

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

**CIRCULATED SCHEDULE NO. 35/10**

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

**Member's Deadline: 16/09/10 (5pm)**

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

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

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

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

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

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

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

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

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

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

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

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

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

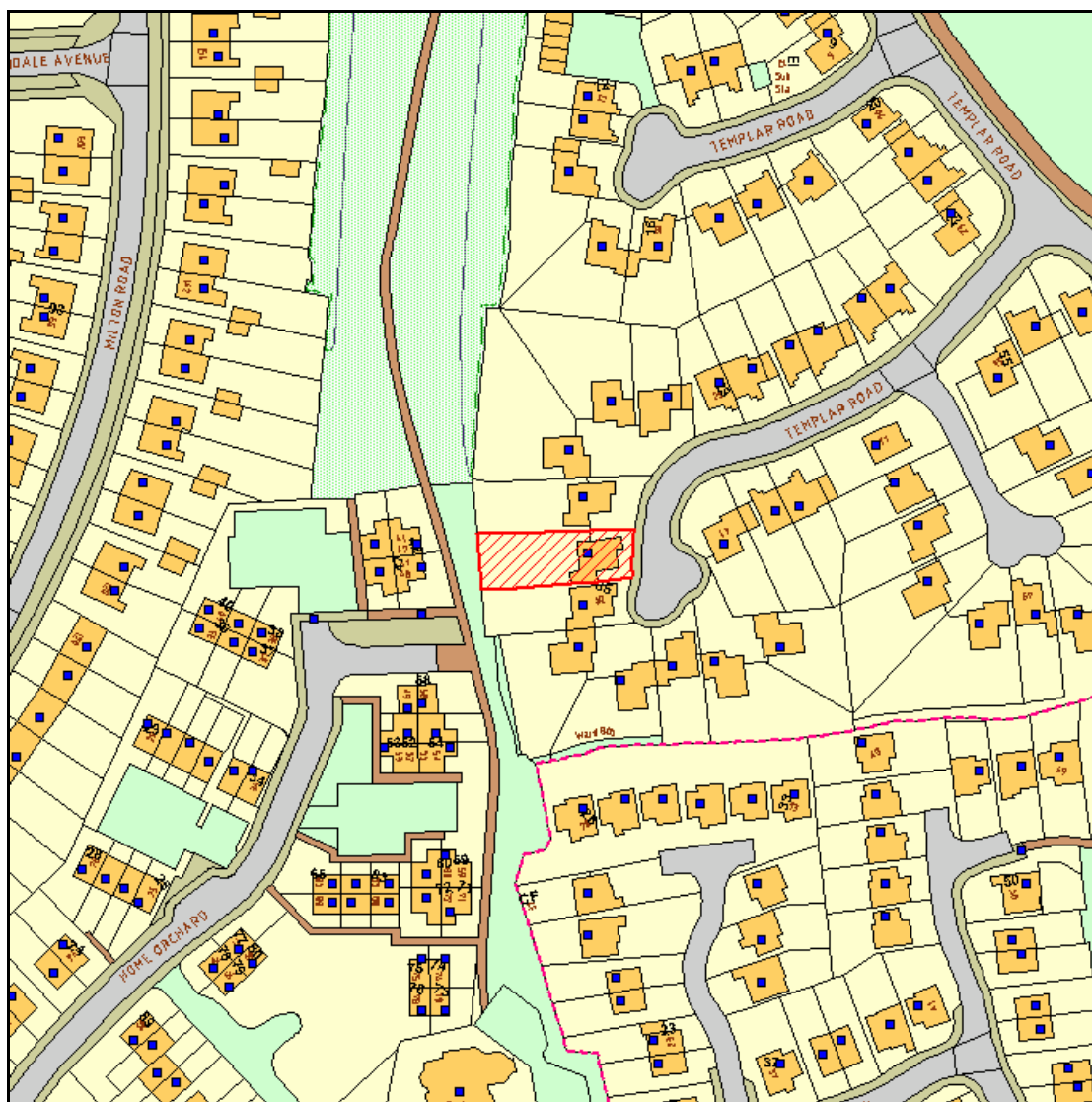
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) to see what their views are, before referring the application.
- Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. **Please do not leave it to the last minute**
- Always make your referral request by e-mail to [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk), where referrals can be picked up quickly by the Development Services Support Team. If in exceptional circumstances, you are unable to e-mail you 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 – 10 SEPTEMBER 2010

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK10/1516/F	Approve with Conditions	34 Templar Road Yate South Gloucestershire BS37 5TG	Yate North	Yate Town
2	PK10/1821/F	Approve with Conditions	18 Ravendale Drive Longwell Green South Gloucestershire BS30 9XE	Longwell Green	Oldland Parish Council
3	PK10/1830/R3F	Deemed Consent	Kingswood Leisure Centre Church Road Soundwell South Gloucestershire BS16 4RH	Staple Hill	None
4	PK10/1885/F	Approve with Conditions	30/32 Abbots Avenue Hanham South Gloucestershire BS15 3PN	Hanham	Hanham Abbots Parish Council
5	PK10/1891/F	Approve with Conditions	77 Westons Brake Emersons Green South Gloucestershire BS16 7BQ	Emersons	Mangotsfield Rural Parish Council
6	PK10/1921/F	Refusal	Henley Tying Farm Leigh Lane Cold Ashton Bath South Gloucestershire BA1 8HQ	Boyd Valley	Cold Ashton Parish Council
7	PK10/1922/TRE	Approve with Conditions	6 Ford Lane Emersons Green South Gloucestershire BS16 7DD	Emersons	Mangotsfield Rural Parish Council
8	PT10/1105/RVC	Approve with Conditions	29-33 Gayner Road Filton South Gloucestershire BS7 0SP	Filton	Filton Town Council
9	PT10/1124/EXT	Approve with Conditions	Barmer's Land Farm Woodlands Road Tytherington Wotton Under Edge South Gloucestershire GL12 8UL	Ladden Brook	Tytherington Parish Council
10	PT10/1197/EXT	Approve with Conditions	Barmer's Land Farm Woodlands Road Tytherington Wotton Under Edge South Gloucestershire GL12 8UL	Ladden Brook	Tytherington Parish Council
11	PT10/1722/F	Approve with Conditions	Land At 11 Broncksea Road Filton South Gloucestershire BS7 0SE	Filton	Filton Town Council
12	PT10/1852/F	Approve with Conditions	Mill Lodge Cuckoo Lane Winterbourne Down South Gloucestershire BS36 1AG	Winterbourne	Winterbourne Parish Council
13	PT10/1887/CLP	Refusal	52 Clyde Road Frampton Cotterell South Gloucestershire BS36 2EF	Frampton Cotterell	Frampton Cotterell Parish Council
14	PT10/2019/F	Approve with Conditions	47 Blackberry Drive Frampton Cotterell South Gloucestershire BS36 2SL	Frampton Cotterell	Frampton Cotterell Parish Council

## CIRCULATED SCHEDULE NO. 35/10 – 10 SEPTEMBER 2010

<b>App No.:</b>	PK10/1516/F	<b>Applicant:</b>	Mr Michael Frynone
<b>Site:</b>	34 Templar Road Yate Bristol South Gloucestershire BS37 5TG	<b>Date Reg:</b>	28th July 2010
<b>Proposal:</b>	Erection of single storey rear extension to provide additional living accommodation.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	371133 182887	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Householder	<b>Target Date:</b>	20th September 2010



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**N.T.S.**

**PK10/1516/F**

## **REASONS FOR REFERRAL TO CIRCULATED SCHEDULE**

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking full planning permission for the erection of a single storey rear extension at 34 Templar Road, Yate. The proposed extension would measure 3.4 metres in depth by a maximum of 8 metres in width and would have an overall height to ridge of 3.5 metres. The proposed extension would predominantly replace the existing rear conservatory
- 1.2 The application property is a two storey detached dwelling and is located within a residential area of Yate.

### **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, Including Extensions and New Dwellings  
T8 Parking Standards  
  
South Gloucestershire 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**

- 3.1 None relevant.

### **4. CONSULTATION RESPONSES**

- 4.1 Yate Town Council  
No objections.

#### **Other Representations**

- 4.2 Local Residents  
One letter of response has been received stating the following:
  - No objections subject to the general conditions of the party wall being met.
  - Minimal impact from foundations on boundary

- Agreement for working access
- Written agreement to make good any damage resulting from building or access, etc..
- The first three fence panels belong to 35 Templar Road, these will be removed prior to commencement of work.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

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

### 5.2 Design / Visual Amenity

The proposed extension is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. The proposal is modest in scale in comparison to the bulk of the main dwelling and is suitably subservient to it, this is especially the case given the single storey nature of the proposal. It is considered that the appearance of the resultant building is well proportioned and would remain in keeping with the scale of the surrounding dwellings. Furthermore, the proposed addition would incorporate materials to match those of the main dwelling, assisting the successful integration of the extension with the host dwelling.

The proposed extension would be located to the rear of the dwelling and would be partially screened from the road by existing dwelling. It is therefore considered that the proposal would not be harmful to the character and appearance of the principal dwelling and street scene.

### 5.3 Residential Amenity

The proposed extension would predominantly replace the existing rear conservatory, extending 3.5 metres beyond the rear elevation of the main dwelling. The proposal also involves a small increase in the footprint of the existing garage, so that the rear of the garage would be inline with the proposed rear extension.

The proposed rear extension would be set back from the boundary with the neighbouring property, No. 33 Templar Road by at least 2.5 metres, furthermore, the extension would be predominantly located adjacent to the existing attached garage of this property. The extension to the rear of the garage is adjacent to the boundary with the neighbouring dwelling No. 35 Templar Road. However this extension would be modest in scale only extending 1.8 metres and would be located adjacent to the neighbouring properties rear conservatory. As such, given the existing boundary treatments in place, combined with the depth and height of the proposal, it is not considered that the proposal would have any overshadowing or overbearing effect on the neighbouring dwellings.

The side elevation wall adjacent to No. 35 would contain no glazing. An additional window is proposed in the side elevation facing the blank garage wall of No. 33 and all other windows overlook the rear garden of the property. It is considered that there are no issues of inter-visibility or loss of privacy. Further, there are no concerns relating to loss of daylight/sunlight and sufficient garden space would remain to serve the property. Therefore the impact on residential amenity is subsequently deemed acceptable.

#### 5.4 Transportation and Parking Issues

The proposal would result in a reduction in the internal dimensions of the garage, leaving the driveway as the only off road parking for the property. It is considered that there is space for one car to park on the driveway. Therefore the parking provision would remain in compliance and within the Councils required parking standards.

#### 5.5 Other Issues

The concern raised in respect of encroachment and access are civil matters which will be addressed under non planning legislation in the form of the Building Regulations, The Party Wall Act and other related legislation. However, for the avoidance of doubt, three informatives would be attached to the decision notice to ensure that the applicant / agent is aware that planning permission does not grant rights to carry out works on land outside of the control of the applicant; consent must be sought from the owner of the land; and, that the Building Regulations must be complied with.

#### 5.6 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.
- 6.2 The proposed extension is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. Furthermore the extension would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact and the parking provision would remain in compliance with Policy T8. As such the proposal accords with Policies D1, T8 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

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

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

### **CONDITIONS**

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

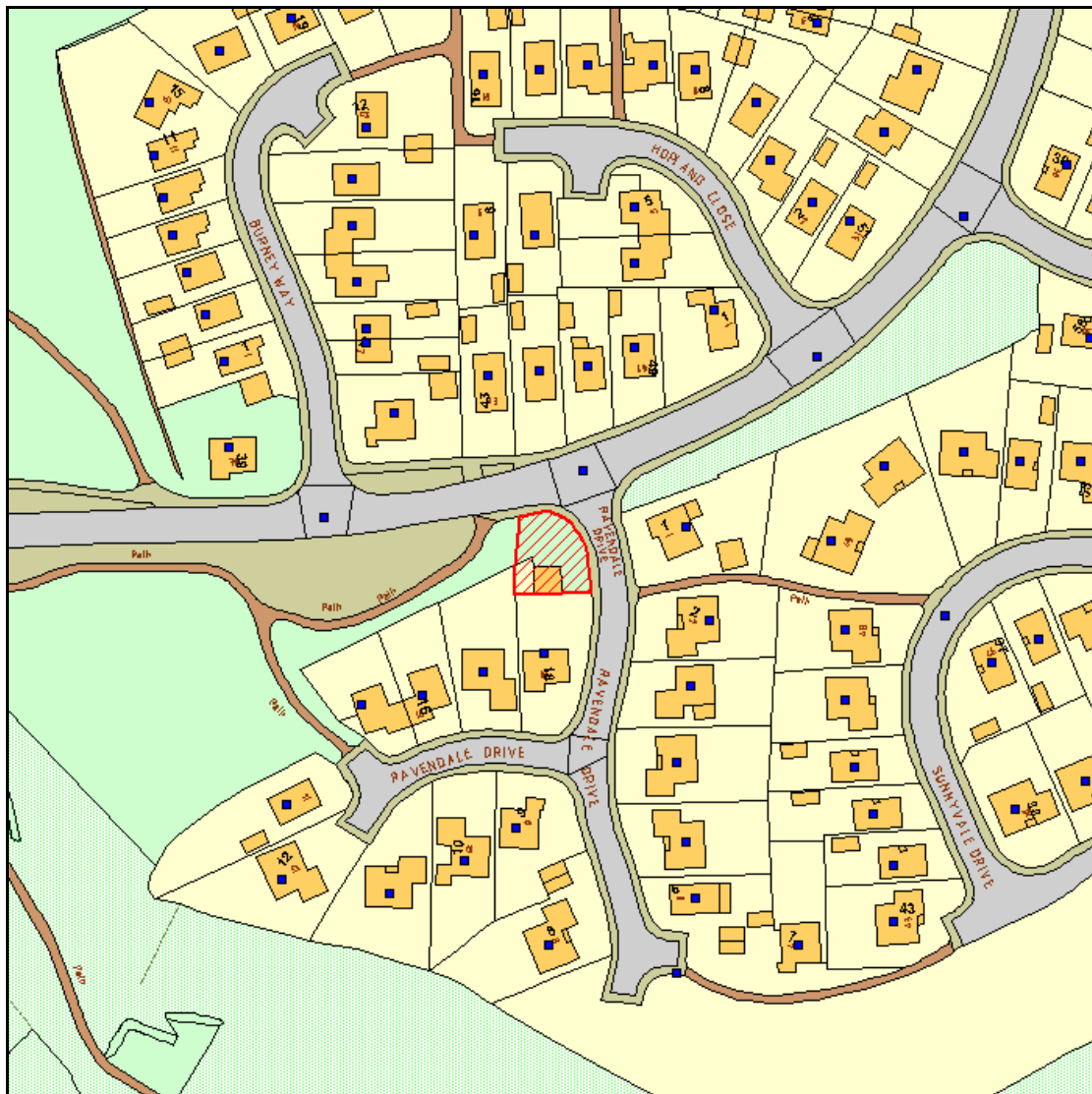
Reason

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



## CIRCULATED SCHEDULE NO. 35/10 – 10 SEPTEMBER 2010

<b>App No.:</b>	PK10/1821/F	<b>Applicant:</b>	Mr M Morrison
<b>Site:</b>	18 Ravendale Drive Longwell Green Bristol South Gloucestershire BS30 9XE	<b>Date Reg:</b>	21st July 2010
<b>Proposal:</b>	Conversion and extension to existing garage to form single residential dwelling	<b>Parish:</b>	Oldland Parish Council
<b>Map Ref:</b>	366537 170985	<b>Ward:</b>	Longwell Green
<b>Application Category:</b>	Householder	<b>Target Date:</b>	9th September 2010



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**PK10/1821/F**

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

1.1 The application site is situated within a modern residential suburb. The site is bounded by residential development to the south and south east with an open grassed area to the west and highways to the east and north. The site is situated adjacent to the junction of Longbeach Road and Ravendale Drive. A tall hedge runs along the north boundary of the site. The site comprises a detached double garage and curtilage garden associated with no.18, with surfaced parking area in front.

