development would not be out of character or out of keeping with the surrounding area and is not at such a height so as to appear incongruous in the location.

5.6 Concerns have been raised that at this height the garage grossly exceeds the planning regulations for common projects statement that came into effect on 01 October 2008. This statement relates solely to permitted development rights afforded under the Town and Country Planning (General Permitted Development) Order that was amended on 01 October 2008. This encompasses the rules relating to what development can be carried out without planning permission and does not relate to the assessment of planning applications. It is worth noting however that the proposal could have been built at such a height under permitted development rights if it were slightly less wide and would not have been subject to a planning application.

5.7 The proposed garage is of a size, style and appearance that would be expected of such development in this location. It is not considered to have a detrimental impact on the existing visual amenity of the locality. The style and design are considered to respect the character of the street scene and main dwelling. Accordingly it is considered that the proposed development meets criteria contained in policy D1 and H4 the South Gloucestershire Local Plan (Adopted) 2006 and the South Gloucestershire Design Checklist SPD 2007.

5.8 Other Matters

A local resident has raised a concern that the proposed garage may be used for commercial purposes and not for domestic use. It is understood that the applicant will be using the garage to store his vehicle and to store equipment relating to his occupation. It is not considered that the use of the proposed garage for these purposes would amount to a material change of use from domestic residential use. Notwithstanding this, should the garage be used for a different use to residential, depending on the extent of the use, and is no longer incidental to the domestic use, a planning application for a change of use would

be required. This is not a sufficient basis for refusal of the application as such an application would be assessed on its own merits at that time.

## **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 by virtue of its nature as a garage and proposed style and location would not result in an overbearing impact on neighbouring occupiers or materially harm the residential amenity of neighbouring occupiers and is in keeping with the surrounding locality. The proposal meets criteria contained in policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) 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 be **GRANTED**.

**Contact Officer: Genevieve Tuffnell**  
**Tel. No. 01454 863438**