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

1.2 The application proposes conversion and extension to the existing garage to form a single storey detached residential dwelling.

### **2. POLICY CONTEXT**

2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPS3 Housing  
PPG13 Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design  
H4 Development within Existing Residential Curtilages  
L1 Landscape Protection and Enhancement  
T8 Parking Standards  
T12 Transportation for New Development

South Gloucestershire Core Strategy Pre Submission Publication Draft – March 2010

CS1 High Quality Design  
CS8 Improving Accessibility

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

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

3.1 None relevant

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

##### **4.1 Oldland Parish Council**

No objection

##### **4.2 Other Consultees**

Sustainable transport – No objection subject to condition

#### **Other Representations**

##### **4.3 Local Residents**

7 letters received from the occupiers of 1, 2, 3, 5, 9, 15 Ravendale Drive raising the following concerns:

No other similar dwellings in the locality; out of character with the area; prominent location; increased traffic; parking problems; off street parking available will be reduced from 6 to 2; highways safety issues; loss of privacy to the neighbours opposite; a dangerous precedent will be set; insufficient notification of neighbours was carried out; devaluing of property in the area; on street parking would be inevitable which could impact on access for emergency vehicles.

Petition received in objection to the scheme signed by 8 residents of Ravendale Drive.

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

##### **5.1 Principle of Development**

Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for erection of new dwellings within existing residential curtilages providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity. Policies T8 related to the Council's adopted off street parking standard and T12 in relation to highway safety are also relevant considerations.

##### **5.2 Visual impact**

The application site forms the northern half of the residential curtilage of 18 Ravendale Drive. The application site contains a large detached double garage and a garden shed and greenhouse which are situated adjacent to the garage. A surfaced parking area is situated in front of the garage with open access onto Ravendale Drive to the east. The junction of Ravendale Drive and Longbeach Road is situated to the north east of the site. A large hedge runs along the north boundary of nos 17 and 18 screening the site from views from Longbeach Road from the west looking east. The hedge also runs along the north boundary of no.1 to the east and beyond, screening views from Longbeach Road from the west looking east other than at the junction with

Ravendale Road. The existing garage is therefore considered not to be visually prominent from Longbeach Road. The proposal is considered to be visually prominent only from the Ravendale Drive in the immediate vicinity of the site.

The proposal would incorporate the conversion of the existing garage and a single storey extension on the south side to provide a single detached dwelling. 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.

Some local residents raised concern that the proposal as a single storey dwelling would be out of character with the area. Nos 43 and 45 Longbeach Road opposite the site to the north, are bungalows. Therefore in terms of house type, the proposal is considered not to be incongruous.

### 5.3 Residential amenity

The proposal would be single storey only. The extension would be situated 8.2m from no.18 and 11.2m from no.17 to the south west. No 17 has a 1.8m high fence on the boundary with the application site. The proposal would have windows facing west into the garden and east onto the highway. The dwellings opposite to the east would be a minimum of 22m from the proposal. Due to the modest scale of the proposed extension, the single storey nature of the building and the distance to the neighbouring occupiers the proposal is considered not to result in a material loss of amenity to the local residents.

### 5.4 Highway matters

The proposal would provide a minimum of three off street parking spaces within the application site. The parking standard for proposal would be 2-3 spaces for the existing dwelling and one for the new dwelling. The proposal shows a parking area, which would provide the maximum number of spaces as required by the Council's adopted parking standard. The due to the suburban nature of the highway there would be no requirement to turn within the site. The parking arrangement is therefore considered to be acceptable, subject to a condition requiring the space to be laid out and retained for parking purposes.

The proposal would be situated within the urban area within walking distance of local amenities and bus services. The proposal is therefore considered to represent a sustainable form of development. Concern was raised in relation to a potential increase in traffic. The proposal would provide a single bedroom unit in a sustainable location. The access onto Longbeach Road is currently used by 18 dwellings. As such the proposal would not result in a material increase in traffic.

## 5.5 Other issues

Concern was raised by local residents that the proposal would set a dangerous precedent. The application has been considered on its own merits and the possibility of further similar applications being submitted in future would be conjecture and not material to consideration of this scheme. Concern was raised in relation to property devaluation. This is not considered to have a material effect on the officer recommendation. Concern was also raised that insufficient publicity was carried out by the Council to notify neighbours. All neighbouring occupiers abutting the application site were notified of the application in accordance with the Council's adopted notification procedure for this type of development.

## 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 occupiers, the proposed dwelling is considered not to give rise to a material loss of amenity to the adjacent occupiers. The development therefore accords to Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
  - b) It has been assessed that the proposed dwelling has been designed to respect and maintain the massing scale, proportions, materials and overall design and character and appearance of the locality and street scene. 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.
  - c) The proposal would provide sufficient off street parking within the site, have sufficient and safe manoeuvring and result in no material increase in traffic. The development therefore accords to Policy T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

## 7. RECOMMENDATION

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

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

## **CONDITIONS**

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

Reason

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

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

Reason

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

3. Notwithstanding the approved plans the dwelling hereby permitted shall not be occupied until 2 vehicle spaces for the existing dwelling and 1 vehicle space for the new dwelling have been laid out and provided. The parking area shall thereafter be retained for vehicle parking only.

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.

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

Reason

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

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

Reason

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

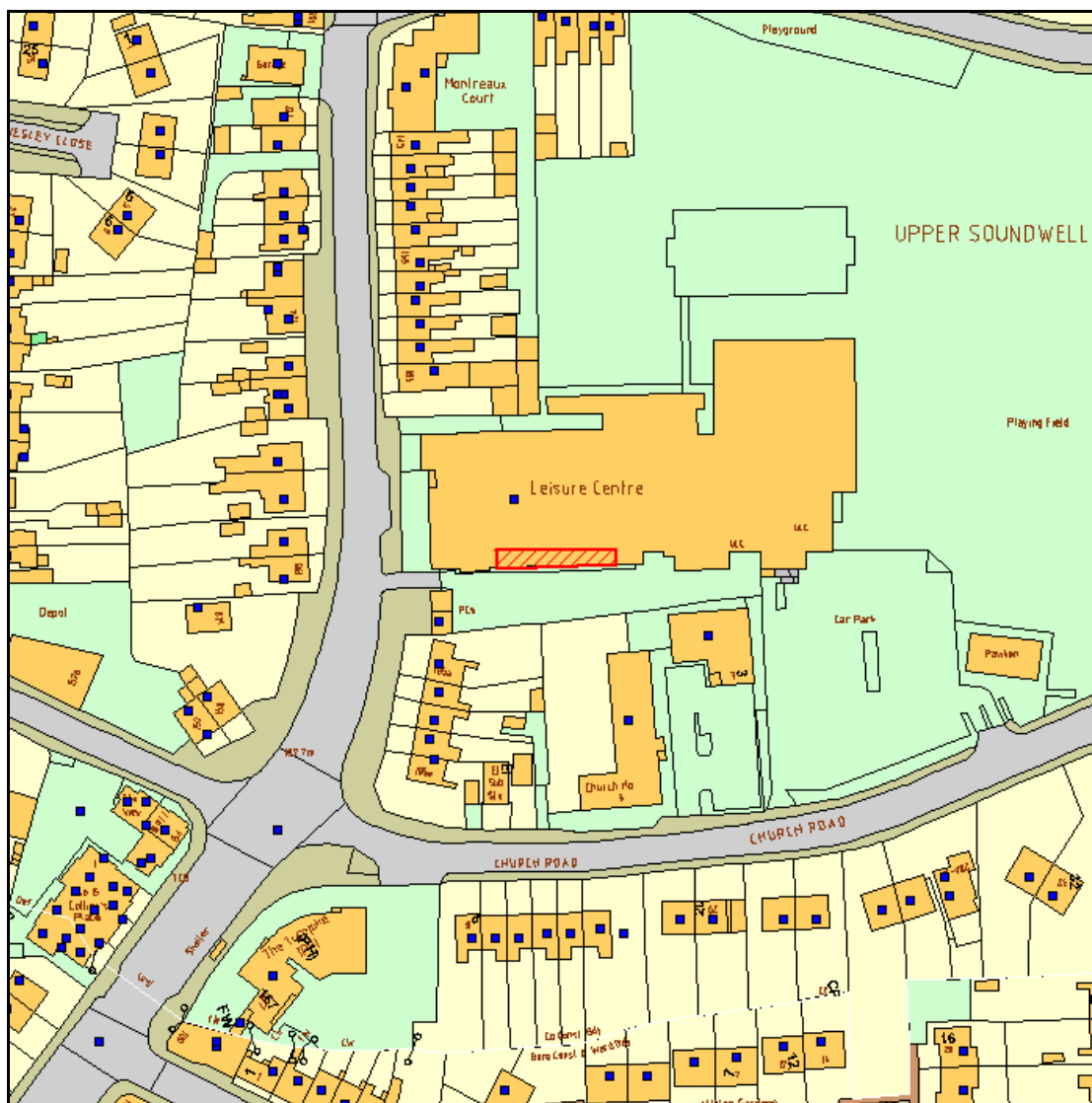
6. Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next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

Reason

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

**CIRCULATED SCHEDULE NO. 35/10 – 10 SEPTEMBER 2010**

<b>App No.:</b>	PK10/1830/R3F	<b>Applicant:</b>	South Gloucestershire Council
<b>Site:</b>	Kingswood Leisure Centre Church Road Soundwell Bristol South Gloucestershire	<b>Date Reg:</b>	3rd August 2010
<b>Proposal:</b>	Re-positioning of air handling plant to roof above pool changing area on south elevation and enclosure with roofing and acoustic panels.	<b>Parish:</b>	None
<b>Map Ref:</b>	364839 175074	<b>Ward:</b>	Staple Hill
<b>Application Category:</b>	Minor	<b>Target Date:</b>	22nd September 2010



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 100023410, 2008. **N.T.S.** **PK10/1830/R3F**



## **REASONS FOR REFERRAL TO CIRCULATED SCHEDULE**

This application has been referred to the circulated schedule as the applicant is South Gloucestershire Council.

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking full planning permission for the installation of an air handling plant to the roof above the swimming pool on the south elevation of Kingswood Leisure Centre, Soundwell. The proposed air handling plant would be enclosed within a small extension measuring 12 metres in length by 5 metres in depth with a maximum height of 4.1 metres when measured from the first floor roof on which it would be situated. The proposal also includes an acoustic screen along the south elevation.
- 1.2 Kingswood Leisure Centre is a large building fronting onto Soundwell Road. A large playing field is situated to the north and east of the building. With the car parking situated to the South East of the building, which can be accessed off either Soundwell Road or Church Road. The site is located within a residential area of Kingswood.

### **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  
LC3 Proposals for Sports and Leisure Facilities within the Existing Urban Area  
LC4 Proposals for Education and Community Facilities Within the Existing Urban Area  
EP1 Environmental Pollution
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007.

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

The site was subject to several applications in the late 1980's early 1990's due to the age of these it is not considered relevant to list details, the most recent application is detailed below.

- 3.1 PK00/2949/F           Erection of railings on car park retaining wall.  
Approved December 2000
- 3.2 PK10/0318/F           External cladding to existing building  
Approved April 2010

## 4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council  
Site falls outside of any parish boundaries.

### Other Representations

- 4.2 Environmental Protection  
No objections
- 4.3 Sustainable Transport  
No objections
- 4.4 Local Residents  
No response received

## 5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development  
Policy LC3 and LC4 allow for proposals to improve sports and leisure facilities and community facilities that are located within urban areas provided that the development would not unacceptably prejudice residential amenities or have any unacceptable environmental or transportation effects, and provided that the proposal is highly accessible by public transport and pedestrians and the proposal would not result in unacceptable levels of on street parking.

- 5.2 Design / Visual Amenity  
An application has recently been approved for the re-cladding of the leisure centre, reference PK10/0318/F. Continuing the work to upgrade the building, the current application proposes the installation of a first floor extension on the south elevation to enclose an air handling plant. The application also proposes the installation of an acoustic screen which would measure 2.4 metres in height and approximately 30 metres in length.

The proposed works are modest in scale given the size of the existing building and are considered to be of an appropriate standard in design. The acoustic screen would be finished with a grey coated aluminium which would match the proposed window frames, given the existing mix in external finishes in combination with the scale of the proposal, it is not considered that this aspect of the proposal would have any demonstrable harm to the appearance of the building. The proposed works would not be visible when the site is viewed from Soundwell Road, as the structure, which would be located at first floor level, would be tucked in behind the existing building. It is therefore considered that the proposal would not harm the character and appearance of the building and street scene.

### 5.3 Residential Amenity

No extension to the footprint of the Leisure Centre is proposed and it is not considered that the proposed works would impact upon the amenities of any of the nearby residential properties, by way of overbearing impact or overshadowing. No additional windows are proposed, as such there are no issues of inter-visibility or loss of privacy. Therefore the impact on residential amenity is subsequently deemed acceptable.

### 5.4 Highways Implications

No extension to the footprint of the building is proposed, furthermore, no change is proposed to the existing vehicular access or the existing parking provision. Therefore with no objections from the Councils Transportation Officer the proposal is considered acceptable.

### 5.5 Environmental Issues

The proposed air handling plant is considered acceptable subject to a condition to ensure the noise emitted from the site shall not exceed the existing background noise level.

## 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 is of an appropriate standard in design and is considered to result in a positive improvement to the building. Furthermore the proposed works would not harm the amenities of the neighbouring properties or impact upon highway safety. As such the proposal accords with Policies D1, LC3 and LC4 of the South Gloucestershire Local Plan (Adopted) 2006.

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

## 7. RECOMMENDATION

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

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

### CONDITIONS

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

Reason

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

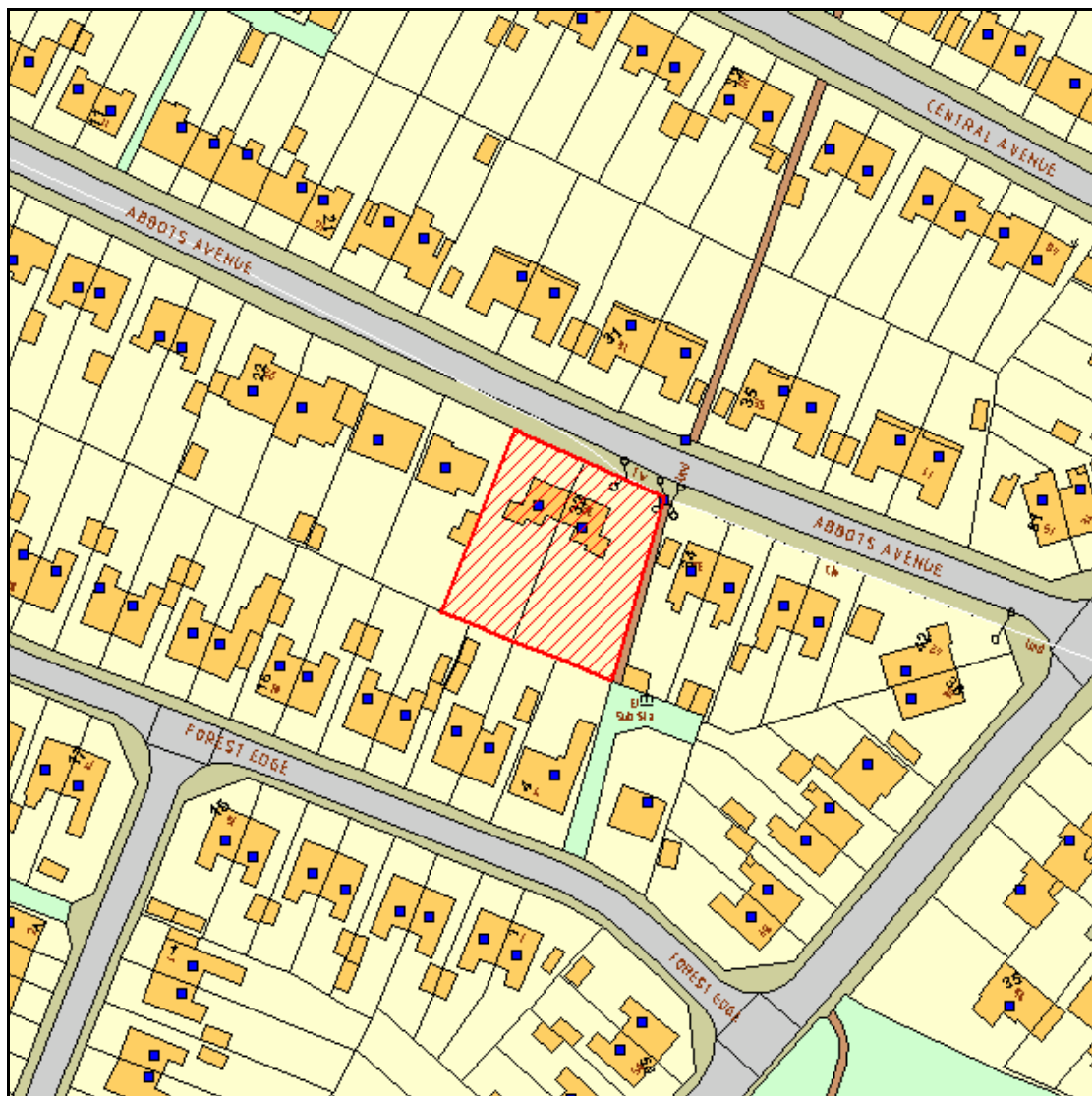
2. The rating level of noise emitted from the site shall not exceed the existing background noise. The background noise determined to be 50 dB by day (7.00am-11.00pm) and 40 dB by night (11.00pm - 7.00am). The noise levels shall be determined at the site boundary. The measurements and assessment shall be made in accordance with the provisions of BS4142:1997.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy EP1 and LC3 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 35/10 – 10 SEPTEMBER 2010

<b>App No.:</b>	PK10/1885/F	<b>Applicant:</b>	BDP (East) Ltd
<b>Site:</b>	30/32 Abbots Avenue Hanham Bristol South Gloucestershire BS15 3PN	<b>Date Reg:</b>	4th August 2010
<b>Proposal:</b>	Erection of 1no. detached dwelling and 1no end terraced dwelling with access and associated works. (Re-submission of application PK10/1050/F).	<b>Parish:</b>	Hanham Abbots Parish Council
<b>Map Ref:</b>	364477 171898	<b>Ward:</b>	Hanham
<b>Application Category:</b>	Minor	<b>Target Date:</b>	23rd September 2010



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PK10/1885/F

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

Objections were received to the proposal, contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of two dwellings, one attached and the other detached, at either side of a semi-detached pair in Abbots Avenue. The street is straight and rises slightly from east to west. The existing render and tile houses on the site stand in a wide and deep plot, with more space to each side than is usual for this street. To the west on slightly higher land, stands a bungalow, with one window facing the site and another which turns the rear corner on this dwelling, facing to the side and the rear. To the east of the site is the side elevation of another semi.
- 1.2 The site is fenced to the side and rear and its front boundary treatment is a low brick wall. Abbots Avenue exhibits a range of house types, detached, semi-detached, bungalows and two storey. The existing site access is to the west of the site. The attached two storey dwelling is proposed to be built to appear as an extension on the eastern elevation, while the detached dwelling is proposed to stand to the west of the site. This application is a resubmission of a scheme submitted earlier this year, which was withdrawn.
- 1.3 Amended plans were requested and received which show that the proposed detached 4 bedroom house would be an 'L' shape, in common with the semi detached dwellings in the street and with two off-street parking spaces at the front of the site. It has also been narrowed to allow its own access to the side of the site to allow bins to be stored to the rear. The proposed attached house is now shown as being set back from the existing dwelling, again with two off-street parking places to the front of it. Parking for the existing dwellings would be provided, off-street, in front of those houses. Other minor design changes were also secured.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPS3 Housing
- 2.2 South Gloucestershire Core Strategy – Pre-Submission Publication Draft  
CS1 Design
- 2.3 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
H4 Development within residential cartilages  
T8 Parking Standards  
T12 Highway Safety
- 2.4 Supplementary Planning Guidance  
Design Checklist

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

- 3.1 PK10/1050/F Erection of two detached dwellings Withdrawn

## 4. **CONSULTATION RESPONSES**

### 4.1 Hanham Abbots Parish Council

No objections. However, we would comment that the proposed detached dwelling does not appear to be utilising available space, as the inclusion of an integral garage means that the building is taller than necessary which results in the neighbouring garden being overlooked.

The additional terraced house appears to be very small and cramped. The addition of this dwelling being 'tacked' onto the existing semi detached properties means that there will essentially be a small row of terraced houses which is not conducive to the existing street scene of Abbots Avenue.

### 4.2 Other Consultees [including internal consultees of the Council]

#### Transportation

Planning permission has previously been sought to erect two new dwellings on this land (PK10/1050/F). A transportation objection was raised to the proposal on the inadequate vehicular parking proposed. The planning application was withdrawn prior to its determination.

This current development again proposes two additional new dwellings on the site. The layout of the site has been altered and six parking spaces are now proposed, making a total of 1.5 spaces for each dwelling on site.

Given the location of the site and the close proximity to public transport, there is no basis for a transportation objection to this proposal.

#### Public Rights of Way

No objection in principle. Informatives suggested.

#### Technical Services

No objection in principle. Conditions and informatives suggested to cover sustainable drainage and paving of the parking areas.

### **Other Representations**

#### 4.3 Local Residents

Three letters of objection were received, citing the following concerns:

- The attached dwelling would be very close to the site boundary and the view from the kitchen and living room windows would be of the side wall
- Effect on amount of light coming into those rooms
- Inadequate off street parking proposed on a street with parking issues. This will further endanger school children

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The issues to be resolved are the impact that the proposed dwellings would have on existing levels of residential amenity, their impact on the street scene of Abbots Avenue and transportation issues,

## 5.2 Residential Amenity

The main issue under this heading is the impact of the new dwellings on those which share a boundary with them. With regard to the relationship between the proposed detached dwelling and No. 34, it is noted that No. 34 has a blank side elevation and has a detached side garage next to the site. The window pattern in the proposed dwelling has only secondary or windows serving non-habitable rooms facing No. 34 and it is considered as a result that the proposal would not affect the residential amenity of either the existing or the proposed detached dwelling.

With regard to the relationship between the proposed attached house and the adjacent bungalow, it is noted that the side window in the bungalow is a secondary window, while the kitchen window turns the corner at the rear of the bungalow and therefore faces to the side and the rear. Both these windows are therefore considered to serve a secondary functions in lighting the rooms they serve, with light entering these rooms from other directions in each case. Views from these side-facing windows could be shortened at any time through the erection of a 2 metre high boundary treatment on the site, which would not require planning permission. The only window proposed for the side elevation of the attached dwelling would serve a cloakroom, a non-habitable room. It is therefore considered that the proposed attached dwelling would not have any detrimental impact upon the residential amenity of the bungalow on the adjoining site.

A condition has been shown below which would ensure that existing levels of privacy are not compromised for the dwellings on either side of the site through the later insertion of side-facing windows.

Future residents are considered to benefit from rear garden sizes which are comparable with other dwellings in this street and this aspect is considered to accord with policy.

## 5.3 Design/ Visual Amenity

Amendments to the design of the scheme have been sought as detailed above. The proposed materials, of render and brown double roman tiles, are considered to be acceptable as they would match the local context and in any event the materials in the street are not uniform. The proportions of the proposed dwellings are considered also to be appropriate to the local context, after the eaves line of one of the proposed dwellings was reduced. The main issue with the impact on the street scene is considered to be the attached dwelling in close proximity to the bungalow to the east of the site. This relationship would be brought into sharper focus by closing the gap between the two houses, but it is considered that three factors prevent this from being visually jarring, namely the fact that the bungalow stands on higher ground than the proposed house, the fact that it has been designed to appear to be an extension to the house (with the exception of the front porch) and its set-back as shown on the amended plans, which is considered to reduce its prominence. Given that at some point there will be a transition from the two storey dwellings to the single storey bungalow, it is considered that the point of this transition



has been managed successfully, with the revised design. The proposal is considered to accord with policy D1 and H4 in this respect.

#### 5.4 Transportation

The consultation process has raised the issues of highway safety and parking. The integral garage originally indicated for the proposed detached dwelling has been deleted and replaced with an additional parking space at the front of the site. It is considered that the integral garage could have been put to uses other than parking and that a replacement parking space will be more likely to be used for the intended purpose, without unnecessarily allowing parking to dominate the street scene. The overall amount of parking to serve the existing and proposed houses would be six spaces and this accords with the Council's maximum parking standards. It is therefore considered that this aspect of the proposal accords with policy T8 of the adopted Local Plan. With regard to the effect on highway safety, it is not considered that this proposal would be likely to lead to additional on-street parking, at least to a degree which would have any impact on the safety of road users.

#### 5.5 Other Issues

Consultation responses were also received from Public Rights of Way and Technical Services. No objection was raised to the proposal and the drainage concerns are dealt with by way of conditions shown below.

### 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 This proposal would provide two dwellings in a sustainable location on a site that is of sufficient size to accommodate them without having any material impact on existing levels of residential amenity and providing a minor enhancement to the street scene in accordance with policies D1 and H4 of the adopted Local Plan. The proposal would provide a level of off-street parking which accords with policy T8 and would not dominate the street scene, nor harm highway safety.

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

Reason

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

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

Reason

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

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

Reason

To provide an adequate and sustainable system of drainage to comply with South Gloucestershire Local Plan (Adopted) January 2006 Policies L17, L18, EP1, EP2 and PPS25 Planning Policy Guidance.

4. Appropriate permeable design and construction of proposed and replacement dwelling frontage paving/tarmac exceeding 5 square metres in area is a requirement to ensure surface water run-off is retained at source. Use of permeable surfacing is required or rainfall to be directed to a permeable soakage area (provided it does not cause flooding of adjacent property) within the curtilage of the dwelling.

Reason

To ensure a satisfactory means of drainage and pollution control in order to comply with South Gloucestershire Local Plan (Adopted) January 2006 Policy L17, L18, EP1, EP2 and Town and Country Planning Order 2008 (No 2362) Class F.

5. 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.

6. No windows other than those shown on the plans hereby approved shall be inserted at any time in the side elevation of the dwellings to be constructed.

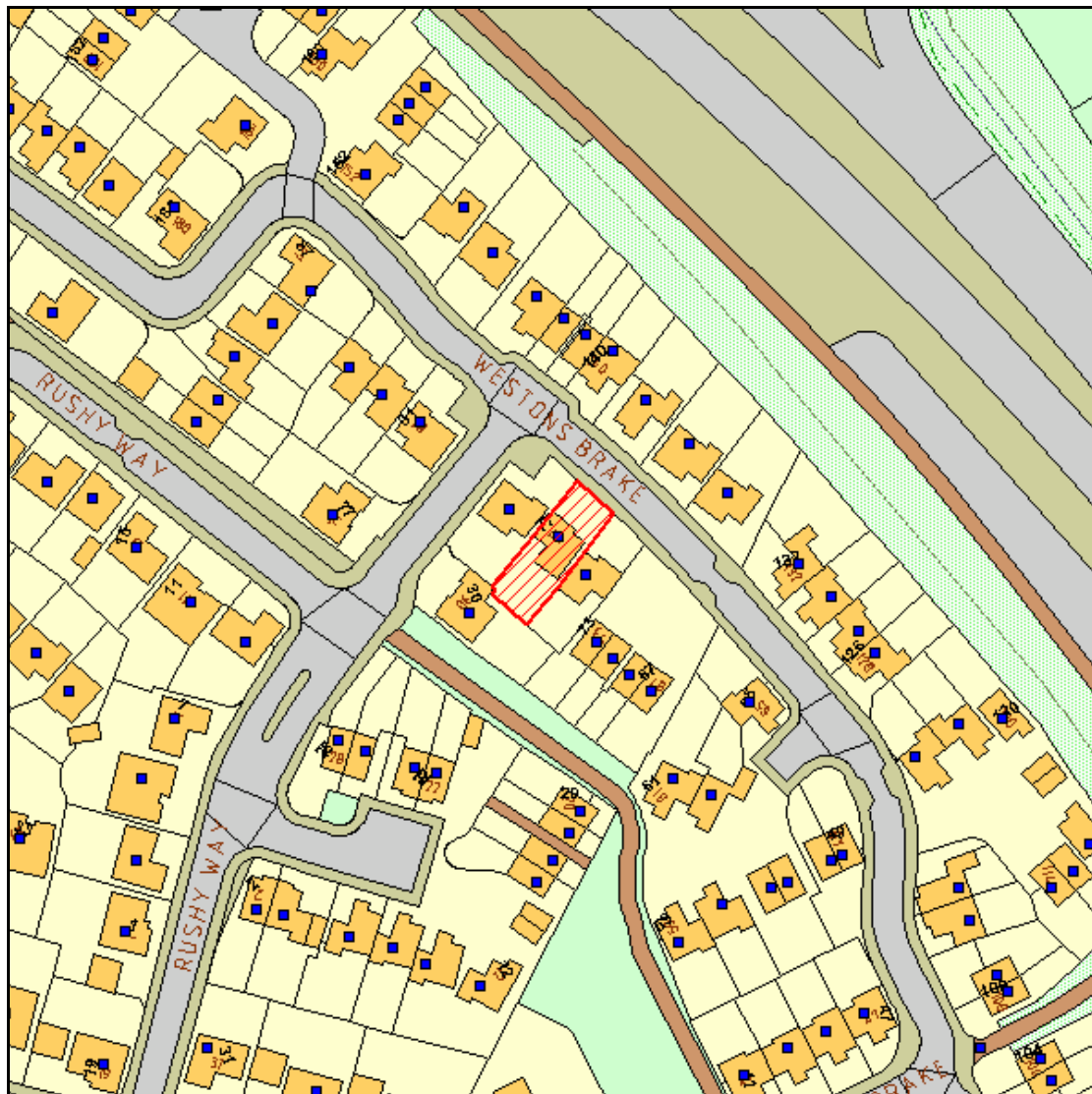
Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity [and to protect the residential amenity of the neighbouring occupiers] and to accord with Policy [D1/H2/H4\*] of the South Gloucestershire Local Plan (Adopted) January 2006.

(\*Select as appropriate)

## CIRCULATED SCHEDULE NO. 35/10 – 10 SEPTEMBER 2010

<b>App No.:</b>	PK10/1891/F	<b>Applicant:</b>	Mr And Mrs Davies
<b>Site:</b>	77 Westons Brake Emersons Green South Gloucestershire BS16 7BQ	<b>Date Reg:</b>	27th July 2010
<b>Proposal:</b>	Erection of rear ground floor extension to provide additional living accommodation	<b>Parish:</b>	Mangotsfield Rural Parish Council
<b>Map Ref:</b>	366279 178396	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Householder	<b>Target Date:</b>	20th September 2010



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**PK10/1891/F**

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

This application has been forwarded to the Council's Circulated Schedule of applications as a representation has been received raising concerns in relation to the proposal which is supported by the Officer.

### **1. THE PROPOSAL**

1.1 The application site is situated within the modern residential suburb of Emersons Green. The site is bounded by residential development on three sides with vehicular access onto Westons Brake to the north. The site comprises a two storey detached dwelling with an attached single garage at the side.

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

1.2 The application proposes erection of rear ground floor extension to provide additional living accommodation.

The original submission has been amended removing the felt flat roof finish and replacing with a lean to tiled roof.

### **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 Mangotsfield Rural Parish Council

No objection

## 4.2 Other Consultees

None

## **Other Representations**

### 4.3 Local Residents

Letter of objection in relation to the original submission received from the occupier of 79 Westons Brake raising concerns in relation to:

Overbearing development; eaves and guttering would encroach onto no.79's plot; potential shadowing; out of keeping with the character of the area; concern in relation to party wall issues from and need to access no.79 to build the extension; plans are inaccurate; concern in relation to drainage as guttering and drainage requirements are not shown on the application.

The drawings were subsequently amended as a result of Officer concerns in relation to design and a revised representation was received, worded as follows:

'We are happy as long as no part of the proposed extension encroaches upon the boundary, and that the wall is set back far enough to include the roof eaves and guttering. We are pleased that the roof is now a tiled pitched roof (although the plans still state a felt roof, we assume this must be an error).'

## 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.

### 5.2 Design

Policy D1 of the Local Plan requires all new development to be well-designed. The dwelling is situated within a modern suburban residential context. The dwelling the subject of this application is a two storey detached unit. The proposed extension would be well screened from Westons Brake with only a glimpse afforded through the gap between nos 77 and 79. The extension would be visible from Rushy Way over a 1.8m high wall. The design and materials as amended 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. A 1.8m high closed boarded fence is situated on the boundary of the application site with no.79 which is situated to

the north west. The extension would measure 2.2m in height to eaves, 3.3m maximum height. The eaves side of the extension would be situated adjacent to the boundary with no.79. The proposal would be modest in scale and would result in no significant increase in the presence of built form when experienced from no.79. Due to the position of the proposal and its modest scale no material loss of light/shadowing would occur. The proposal would therefore result in no material loss of residential amenity to the adjacent occupiers.

The neighbour expressed a concern that the guttering of the proposal may overhang their boundary. The plans submitted do not definitively show there not to be any overhang to no.79. However, as mentioned above the proposal is considered to be acceptable in relation to the residential amenity.

#### 5.4 Other issues

The proposal would provide adequate surface water drainage measures and would discharge to the existing surface water drainage system. The proposal would result in no significant drainage issues.

### 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 following conditions and informatives:

**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

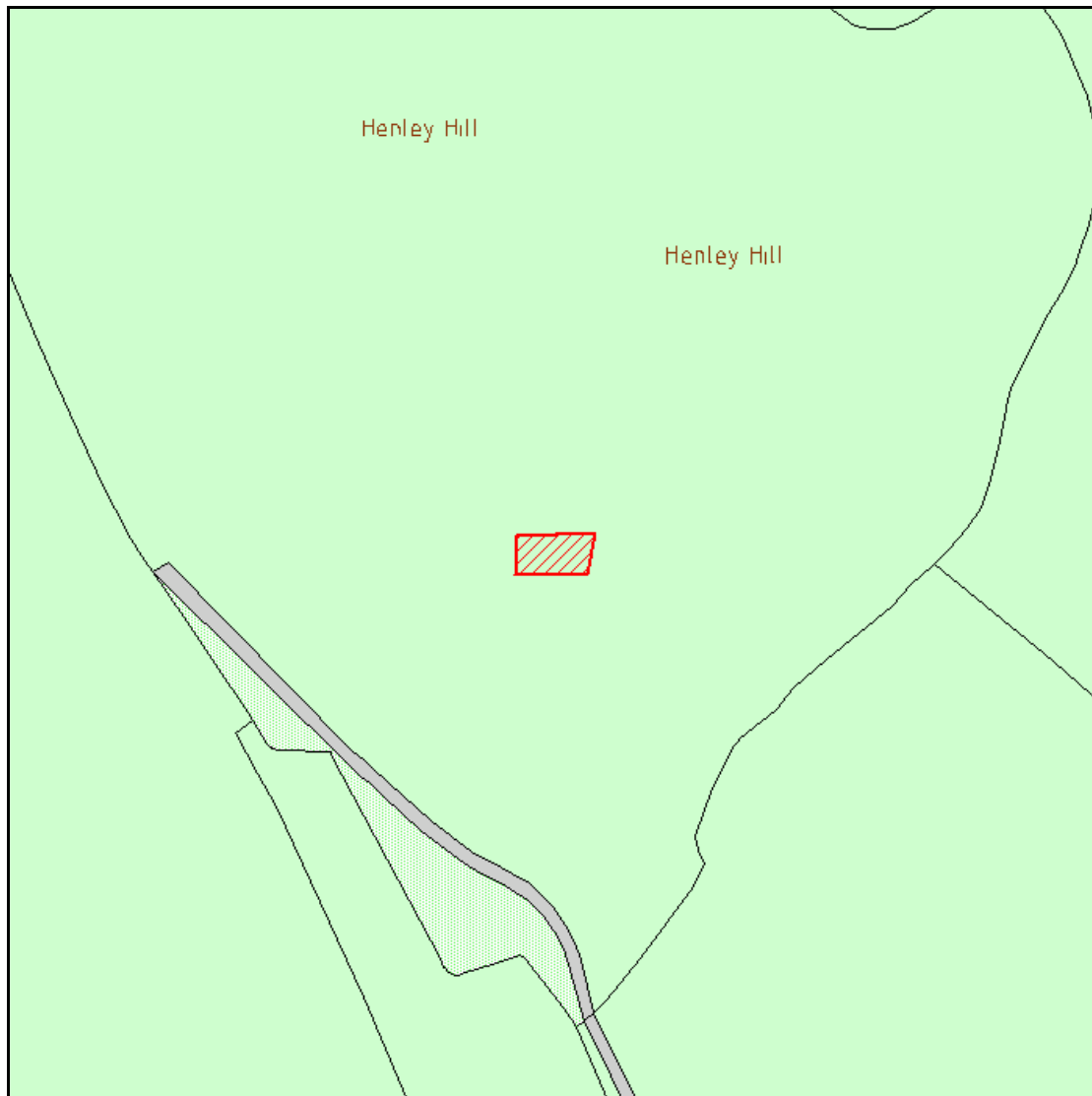
To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.



## CIRCULATED SCHEDULE NO.35/10 – 10 SEPTEMBER 2010

<b>App No.:</b>	PK10/1921/F	<b>Applicant:</b>	Mr E Lippiatt
<b>Site:</b>	Henley Tynning Farm Leigh Lane Cold Ashton Bath South Gloucestershire	<b>Date Reg:</b>	29th July 2010
<b>Proposal:</b>	Erection of a wind turbine on a 15m tower.	<b>Parish:</b>	Cold Ashton Parish Council
<b>Map Ref:</b>	374985 171259	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	20th September 2010

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PK10/1921/F

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

This application appears on the Circulated Schedule due to the receipt of 5 letters of support from local residents contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the erection of a wind turbine on agricultural land. The proposed turbine would have a hub height of 15 metres and a maximum height to the tip of the blade of 19.5 metres. The application shows that the head and the blades of the turbine would be black with the tower being a dull grey colour.
- 1.2 The turbine would serve Henley Tying Farm. The farm comprises 260 acre farm with a 5 bedroomed farm house and runs as a beef enterprise. Additional land is also rented.
- 1.3 Supporting information submitted with the application states that the total energy demand of the farm costs approximately £2000 per year (20,000 units). The applicant also notes that recent developments to the farm house over the last year have included a ground source heat pump. The primary objective of the wind turbine is to reduce the applicants need to purchase power whilst at the same time contribution to the thrust of Government policy in respect of renewable energy.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPG2	Development in the Green Belt
PPS5	Planning for the Historic Environment
PPS7	Sustainable Development in Rural Areas
PPS22	Renewable Energy

#### **2.2 Development Plans**

##### **South Gloucestershire Core Strategy (Pre-Submission Publication Draft)**

CS1	Design
CS3	Renewable and Low Carbon Energy Generation

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

D1	Design
L1	Landscape Protection and Enhancement
L2	Cotswolds Area of Outstanding Natural Beauty
L9	Species Protection
L12	Conservation Areas
L13	Listed Buildings
GB1	Green Belt
EP5	Renewable Energy Installations
T12	Transportation Development control

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist.  
South Gloucestershire council Landscape Character Assessment

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

- 3.1 None relevant at this address although it is noted that some neighbours mention a similar approval at a farm in Bath and North East Somerset. This will be discussed later in the report.

### 4. **CONSULTATION RESPONSES**

- 4.1 Cold Ashton Parish Council  
No Objection

- 4.2 Councils Ecologist  
No ecological constraints to the granting of planning permission

Landscape Architect

Objects to the application on the basis that the turbine in this location would be harmful to the distinctly rural and harmonious attributes of the landscape that characterises this very distinctive and sensitive part of the AONB landscape and would therefore be contrary to Policies L1 and L2 of the adopted local plan

Conservation Officer

Objects to the application on the basis that the wind turbine would become an unduly prominent and intrusive modern feature in this important rural, historic landscape. By virtue of it being an 'active' and constantly moving feature, it will also become visually distracting, drawing attention to itself in an otherwise unspoilt and essentially still landscape. It is considered, therefore, that a turbine would harm the setting of a number of heritage assets including the Cold Ashton conservation area, historic landscapes and listed buildings of outstanding interest, contrary to Policies L12 and L13 of the adopted local plan and PPS5

Cotswolds Conservation Board

Agrees with the objections of the councils landscape officer

### **Other Representations**

- 4.3 Local Residents

5 letters of support have been received during the course of the application. A summary of the points raised in support of the application is as follows:

- All businesses must be encouraged to meet as much of their energy requirement as possible through self generation
- The AONB of St. Catherine's valley is agricultural land not untouched wilderness
- Small scale installations will become part of our agricultural landscape
- The turbine would be visible in the best possible way

- Rather than a blot on the landscape it should be seen as a conservator of the landscape
- The site has advantageous wind so it suitable for a turbine
- The turbine will produce cost effective electricity
- Reduced impact on the environment and reliance on fossil fuels
- Technology such as this is required for environmental reasons
- There is already a similar turbine in Bath and North East Somerset at Upper Langridge Farm
- Minimal noise and wildlife considerations
- White cowling may be preferable against the sky
- Impact on the landscape is minimal and the benefits will be very beneficial
- Adherence to PPS22
- The project is in scale with the needs of the farming business
- In the past (as recently as 1910) South Glos was peppered with windmills – why should we fear their return?
- Should support entrepreneurialism

1 letter of objection has also been received. A summary of the points of objection raised is as follows:

- The area is designated as an are of outstanding natural beauty and must be maintained at all costs
- The turbine would bi visible from Cold Ashton conservation Area and would destroy the unique visual character of the area
- The sight of the turbine from the A46 would increase the risk of traffic accidents
- Adverse visual impact on the Cotswold Way
- Should be regarded as an act of rural vandalism

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The application site lies in the Green Belt, in the Cotswold's Area of Outstanding Natural Beauty and outside of any defined settlement boundary. Policy EP5 of the South Gloucestershire Local plan specifically relates to installations for renewable energy and confirms that such proposals will be acceptable providing it will not have any unacceptable environmental or transportation effects, and would not prejudice residential amenity. The application stand to be assessed against all of the policies listed above as discussed below.

### 5.2 Green Belt, AONB and Impact on Landscape

Paragraph 11 of PPS22 says that in sites with nationally recognised designations (including AONBs), planning permission for renewable energy projects should only be granted where it can be demonstrated that the objectives of the area will not be compromised by the development and any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by the environmental, social and economic benefits. Policy L2 of the Adopted South Gloucestershire Local Plan conforms

that within the AONB, where development is to proceed, measures will be required to conserve and enhance the natural beauty of the landscape.

- 5.3 Paragraph 13 of PPS22 goes on to discuss the impact of renewable energy installations on the green belt. It states that ‘when located in the green belt, elements of many renewable energy projects will comprise inappropriate development, which may impact on the openness of the green belt. Careful consideration will therefore need to be given to the visual impact of projects, and developers will need to demonstrate very special circumstances that clearly outweigh any harm by reason of inappropriateness and any other harm if projects are to proceed.’ It is accepted within the PPS that very special circumstances may include the wider environmental benefits associated with the production of energy from renewable sources. Policy GB1 of the Adopted Local Plan and PPG2 identify the five limited types of development that may be considered acceptable in the green belt – renewable energy installations is not one of these limited classes.
- 5.4 The landscape character of the locality is particularly distinctive and is described in the South Gloucestershire Landscape Character Assessment as, ‘*distinctly rural and largely tranquil, with a harmonious relationship between landform, vegetation and settlement.*’ ‘*The lack of urban influence, modern development, limited road access and containment of many views, adds to the feeling of remote countryside within the majority of the landscape character area and particularly the deep valleys. This area is therefore highly sensitive to change, which has the potential to erode the distinctive physical and visual character of the area.*’
- 5.5 Apart from a single slimline 15 metre telecoms mast and two smaller telecoms repeater masts, the landscape of the immediate locality is particularly notable and unusual for being devoid of modern vertical structures and it is this factor that would make a wind turbine in this location particularly intrusive. To add to the intrusion the rotating blades would be a moving feature in the landscape that would draw attention to turbine. Very unusually, because of the elevation of the site and the manner in which the topography falls rapidly away to the east, south and west of the site, a turbine in this location would possibly be visible from within the remote and tranquil valleys that are the key landscape characteristic of the locality. The submission states at Para 4.2 of the Design & Access Statement notes that, ‘*Additional renewable energy forms are still being considered to help control the overall energy cost*’, suggesting that less visually intrusive forms of energy generation may be possible. Before a claim of very special circumstances can be upheld, further investigation need to be undertaken to identify why less visually intrusive forms of renewable energy installation could not be installed.
- 5.6 The submission has not therefore addressed the issue of landscape character by reference to the Landscape Character Assessment and neither has it addressed Green Belt policy. The proposal does not represent one of the limited forms of development normally considered appropriate in the Green Belt and is therefore by definition harmful. A turbine of this size will be widely visible in the landscape due to the elevated location. The site is set at approx 212metres AOD, one of the highest spots on the escarpment with the crest

being at 220m AOD just east of Toghill approx 1.8km north west of the site. Such a development in this location would harm the visual amenity of the Green Belt and adversely affect openness, the latter being of considerable significance in this particularly open landscape. The submission does not address this policy issue and the onus is on the applicant to present a case for very special circumstances to permit such a development in the Green Belt. It is not considered a case based upon the wider environmental benefit of a single turbine producing a limited amount of surplus energy to the grid would be a substantive case for very special circumstances in such a sensitive landscape. No Zone of Visual Influence (ZVI), theoretical or otherwise, has been established for the submission but in all probability the ZVI extends from the crest of the scarp at Toghill eastwards to the south of Cold Ashton towards Marshfield, turning south towards Ashwicke then west across St Catherine's Brook towards Upper Langridge then returning north to Toghill. It is only when such a zone has been established that a full assessment of the potential impact upon all environmental, historic and cultural assets can be undertaken.

- 5.7 The proposed site for this turbine is located to the south of the conservation area of Cold Ashton. The Cold Ashton Conservation Area also contains a number of listed buildings, notably the grade I listed Manor House (including grade I listed walls) and the grade II listed Old Rectory. Both buildings occupy a prominent and important location within the centre of the village and both enjoy extensive views out to the countryside to the south. Whilst the conservation area above Hydes Lane is relatively isolated from the proposed site due to landscaping, buildings and land levels, the area along and to the south of Hydes Lane is far more open and permeable allowing panoramic views and glimpses of the site from, and across, the conservation area.
- 5.8 The proposed siting of this turbine will mean that it will be visible from a number of key locations within and around the southern half of the conservation area and potentially from a wider range of historic sites, landscapes and public footpaths outside the conservation area, including sections of the Cotswold Way. There may also be receptor sites in the BANES area which may also be sensitive to development. The photographic montages demonstrate that the turbine will be visible from the centre of the village and specifically from the front of the grade I listed Manor House and from Slough Lane. The open countryside to the south of this building of outstanding historic and architectural interest makes an important contribution to its setting and character. With the exception of two (or at most three) distant antennas, there are no other modern telecommunication masts, electricity pylons or cables visible in the landscape, giving it an exceptionally uncluttered and unspoilt appearance.
- 5.9 Paragraphs 113 and 115 of the Practice Guide accompanying PPS5 state: *'Setting is the surroundings in which an asset is experienced. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.'* *'Setting will, therefore, generally be more extensive than curtilage and its perceived extent may change as an asset and its surroundings evolve or as understanding of the asset improves.'*

- 5.10 Policy HE10 requires local planning authorities to *'treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do not do this, local planning authorities should weigh any such harm against the wider benefits of the application. The greater the negative impact on the significance of the heritage asset, the greater the benefits that will be needed to justify approval.'*
- 5.11 Climate change is addressed in PPS5 under Policy HE1 although the focus of this is more on the modification and adaptation of heritage assets than energy generation in the rural environment. The accompanying Practice Guide considers the use of alternative power generation as a means of improving the energy performance of a building providing it does not cause harm to the significance of the heritage asset.
- 5.12 Policy HE1.3 states: *"Where conflict between climate change objectives and the conservation of heritage assets is unavoidable, the public benefit of mitigating the effects of climate change should be weighed against any harm to the significance of heritage assets in accordance with the development management principles in this PPS and national planning policy on climate change."*
- 5.13 In this case, it is considered that the public benefit arising from a single turbine (which may only feedback a modest proportion of electricity generated to the grid), will not outweigh the harm to the significance and settings of the heritage assets that surround the site.
- 5.14 Transportation  
The proposed turbine, after erection would require very little maintenance. The few additional vehicular movements associated with the turbine would have no detrimental effect on highway safety.
- 5.15 Ecology  
Whilst the site itself is not subject to any statutory or non-statutory conservation designations, the site lies between the Cold Ashron Strip Lynchets and Fields at Nimlet Hill and Fields on Slough Lane Sites of Nature Conservation Interest (SNCI) and St Catherines Valley and Monks Wood Sites of Special Scientific Interest (SSSI). Subject to the attachment of a condition to monitor the site for bat and bird fatalities during the first breeding season, there is no objection to the application on Ecological grounds.
- 5.16 Similar Approval in Bath and North East Somerset  
Several local residents have raised the fact that a similar turbine was recently granted planning permission at Upper Langridge Farm in Bath and North East Somerset. Whilst each application is assessed on its own merits, under different local plan policies, and that no two sites are the same, your officer has visited BANES web site to view the application details consider the issues. The two sites are very different in their visual impact and the previous approval in a neighbouring authority does not set a precedent for approval of this application.

#### 5.17 Residential Amenity

Given the isolated location of the site and the distance to any neighbouring residential properties, it is not considered that existing levels of residential amenity will be unduly affected by the proposed turbine.

### 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 wind turbine in this location would be harmful to the distinctly rural and harmonious attributes of the landscape that characterises this very distinctive and sensitive part of the Area of Outstanding Natural Beauty landscape and would therefore be contrary to PPS22, PPS5 and Policies L1, L2 and EP5 of the South Gloucestershire Local Plan (Adopted).
- 6.3 The proposed wind turbine is not one of the five limited categories of development that may be considered acceptable in the green belt and would have a detrimental impact on its openness. Very special circumstances have not been demonstrated as the application fails to demonstrate that the benefits associated with the production of energy from the turbine outweighs the detrimental impact on its openness. The application is therefore contrary to the requirements of PPS22, PPG2, and Policy GB1 of the South Gloucestershire Local Plan (Adopted).
- 6.4 The proposed wind turbine would become an unduly prominent and intrusive modern feature in this important rural, historic landscape. By virtue of it being an 'active' and constantly moving feature, it will also become visually distracting, drawing attention to itself in an otherwise unspoilt and essentially still landscape. It is considered, therefore, that a turbine would harm the setting of a number of heritage assets including the Cold Ashton conservation area, historic landscapes and listed buildings of outstanding interest. The application is therefore contrary to PPS5, PPS22 and Policies L12 and L13 of the South Gloucestershire Local Plan (Adopted).
- 6.5 The recommendation to refuse permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

### 7. RECOMMENDATION

- 7.1 That the application be refused for the reasons as listed on the decision notice.

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



## **REASONS FOR REFUSAL**

1. The proposed wind turbine in this location would be harmful to the distinctly rural and harmonious attributes of the landscape that characterises this very distinctive and sensitive part of the Area of Outstanding Natural Beauty landscape and would therefore be contrary to PPS22, PPS5 and Policies L1, L2 and EP5 of the South Gloucestershire Local Plan (Adopted).
2. The proposed wind turbine is not one of the five limited categories of development that may be considered acceptable in the green belt and would have a detrimental impact on its openness. Very special circumstances have not been demonstrated as the application fails to demonstrate that the benefits associated with the production of energy from the turbine outweighs the detrimental impact on its openness. The application is therefore contrary to the requirements of PPS22, PPG2, and Policy GB1 of the South Gloucestershire Local Plan (Adopted).
3. The proposed wind turbine would become an unduly prominent and intrusive modern feature in this important rural, historic landscape. By virtue of it being an 'active' and constantly moving feature, it will also become visually distracting, drawing attention to itself in an otherwise unspoilt and essentially still landscape. It is considered, therefore, that a turbine would harm the setting of a number of heritage assets including the Cold Ashton conservation area, historic landscapes and listed buildings of outstanding interest. The application is therefore contrary to PPS5, PPS22 and Policies L12 and L13 of the South Gloucestershire Local Plan (Adopted).

**CIRCULATED SCHEDULE NO. 35/10 – 10 SEPTEMBER 2010**

<b>App No.:</b>	PK10/1922/TRE	<b>Applicant:</b>	South Gloucestershire Council
<b>Site:</b>	6 Ford Lane Emersons Green Bristol South Gloucestershire BS16 7DD	<b>Date Reg:</b>	29th July 2010
<b>Proposal:</b>	Works to thin crown of 1 no Oak tree by 20% to incorporate drop-crotch reduction to tree covered by Tree Preservation Order KTP003/91 dated 29 July 1991.	<b>Parish:</b>	Mangotsfield Rural Parish Council
<b>Map Ref:</b>	366617 177018	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>		<b>Target Date:</b>	22nd September 2010



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 100023410, 2008. **N.T.S.** **PK10/1922/TRE**

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

This application has been referred to the Circulated Schedule as the applicant is South Gloucestershire Council.

### **1. THE PROPOSAL**

1.1 The application seeks permission to carry out works to 1no. Oak Tree, protected by a Tree Preservation Order. The tree is located on land to the rear of No. 6 Ford Lane, Emersons Green. The works proposed involve a crown thin by 20% to incorporate a drop-crotch reduction.

### **2. POLICY CONTEXT**

2.1 National Guidance  
PPS1 Delivering Sustainable Development

2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
L1 Landscape Protection and Enhancement

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

CS9 Environmental Resources and Built Heritage

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

3.1 None relevant.

### **4. CONSULTATION RESPONSES**

4.1 Mangotsfield Rural Parish Council  
No objections.

4.2 Tree Officer  
No objection to the works proposed.

### **Other Representations**

4.3 Local Residents

Two letters of support from local residents were received stating the following:

- The trees are far too big to be near the house
- The main worry is that they are close to the school and children could be hurt if a branch were to fall.
- There are five trees next to another garden which could also be trimmed at the same time.
- This requires attention and seems to have been refused in 2007 for no logical reason

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy L1 of the South Gloucestershire Local Plan (Adopted) 2006 seeks to conserve and enhance the quality and amenity of the landscape and distinctiveness of the locality and to protect the features that contribute to the character or appearance of the area.

### 5.2 Analysis of the proposal

The proposed works are in accordance with good arboricultural practice to ensure the long term retention of the tree in a safe condition. As such there are no objections to the proposal which is considered to be in accordance with policy L1 of the South Gloucestershire Local Plan.

### 5.3 Other Issues

With regard to the comments received suggesting that trees close to a neighbouring garden, No. 84 Guest Avenue, could also be trimmed. These trees are covered by Tree Preservation Orders and as such any works to these trees would need to be subject to a planning 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.

6.2 The proposed works are considered to be good arboricultural practice and will support the long term viability of the trees in their current position. As such the proposal complies with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

## 7. RECOMMENDATION

7.1 That the application be approved subject to the following conditions

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

### CONDITIONS

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

Reason

In the interests of the long term health of the tree, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

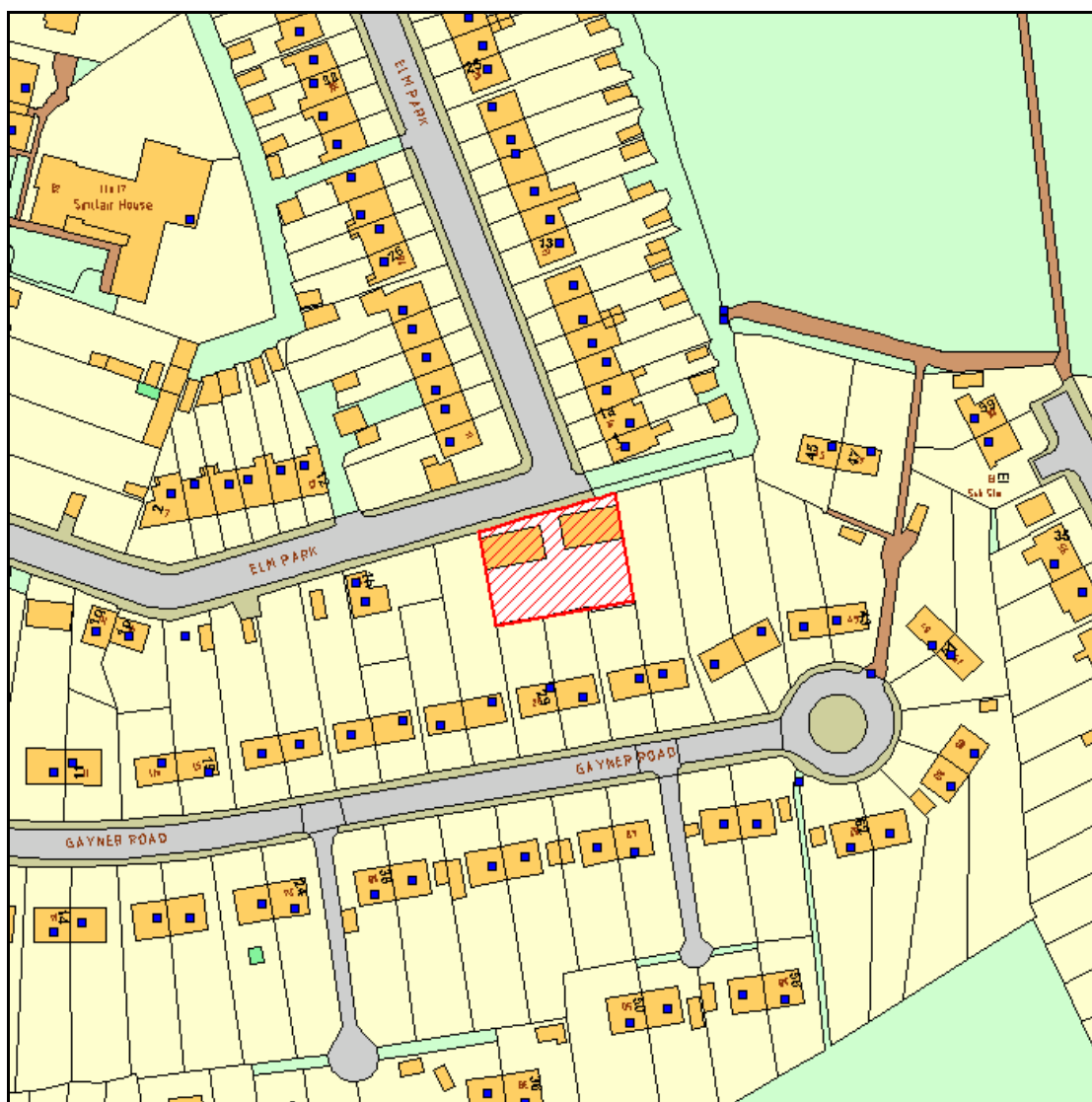
2. The works hereby authorised shall comply with British Standard 3998: 1989 – Recommendations for Tree Work.

Reason

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

**CIRCULATED SCHEDULE NO. 35/10 – 10 SEPTEMBER 2010**

<b>App No.:</b>	PT10/1105/RVC	<b>Applicant:</b>	Pentholm Properties Ltd
<b>Site:</b>	29-33 Gayner Road Filton Bristol South Gloucestershire BS7 0SP	<b>Date Reg:</b>	20th May 2010
<b>Proposal:</b>	Removal of Condition 10 attached to Appeal Decision for PT07/0238/F dated 28 August 2007 to not undertake a licensed Building Research Establishment Environment Assessment Method (BREEAM).	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	360171 178526	<b>Ward:</b>	Filton
<b>Application Category:</b>	Minor	<b>Target Date:</b>	1st July 2010



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 100023410, 2008. **N.T.S.** **PT10/1105/RVC**

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

Objection to the development is received contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This application relates to development approved under PT07/0238/F for eight new flats within 2 new buildings. The development is nearing completion at the time of writing this report.
- 1.2 The planning permission is subject to a condition (Condition 10) requiring that the buildings achieve a BREEAM rating of 'very good' and that this is demonstrated by way of a formal assessment by a licensed assessor. It is now proposed to remove this condition.
- 1.3 Applicants Submission is Support of this Application
  - The development has been purchased by SeeAbility a local charity that provides support and assistance for partially sighted people who may also have other disabilities.
  - The construction of the development would require substantial specialist equipment which is very expensive and as such the provision of the development to BREEAM Eco-Homes 'very good' is no longer viable.
  - The development will bring about significant community benefit in providing homes for partially sighted people in the area.
  - The development would continue to provide sustainable building techniques as required by the building regulations.

### **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
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted)
- 2.4 South Gloucestershire Core Strategy (Pre-submission Publication Draft)  
CS1 High Quality Design.

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

3.1 PT07/0238/F           Erection of 2no. two storey buildings to form 8no. one bedroom flats with car parking and associated works.

Refused

3.2 Appeal APP/P0119/A/07/2043421 against decision above

Allowed subject to conditions including condition 10 which is subject to this application.

### **4. CONSULTATION RESPONSES**

4.1 Filton Town Council  
Object on the basis that the condition reflects current planning policy

4.2 Sustainable Transport  
No Objection

#### **Other Representations**

4.3 Local Residents  
No Comments Received

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

5.1 The application seeks consent to remove planning condition 10 attached to the Appeal Decision APP/P0119/A/07/2043421.

5.2 Principle of Development  
The application relates to development that benefits from planning consent and which is nearing completion. The principle of the development is established. In this instance it is necessary to consider the implications for removing condition 10 of the existing planning consent and allowing development to proceed without achieving BREEAM Eco-Homes 'very good'; and whether or not there is sufficient justification for this.

5.3 Condition 10 was applied to the original planning permission by the Planning Inspector as suggested by the Local Planning Authority in the event that the appeal was allowed. Since the time that the appeal was considered BREEAM Eco-homes standards has been superseded by the Code for Sustainable Homes. Nonetheless, the BREEAM standards remain relevant and the condition continues to be enforceable.

5.4 Assessment and Justification  
The applicant has set out that the development would provide specialist residential units for occupation by partially sighted people, who may also have other disabilities. The applicant also sets out that the provision of specialist equipment associated with providing the accommodation is very expensive which makes the commitment to BREEAM Eco-Homes 'Very Good' unviable in



cost terms. The applicant has submitted that the cost of this is in excess of £50,000.

- 5.5 In this instance it is necessary to balance the removal of Condition 10 and the purpose of requiring the development to achieve BREEAM Eco-Homes 'Very Good' with the community benefits of providing specialist accommodation for partially sighted people in this locality. In this instance, officers acknowledge that the cost of providing the specialist accommodation would be far greater than providing normal open-market housing and would restrict the ability to meet the requirements of condition 10 of the existing consent. Clearly, there would be a significant community benefit in providing the specialist accommodation in this locality. Therefore, on balance it is considered that the removal of condition 10 (such that it is no longer necessary to provide the development meeting BREAAM Eco-Homes 'Very Good') is acceptable.
- 5.6 Notwithstanding the above, it is necessary to re-apply the conditions associated with the existing planning consent as issued by the Planning Inspectorate under APP/P0119/A/07/2043421 where they remain relevant or have not been discharged previously. In this instance it is only necessary to re-apply conditions 4 (bin storage), condition 7 (vehicle and cycle parking), condition 8 (access surfacing) and condition 9 (no planting in access visibility splays). These conditions remain necessary to ensure that adequate bin storage is maintained as part of the development and that safe access and parking for motor vehicles and cycles is available for visitors and/or carers.

## **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 It is concluded that given the circumstances of the case and the community benefit in providing specialist accommodation for partially sighted people there is sufficient justification to remove condition 10 of the existing planning permission; in accordance with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist Adopted Supplementary Planning Document.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 That the removal of Planning Condition 10 (APP/P0119/A/07/2043421) is approved subject to the following conditions.

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

## **CONDITIONS**

1. The refuse bin stores as shown on Drawing no. CA/0906/1003 (as submitted to the Council under planning application PT07/0283/F and approved under planning appeal APP/P0119/A/07/2043421) shall be installed before the first occupation of the buildings hereby approved and thereafter retained as such.

### Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The vehicle and cycle parking facilities within the site as shown on the approved plans shall be provided before the buildings are first occupied and shall thereafter be retained as such.

### 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 vehicular access to the site as shown on the plans approved under planning appeal APP/P0119/A/07/2043421 shall have a bound surface and shall be retained as such.

### Reason

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

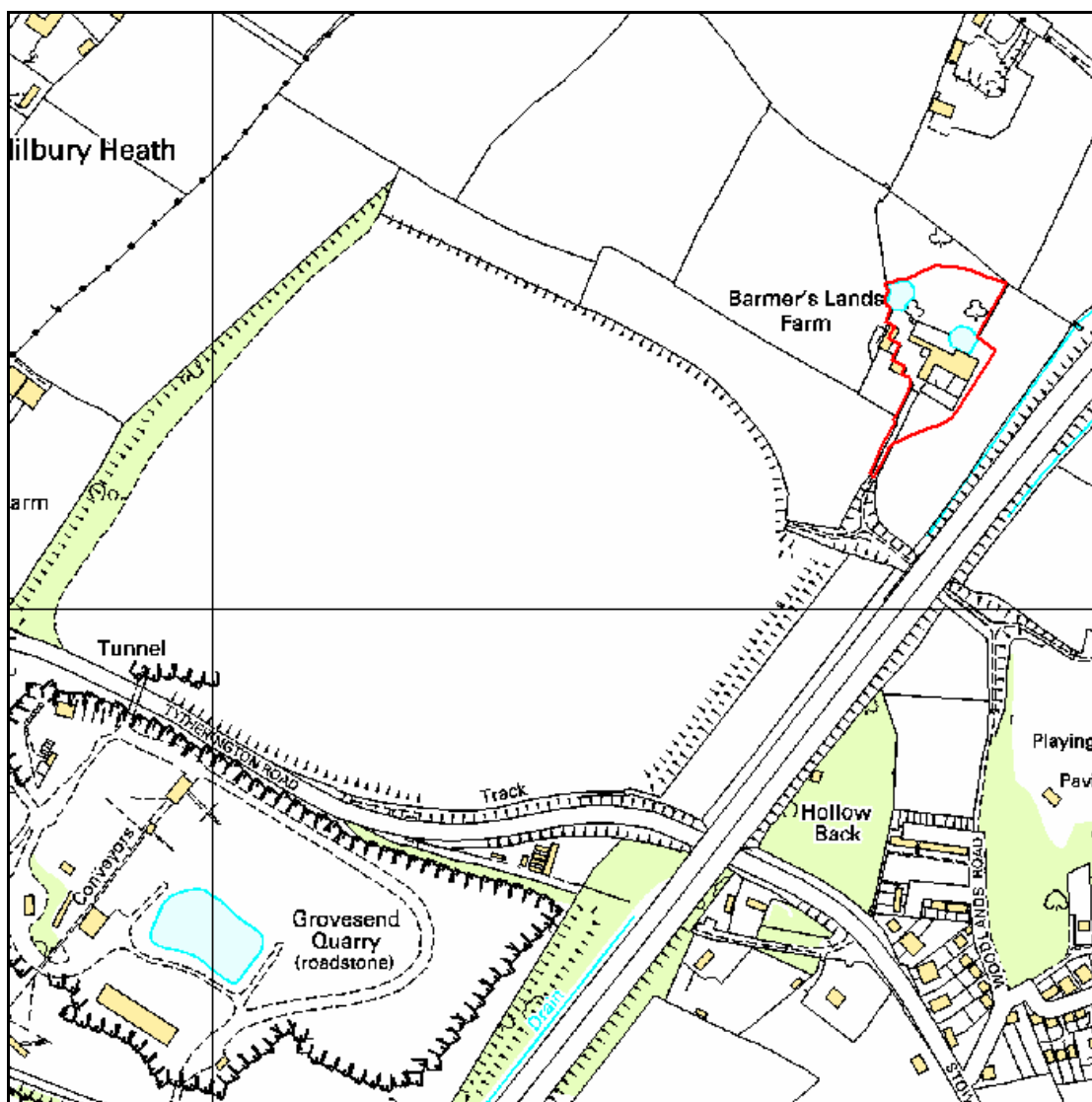
4. There shall be no built form or planting of more than 0.6 metres in height within 2 metres of the carriageway on the site at anytime.

### Reason

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

**CIRCULATED SCHEDULE NO. 35/10 – 10 SEPTEMBER 2010**

<b>App No.:</b>	PT10/1124/EXT	<b>Applicant:</b>	Mr J Price And Others
<b>Site:</b>	Barmer's Land Farm Woodlands Road Tytherington Wotton Under Edge South Gloucestershire	<b>Date Reg:</b>	18th June 2010
<b>Proposal:</b>	Conversion of redundant farm buildings to form 4 no. residential/work units including restoration of adjacent ponds, provision of a reed bed foul drainage filtration system and 2no. earth bunds. (Consent to extend time limit implementation for PT05/0826/F)	<b>Parish:</b>	Tytherington Parish Council
<b>Map Ref:</b>	366628 189245	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Minor	<b>Target Date:</b>	11th August 2010



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 100023410, 2008. **N.T.S.** **PT05/0827/LB**

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

This application appears on the Circulated Schedule in view of those comments received from the Parish Council.

### **1. THE PROPOSAL**

- 1.1 The application seeks a time extension to a previous planning permission for the conversion of redundant farm buildings to provide four live/ work units. The permission also allowed the restoration of adjacent ponds and the provision of a reed bed foul drainage system. Further, the permission also facilitated the formation of two earth bunds and a new access road.
- 1.2 The application relates to Barmer's Land Farm located at the far end of Woodlands Road, Tytherington. All buildings are either Grade II listed or are curtilage listed. The application site is located beyond any settlement boundary within the open countryside; it is immediately adjacent to the M5 motorway being readily visible from this vantage point. The area around the entrance is identified as a site of national nature conservation interest.
- 1.3 There is a concurrent submission for the extension of time of the associated listed building application (PT10/1197/EXT). This application is currently pending a decision.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1: Delivering Sustainable Development  
PPS3: Housing  
PPS4: Planning and Economic Development  
PPS5: Planning and the Historic Environment  
PPS7: Sustainable Development in Rural Areas  
PPG13: Transport  
PPG24: Noise

#### **2.2 Development Plans**

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

CS1: High Quality Design  
CS9: Environmental Resources and Built Heritage  
CS17: Housing Diversity  
CS18: Affordable Housing

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development  
L1: Landscape Protection and Enhancement  
L4: Forest of Avon  
L7: Sites of National Nature Conservation Interest  
L8: Sites of Regional and Local Nature Conservation Interest

L9: Species Protection  
L13: Listed Buildings  
L17: The Water Environment  
L18: The Water Environment  
T8: Parking Standards  
T12: Transportation Development Control Policy for New Development  
H3: Residential Development in the Countryside  
H10: Conversion of Rural Buildings for Residential Purposes  
EP4: Noise Sensitive Development  
E6: Employment Development in the Countryside  
E7: Conversion and Re-use of Rural Buildings

South Gloucestershire Minerals & Waste Local Plan (Adopted) May 2002

Policy 43: Inert Waste

Policy 45: Environmental Bunds

2.3 Supplementary Planning Guidance  
South Gloucestershire Local Plan (Adopted)

**3. RELEVANT PLANNING HISTORY**

- 3.1 PT03/0669/LB: Refurbishment of existing farmhouse including internal and external works (part retrospective). Permitted: 17 June 2003
- 3.2 PT04/0335/F: Conversion of existing barns to form four residential/ workshop units. Refused: 10 March 2004
- 3.3 PT04/0337/LB: Conversion of existing barns to form four residential/ workshop units. Refused: 10 March 2004
- 3.4 PT05/0489/F: Construction of noise and pollution environmental bund. Refused: 9 March 2007.
- 3.5 PT05/0826/F: Conversion of redundant farm buildings to form four residential/ work units including restoration of adjacent ponds, provision of reed bed foul drainage filtration system & two earth bunds (resubmission of PT04/0335/F). Permitted: 27 June 2007
- 3.6 PT05/0827/LB: Conversion of redundant farm buildings to provide four residential / work units (resubmission of PT04/0337/LB). Permitted: 25 June 2007
- 3.7 PT10/1197/EXT: Conversion of redundant farm buildings to form four residential/ work units (consent to extend time limit for PT05/0827/LB). Decision Pending

**4. CONSULTATION RESPONSES**

- 4.1 Tytherington Parish Council  
'As the access road runs over Parish Council land should not the PC have been consulted on this matter'.

- 4.2 Other Consultees  
Highways DC: no objection  
Drainage Engineer: previous comments apply  
Environment Agency: no objection  
PROW Officer: no objection  
Environmental Health Officer: no further comments  
Ecology Officer: No objection subject to conditions/ informatives

### **Other Representations**

- 4.3 Local Residents  
No comments received

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
The principle of development has been established by the previous grant of planning permission. Since this time it is considered there has been no material change in planning policy that would have a significant impact on this proposal although it is noted that revisions have been made to PPS4, and PP5 whilst there is new emerging policy in the form of the South Gloucestershire Core Strategy; the same local plan remains.
- 5.2 Although the principle of development has been established, this report addresses those issues that were previously considered.
- 5.3 Design/ Visual Amenity  
The application relates to Barmer's Land Farm that sits at the far end of Woodlands Road in relative isolation albeit with the site adjacent to the M5 motorway. Primarily, the application would allow the conversion of a number of redundant farm buildings (in front of the existing farmhouse) to provide four live/work units. Unit 1 would be closest to the farmhouse with this to comprise a two-bedroom single-storey unit with two workshop areas attached. The associated garden area would extend behind to the existing rear site boundary that separates the orchard behind.
- 5.4 The buildings that would provide unit 2 sit centrally amongst this attached range of farm buildings. This would form the largest unit comprising a two-storey four-bed unit with its associated workshop facilities contained within the range of single-storey buildings that stretch towards the motorway and that would provide all further workshops and parking. The garden associated with this unit would run alongside that serving unit 1.
- 5.5 Unit 3 would again be two-storey and would form a two-bedroom unit with the bedroom accommodation at ground level. Unit 4 would also comprise a two-storey unit with this accommodation sited towards the front of the site close to the vehicle/ pedestrian access. Each would again benefit from an area of private garden space.

- 5.6 It is understood that the detailed design was the subject of considerable consultation/ change at the time of the original permission. On this basis, and given the nature of this current application, there is no objection to the current proposal in this instance.
- 5.7 Need for a Business Reuse  
At the time of the previous submission, the officer report advised that the applicant had submitted a surveyor's evaluation contending that there exists uncertainty over the need for and viability of a commercial use whilst a business use would be likely to raise both highway and listed building concerns; this view was accepted by officers. Nonetheless, with each unit to benefit from workshop accommodation, it was noted that the proposal broadly supports the thrust of this policy.
- 5.8 In this instance, no further marketing evidence has been received; this would not be reasonably anticipated given the nature of this application. On this basis, given the circumstances outlined and with it acknowledged that that marketing position for any business reuse is likely now to be worse, as before there is no objection to the proposal on this basis. It is also noted that the reasons for extension of time applications was to allow greater flexibility as part of the planning process to help applicants and developers during the economic downturn.
- 5.9 Structural Condition of Buildings:  
Policy H10 of the adopted local plan requires buildings to be converted to be permanent construction and capable of conversion without major or complete reconstruction. To this extent, at the time of the first planning application a structural report was submitted with which the Council's structural engineer agreed. One building that was not considered to be capable of conversion without extensive alteration and rebuilding would now solely provide carport and storage accommodation.
- 5.10 In view of the above, there remains no objection to the proposal on this basis with the buildings appearing in a similar state of repair to that reasonably anticipated at the time of this first application.
- 5.11 Listed Building Considerations  
Policy L13 of the adopted local plan requires features of architectural/ historic interest and the character, historic form and structural integrity of the building to be retained. As such, the previous officer report advises that 'exhaustive negotiation has taken place with the applicants to secure a scheme that is appropriate to the listed designation' and thus on this basis, the application was considered to be acceptable on listed building grounds. On this basis, with the plans the same as those approved, there is no objection to this submission (subject to the conditions that were previously attached).
- 5.12 Residential Amenity  
The application site sits in relative isolation adjacent to the motorway with only the existing farmhouse within close proximity of the proposal. To this extent, issues of residential amenity remain unchanged with it noted that whilst the proposed units would be close knit, the relationship between these was

considered 'broadly acceptable' as was the relationship with the farmhouse. Accordingly, there is again no objection to the proposal on residential amenity grounds (issues related to the impact of the M5 motorway are discussed below).

5.13 Highway Safety

The existing site access is via Woodlands Road that leads under a bridge that carries the M5 motorway. However, the proposal would allow the reopening of an overgrown track that runs alongside Tytherington Road and which then turns to run parallel with the motorway to reach the application site. This arrangement was considered to be acceptable at the time of the previous application subject to conditions. Accordingly, it is considered that there can be no reasonable objection to this same proposal in this instance.

5.14 Noise

The application site sits close to the M5 motorway and as acknowledged at the time of the previous planning permission, this would have an impact on the residential amenities of the future occupiers. To help mitigate this noise impact, as before the proposal would also allow the formation of two 3m high earth bunds that would help protect outdoor amenity space with mechanical ventilation utilised internally. Again, these bunds and further attenuation measures were the subject of negotiation at the time of the previous application to help find a balance between the protection of residential amenity and listed building considerations. Given the nature of this application, there is again no objection to the proposal on this basis.

5.15 Nature Conservation

The original application was supported by an ecological survey with bats recorded within one of the surveyed buildings. Accordingly, development would be subject to a DEFRA license whilst the proposal incorporating a new roosting area within one of the garage/ carports. No other protected species were recorded whilst the restoration of the existing pond was considered to comprise an ecological enhancement.

5.16 The approved access into Tytherington Road would be at two points with one access creating a gap through an existing rock outcrop. It was noted that the importance of the geology at this location has been recognised as part of an SNCI/ SSSI designation although it had been argued that exposing the rock strata at this very localised position might be of some benefit whilst the application was not considered to affect the Tytherington Quarry SSSI or the Tytherington Common SNCI. On this basis, and with no objection having been raised by Natural England or the Councils Ecology Officer, there was and remains no objection to this proposal.

5.17 Waste and Minerals

As per the previous planning permission, a condition would be required to ensure that only soils and sub-soils are imported onto the site to create the necessary earth bunds.



5.18 Public Rights of Way

The Councils Public Rights of Way Officer has advised that the proposal will affect the nearest recorded public right of way. However, there is no objection to this application provided the applicant's attention is drawn to the limitations that this would impose. It is considered that this can be appropriately dealt with by way of a planning informative.

5.19 Affordable Housing

Planning policy H6 advises that on all housing developments of 15 or more dwellings or sites of more than 0.5Ha, an element of affordable housing will be required. However, this was not requested at the time of initial planning permission whilst the site area of the housing development would be below this threshold. As such, there is no objection to this current application on this basis.

5.20 Outstanding Issues

The Parish Council have expressed concern that notice should have been served on them by the applicant given that they own land which forms part of the application site. In response, the agent has advised that it is the clients understanding that whilst that are granted a right of access over land owned by the Parish Council to the east of the motorway, land to the west is not under the ownership of the Parish Council and as such, the applicant considers that no notice is required.

5.21 In response, issues of land ownership would not generally comprise a civil matter and in this instance, the agent/ applicant has confirmed that the submitted details are considered to be correct. As such, it is not considered that planning permission could be reasonably withheld on this basis although it is noted that the grant of permission would not authorise works on land that falls outside of the applicant's control.

**6. CONCLUSION**

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

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

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

1. The proposal would allow the sensitive conversion of redundant agricultural buildings in accordance with Planning Policies D1 (Achieving Good Quality Design in New Development), H10 (Conversion and Reuse of Rural Buildings for Residential Purposes) and L13 (Listed Buildings) of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The proposal would be acceptable in highway safety terms and accord with the provisions of planning policy T12 (Transportation Development Control Policy for New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.
3. The proposal incorporates sufficient measures to offset the impact of the M5 motorway and would allow a satisfactory form of layout to ensure that the proposal is acceptable in residential amenity terms. The proposal is therefore considered to accord with Planning Policies H10 and EP4 (Noise Sensitive Development) of the South Gloucestershire Local Plan (Adopted) January 2006.
4. The proposal incorporates sufficient mitigation measures to ensure the safeguarding of ecological interests. The proposal is therefore considered to accord with Planning Policy L9 (Protected Species) of the South Gloucestershire Local Plan (Adopted) January 2006.

## **7. RECOMMENDATION**

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

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

### **CONDITIONS**

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

Reason

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

2. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, F, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity, design, listed building considerations and to protect the residential amenity of the neighbouring occupiers all to accord with Planning Policies D1, H10 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include

details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and all areas of hard surfacing. Development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the area to accord with Planning Policies H10, D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. No development shall take place until drainage details, including the proposed reed bed system, incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development have been 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 that a satisfactory means of drainage is provided, and to accord with Planning Policies L17, L18 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the commencement of development, the proposed routing of, and access for, construction traffic to the site shall be submitted to and agreed in writing with the Local Planning Authority. The routing arrangements shall also refer to the times of construction traffic movements (the times to be agreed will need to avoid the AM peak time). The details so agreed shall thereafter be implemented unless the further written consent of the Local Planning Authority is obtained.

Reason

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

6. Prior to the commencement of development, the details of a scheme of traffic management shall be submitted to and agreed in writing by the Local Planning Authority. The details so agreed shall thereafter be implemented unless the further written consent of the Local Planning Authority is obtained.

Reason

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

7. No development shall take place until details of wheel-washing facilities to be provided on site have been submitted to and approved by the Local Planning Authority. These facilities shall be provided prior to development commencing and maintained during the period of construction. All commercial vehicles shall have their wheels washed before entering the public highway.

Reason

To safeguard the amenity of the locality, and to accord with Planning Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. No development shall take place until the required footway crossing at the access points have been provided in accordance with details submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason

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

9. Before first occupation of any of the approved dwellings, the existing vehicular access shall be permanently stopped up in accordance with details to be first approved in writing by the Local Planning Authority.

Reason

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

10. No doors or gates shall be hung across the approved new access and the first 10m of that access from the highway shall have a bound surface.

Reason

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

11. Before the first occupation of any of the dwellings, the approved bunds shall be completed in their entirety and in accordance with details to be first agreed in writing by the Local Planning Authority. Such details shall include cross sections with reference to a datum level. The bunds thereafter shall be permanently retained in the manner so approved.

Reason

To minimise disturbance to occupiers of the approved dwellings and to accord with Planning Policies H2, EP4, L1 and H10 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. The bunds shall comprise uncontaminated soils and sub-soils only. No other material shall be deposited at the site.

Reason

To prevent pollution/ contamination and to ensure that the development is carried out to an acceptable environmental standard in accordance with planning policies EP1 and EP6 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy 43 of the Minerals and Waste Local Plan (Adopted May 2002).

13. The approved workshop units shall be used for purposes falling within class B1 of the Schedule to the Town and Country Planning (Use Classes) Amendment Order 2005 only and shall be used by the occupants of the dwellings to which they relate and their employees only.

Reason

The permission has been granted solely having regard to the special circumstances of the case and use not in accordance with the requirements of the condition would require the further consideration of the Local Planning Authority in the light of the Development Plan, and any other material considerations.

14. Prior to the commencement of the works hereby approved, a detailed specification and schedule of repairs, including the proposed structural works and timber and damp treatment (in respect of which approval is expressly reserved) shall be submitted to the Local Planning Authority for approval. No works shall be commenced until the Local Planning Authority has given written approval, for the submitted details and the works shall be constructed exactly in accordance with the details so approved.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Planning Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

15. Notwithstanding the submitted details, prior to the commencement of the works hereby approved, large scale details of the following, (in respect of which approval is expressly reserved) shall be submitted to the Council for approval:
- a) Flues and vents
  - b) Rainwater goods
  - c) Eaves, verges and ridges
  - d) Windows and external doors
  - e) The glazed screens

No works shall be commenced until the Council has given written approval, for the submitted details and the works shall be constructed exactly in accordance with the details so approved.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Planning Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

16. Prior to the commencement of the works hereby approved, samples of the proposed roof tiles, and walling stone, and samples of mortar shall be submitted to the Council for approval. No works shall commence until the Council has given written approval for the samples, and the materials used shall comply exactly with the details so approved. For the avoidance of doubt, roof tiles are to be handmade second hand natural clay tiles, matching the existing in colour, profile and texture, and verges to be bedded on natural slate under cloaks. The walling stone shall be dressed rubble stone sorted to match the original in size, finish and colour, and the mortar shall be traditional lime mortar.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Planning Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

17. Prior to the commencement of the works hereby approved, sample panels of the proposed repointing shall be erected on site, for approval by the Local Planning Authority. No works shall be commenced until written approval has been given by the Local Planning Authority, and the repointing shall be carried out exactly in accordance with the sample so approved.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Planning Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

18. Prior to the commencement of the works hereby approved details of the proposed external joinery and fenestration finishes shall be submitted to the Local Planning Authority for approval. No works shall commence until the Local Planning Authority has given its written approval. The finish of the fenestration and joinery shall comply exactly with the details so approved. No alteration of the approved finish shall take place without written approval of the Local Planning Authority. For the avoidance of doubt all external joinery shall be painted not stained.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Planning Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

19. Prior to the commencement of the works hereby approved, full details of proposed mechanical and electrical systems including external electrical fittings including lights, meter boxes and security alarms, (in respect of which approval is expressly reserved) shall be submitted to the Local Planning Authority for approval. No works shall be commenced until the Local Planning Authority has given written approval, for the submitted details and the works shall be constructed exactly in accordance with the details so approved.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Planning Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

20. No development shall take place until there has been submitted to and approved by the Local Planning Authority a programme of archaeological investigation and recording for the site. Thereafter, the approved programme shall be implemented in all respects, unless the Local Planning Authority agrees in writing to any variation.

Reason

In the interest of archaeological investigation or recording, and to accord with Planning Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006.

21. Details to be provided to accord with condition No.3 shall include all hard surfacing details. Any proposal to remove any cobbles must be subject to a justification statement that shall be submitted to and approved in writing by the Local Planning Authority. All approved details shall be undertaken before the first occupation of any of the dwellings

Reason

To maintain and enhance the character and setting of the listed building, and to accord with Planning Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

22. The access road hereby approved shall be at least 5m from the quarry edge unless otherwise first agreed in writing by the Local Planning Authority.

Reason

To protect the interest features of the SSSI/ ecological interests of the site, in accordance with Planning Policy L7 of the South Gloucestershire Local Plan (Adopted) January 2006.

23. Any oil or chemical storage tanks shall be surrounded by an impervious oil/ watertight bund having a capacity of at least 110% of the tank and of a structural firstly design approved in writing by the Local Planning Authority.

Reason

To prevent non-point source pollution and flooding, and to accord with Planning Policies EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006

24. There shall be no discharge of foul or contaminated drainage or trade effluent from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason

To prevent non-point source pollution and flooding, and to accord with Planning Policies EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

25. No development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been approved by the Local Planning Authority. The scheme shall include details of the following:

1. Site security.
  2. Fuel oil storage, bunding, delivery and use
  3. How both minor and major spillage will be dealt with
  4. Containment of silt/ soil contaminated run-off
  5. Disposal of contaminated drainage, including water pumping from excavations.
- The development shall progress in accordance with the agreed scheme.

Reason

To prevent non-point source pollution and flooding, and to accord with Planning Policies EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

26. No development shall take place until details of the restoration of the pond have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason 1

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

Reason 2

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

27. Prior to the commencement of development a mitigation strategy for bats shall be submitted to and approved in writing by the Local Planning Authority. The strategy should include and accord with the provisions outlined in the ecological survey report dated 2004 (by Michael Woods Associates and forming part of PT05/0826/F) and all works shall thereafter be carried out in accordance with these approved details.

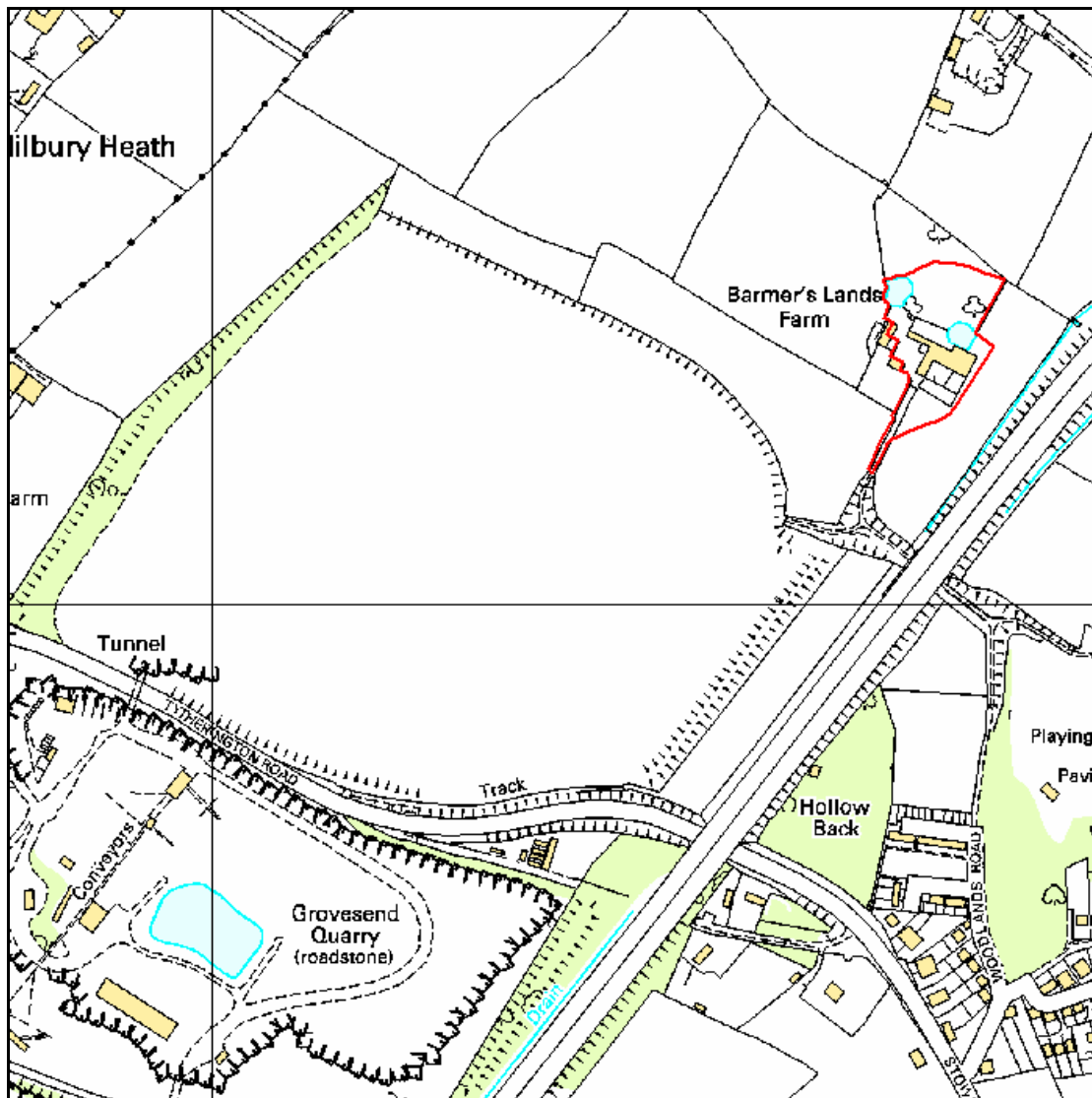
Reason

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



**CIRCULATED SCHEDULE NO. 35/10 – 10 SEPTEMBER 2010**

<b>App No.:</b>	PT10/1197/EXT	<b>Applicant:</b>	Mr J Price And Others
<b>Site:</b>	Barmer's Land Farm Woodlands Road Tytherington Wotton Under Edge South Gloucestershire	<b>Date Reg:</b>	25th May 2010
<b>Proposal:</b>	Conversion of redundant farm buildings to form 4 no. residential/work units. (Consent to extend time limit implementation for PT05/0827/LB).	<b>Parish:</b>	Tytherington Parish Council
<b>Map Ref:</b>	366628 189245	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Minor	<b>Target Date:</b>	16th July 2010



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 100023410, 2008. N.T.S. PT10/1197/EXT

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

This application has been referred to the Circulated Schedule in view of comments received from the Parish Council.

### **1. THE PROPOSAL**

- 1.1 The application seeks a time extension to a previous listed building consent for the conversion of redundant farm buildings to provide four live/ work units.
- 1.2 The application relates to Barmer's Land Farm located at the far end of Woodlands Road, Tytherington. All buildings are either Grade II listed or are curtilage listed. The application site is located beyond any settlement boundary within the open countryside; it is immediately adjacent to the M5 motorway being readily visible from this vantage point. The area around the entrance is identified as a site of national nature conservation interest.
- 1.3 There is a further submission for an extension of time to the associated planning permission (PT10/1124/EXT); this is pending a decision.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS5: Planning and the Historic Environment

- 2.2 Development Plans

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

CS9: Environmental Resources and Built Heritage

South Gloucestershire Local Plan (Adopted) January 2006

L13: Listed Buildings

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

- 3.1 PT03/0669/LB: Refurbishment of existing farmhouse including internal and external works (part retrospective). Permitted: 17 June 2003
- 3.2 PT04/0335/F: Conversion of existing barns to form four residential/ workshop units. Refused: 10 March 2004
- 3.3 PT04/0337/LB: Conversion of existing barns to form four residential/ workshop units. Refused: 10 March 2004
- 3.4 PT05/0489/F: Construction of noise and pollution environmental bund. Refused: 9 March 2007.
- 3.5 PT05/0826/F: Conversion of redundant farm buildings to form four residential/ work units including restoration of adjacent ponds, provision of reed bed foul

drainage filtration system & two earth bunds (resubmission of PT04/0335/F). Permitted: 27 June 2007

- 3.6 PT05/0827/LB: Conversion of redundant farm buildings to provide four residential / work units (resubmission of PT04/0337/LB). Permitted: 25 June 2007
- 3.7 PT10/1124/EXT: Conversion of redundant farm buildings to form four residential/ work units including the restoration of adjacent ponds, the provision of a reed bed foul drainage filtration system and two earth bunds (consent to extend time limit for PT05/0826/F). Decision Pending

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

##### **4.1 Tytherington Parish Council**

The Parish Council have written to ask whether they should have been consulted on the application given that the access road runs over land that is owned by the Parish Council.

Clarification on this has confirmed that the Parish Council have received notification of the application from the Council but the applicant has not served notice on the Parish Council. In response, matters related to land ownership comprise a civil matter and are not considered to comprise a planning issue. Nevertheless, the agent has confirmed that it is their understanding that the correct notice has been served as part of Certificate B of the application form.

For the above reasons, it is not considered that listed building consent could be reasonably withheld on this basis.

##### **4.2 Other Consultees**

Conservation Officer: no comment

#### **Other Representations**

##### **4.3 Local Residents**

No comments received

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

##### **5.1 Principle of Development**

The principle of development has been established by the grant of the previous listed building consent. It is considered that there have been no significant changes in policy since this time that would have altered the previous decision albeit with the new PPS5 published.

5.2 A full report relating to this application appears under PT10/1124/EXT.

##### **5.3 Design/ Visual Amenity**

The application relates to Barmer's Land Farm that sits at the far end of Woodlands Road in relative isolation albeit with the site adjacent to the M5 motorway. The granting of consent would allow an extension of time to

application PT05/0827/LB that was approved on June 27<sup>th</sup> 2007; this consent was subject to a three-year time limit with the application still valid at the time this application was submitted.

- 5.4 The application would allow the conversion of a number of redundant farm buildings to provide four live/ work units. The proposals would remain the same as those previously approved. In so doing, unit 1 would be formed closest to the existing farmhouse with this to comprise a two-bedroom single-storey unit with two workshop areas attached to this dwelling. The associated garden serving this unit would extend behind this property to the existing rear site boundary that separates the orchard behind.
- 5.5 The buildings that would provide unit 2 sit centrally amongst this attached range of farm buildings. This unit would comprise the largest unit of accommodation forming a two-storey four-bed unit with its associated workshop facilities contained within the range of single-storey buildings that stretch towards the motorway and which would provide further workshops and parking space. The garden associated with this unit would run alongside that serving unit 1.
- 5.6 Unit 3 would again be two-storey and would form a two-bedroom unit with the bedroom accommodation at ground level. Unit 4 would also comprise a two-storey unit with this accommodation sited towards the front of the site close to the vehicle/ pedestrian access. Each would again benefit from an area of private garden space; to the rear alongside that serving unit 2 and within the front courtyard area respectively.
- 5.7 In considering this application, it is noted that the officer report in respect of the initial application highlights that there was extensive negotiation to secure an appropriate scheme having regard to the sensitive nature of these historic listed buildings. The approved plans were considered to achieve this subject to a number of conditions attached to the decision notice. These required further details in respect of a number of issues including the proposed structural works, building materials and detailing.
- 5.8 In view of the above, with no change to the submitted plans and with no apparent change in circumstance at the application site, there is again no objection to this current proposal subject to those conditions previously listed. To this extent, it is noted that the Councils Listed Building Officer has raised no further comment in respect of this second application.
- 5.9 Further Issues  
There are various further works associated with this development that are encompassed by the planning application; these include the restoration of adjacent ponds, the formation of earth bunding and the creation of a new access road. These issues are not considered to be directly associated with this application for listed building consent; on this basis it is not considered that the granting of listed building consent would in any way predetermine the associated planning application.

## 6. CONCLUSION

- 6.1 The recommendation to grant listed building consent 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 Listed Building Consent be **GRANTED** subject to the following conditions:

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

### CONDITIONS

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

Reason

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

2. Prior to the commencement of the works hereby approved, a detailed specification and schedule of repairs, including the proposed structural works and timber and damp treatment (in respect of which approval is expressly reserved) shall be submitted to the Council for approval. No works shall be commenced until the Council has given written approval, for the submitted details and the works shall be constructed exactly in accordance with the details so approved.

Reason

To preserve the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPS5.

3. Notwithstanding the submitted details, prior to the commencement of the works hereby approved, large scale details of the following, (in respect of which approval is expressly reserved) shall be submitted to the Council for approval.
  - a) Flues and vents
  - b) Rainwater goods
  - c) Eaves, verges and ridges,
  - d) Windows and external doors
  - e) The glazed screens

No works shall be commenced until the Council has given written approval, for the submitted details and the works shall be constructed exactly in accordance with the details so approved.

Reason

To preserve the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPS5.

4. Prior to the commencement of the works hereby approved, samples of the proposed roof tiles, and walling stone, and samples of mortar shall be submitted to the Council for approval. No works shall commence until the Council has given written approval for the samples, and the materials used shall comply exactly with the details so approved. For the avoidance of doubt, roof tiles are to be handmade second hand natural clay tiles, matching the existing in colour, profile and texture, and verges to be bedded on natural slate undercloaks. The walling stone shall be dressed rubble stone sorted to match the original in size, finish and colour, and the mortar shall be traditional lime mortar .

Reason

To preserve the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPS5.

5. Prior to the commencement of the works hereby approved, sample panels of the proposed repointing shall be erected on site, for approval by the Council. No works shall be commenced until written approval has been given by the Council, and the repointing shall be carried out exactly in accordance with the sample so approved.

Reason

To preserve the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPS5.

6. Prior to the commencement of the works hereby approved details of the proposed external joinery and fenestration finishes shall be submitted to the Council for approval. No works shall commence until the Council has given written approval. The finish of the fenestration and joinery shall comply exactly with the details so approved. No alteration of the approved finish shall take place without written approval of the Council. For the avoidance of doubt all external joinery shall be painted not stained.

Reason

To preserve the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPS5.

7. Prior to the commencement of the works hereby approved, full details of proposed Mechanical and electrical systems including external electrical fittings including lights, meter boxes and security alarms, (in respect of which approval is expressly reserved) shall be submitted to the Council for approval. No works shall be commenced until the Council has given written approval, for the submitted details and the works shall be constructed exactly in accordance with the details so approved.

Reason

To preserve the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPS5.

8. Prior to the commencement of the works hereby approved, large scale details (in respect of which approval is expressly reserved) of the internal joinery including doors, doorcases, stairs, panelling and skirtings shall be submitted to the Council for

approval. No works shall be commenced until the Council has given written approval, for the submitted details and the works shall be constructed exactly in accordance with the details so approved.

Reason

To preserve the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPS5.

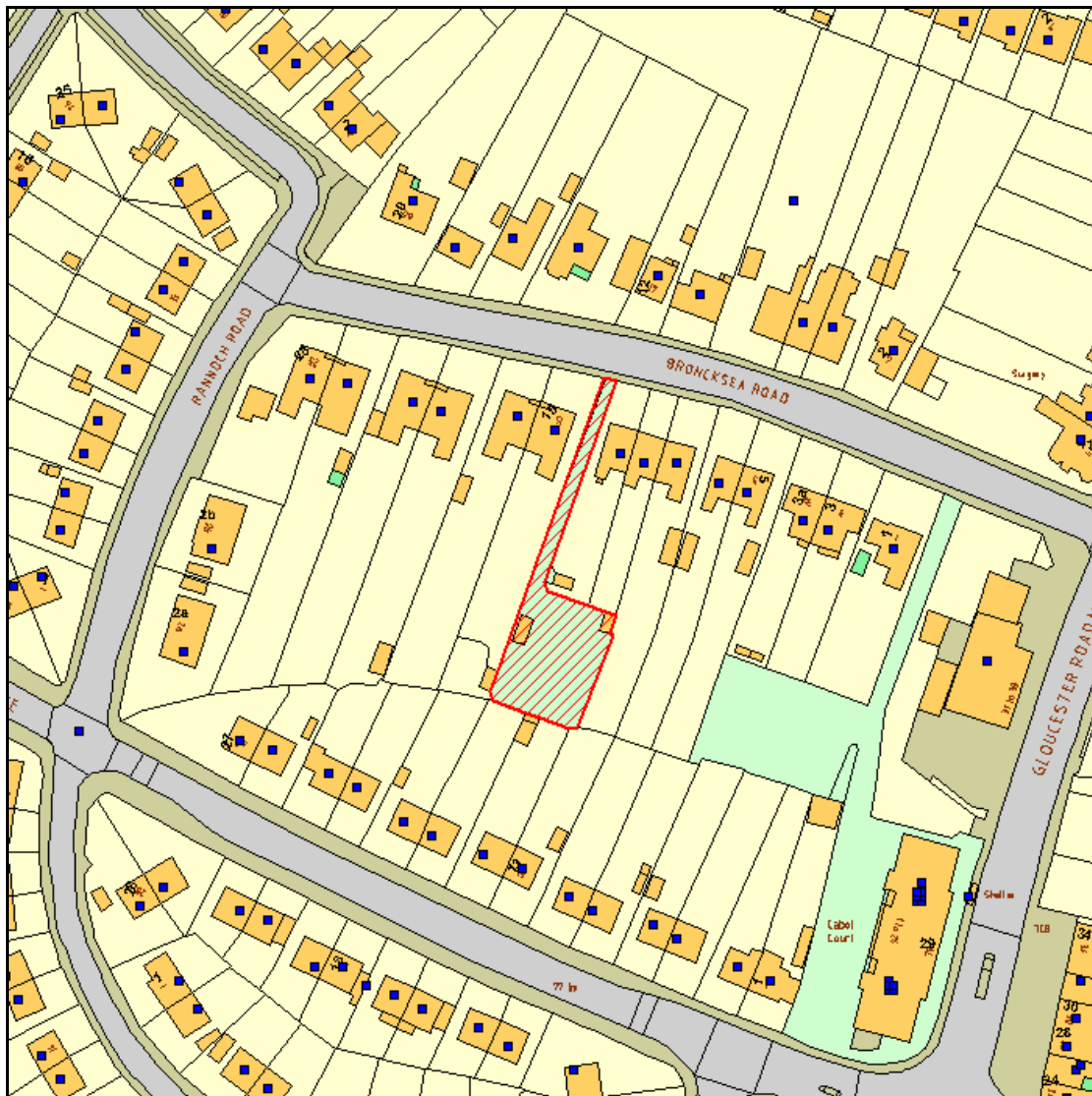
9. Prior to the commencement of the works hereby approved full details of the proposed floors, and the proposed ceiling and internal wall finishes (in respect of which approval is expressly reserved) shall be submitted to the Council for approval. No works shall commence until written approval has been given by the Council, for the submitted details and, the materials used shall comply exactly with the details so approved. For the avoidance of doubt, plaster finishes to historic walls and ceilings shall be traditional lime hair plaster and floors shall be natural stone or timber floors.

Reason

To preserve the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPS5.

**CIRCULATED SCHEDULE NO. 35/10 – 10 SEPTEMBER 2010**

<b>App No.:</b>	PT10/1722/F	<b>Applicant:</b>	Mr And Mrs M Arberry Johnson
<b>Site:</b>	Land At 11 Broncksea Road Filton Bristol South Gloucestershire BS7 0SE	<b>Date Reg:</b>	12th July 2010
<b>Proposal:</b>	Erection of 1 no detached dwelling and garage with associated works (Re- Submission of PT10/1060/F)	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	359812 178374	<b>Ward:</b>	Filton
<b>Application Category:</b>	Minor	<b>Target Date:</b>	6th September 2010



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 100023410, 2008. **N.T.S.** **PT10/1722/F**



## **REASON FOR REFERRAL TO CIRCULATED SCHEDULE**

This application appears on the Circulated Schedule following the receipt of representations from Filton Town Council and local residents that are contrary to the Case Officer's recommendation.

## **EXECUTIVE SUMMARY**

The purpose of this Circulated Schedule report is for Members to consider the recommendation of the Case Officer on the application for planning permission.

This application is for full planning permission for the erection of one detached dwelling sited within the rear garden of 11 Bronkseas Road, Filton. The site is situated within the Bristol North Fringe Urban Area.

In response to this application 13 letters of objection have been received. The main issues raised were the: principle of development; design; residential amenity; transportation; flooding and drainage; trees; ecology; accuracy; land ownership; and property value.

Officers have considered the application and the comments received from local residents and other statutory consultees. It has been concluded that the proposed residential development within the curtilage of an existing dwelling and the Bristol North Fringe Urban Area would be acceptable in principle, and the development would not cause demonstrable harm to the: character of the local area, residential amenity enjoyed by local residents; highway safety, trees within the site; water environment; and ecology. As such Officers are satisfied that the proposed development accords with the South Gloucestershire Local Plan and thus it has been recommended that planning permission should be granted, subject to the conditions listed at the end of this report.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks planning permission for the erection of a detached dwelling.
- 1.2 The application site is rectangular in shape and is approximately 0.06ha in area. It is located on land to the rear of Bronkseas and Braemar Road and consists of garden relating to 11 Bronkseas Road. The site lies within a well established residential area of Filton, and is within the Bristol North Fringe Urban Area.
- 1.3 The proposed development comprises of a single detached dwelling. The dwelling would be sited in centre of the site and would be surrounded by its private amenity space. To the front of the proposed dwelling there would be a turning space and one parking space.
- 1.4 This application is a resubmission of the previously withdrawn application PT10/1060/F.

### **2. POLICY CONTEXT**

- 2.1 National Guidance

PPS1: Delivering Sustainable Development  
PPS3: Housing  
PPG13: Transport

## 2.2 Ministerial Statement

Letter to Chief Planning Officers: New Powers for Local Authorities to Stop 'Garden Grabbing' June 2010 – refers to new development in residential curtilages.

## 2.3 Development Plans

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

D1: Achieving Good Quality Design In New Development  
L1: Landscape Protection and Enhancement  
L9: Species Protection  
L17 & L18: The Water Environment  
T8: Parking Standards  
T12: Transportation Development Control Policy for New Development  
H2: Residential Development within the Existing Urban Area  
H4: Residential Development within Existing Residential Curtilages

## 2.4 Emerging Development Plan

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

CS1: High Quality Design  
CS5: Location of Development  
CS16: Housing Density  
CS17: Housing Diversity  
CS25: Communities of the North Fringe of Bristol Urban Area

## 2.5 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007

## 3. RELEVANT PLANNING HISTORY

- 3.1 P93/2434 Erection of single detached bungalow (outline)  
Refused.
- 3.2 PT10/1060/F Erection of 2 no. semi detached dwellings and  
garages with associated works  
Withdrawn.

## 4. CONSULTATION RESPONSES

### 4.1 Internal Consultees

Street Care (Drainage)  
No objection

### 4.2 External Consultees

Highway's Authority (Sustainable Transportation)

No objection.

Filton Town Council

Objection to back garden development, Suggest site visit.

Local Residents

In response to this application 13 letters have been received from local residents. The main points are summarised below and have been listed under the sections of the report where they will be addressed: -

*Principle of Development*

- 'Garden Grabbing' and the changes to PPS3 made by the Coalition Government.
- Application for a bungalow was previously refused: P93/2434

*Design*

- Erode the green character of rear gardens.
- Loss of green outlook.
- Modern development would not respect character of the area.
- Bin storage.

*Residential Amenity*

- Overbearing impact.
- Loss of privacy to surrounding dwellings.
- Noise, air and light pollution.
- Adverse impact on quality of life.
- Loss of security.

*Transportation*

- The width of access is inadequate.
- No access for delivery, refuse, or emergency vehicles.
- The access is unsafe for pedestrians.
- Increase on the street parking.

*Flooding and Drainage*

- Increase drainage and flooding problems.

*Trees*

- Loss of important trees.

*Ecology*

- Loss of wildlife and biodiversity.

*Outstanding Matters*

- Inaccuracies within the application form and drawings
- Ownership of the access lane.
- Devalue property.

## 5. ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission for the erection of two semi-detached dwellings. The main issues to address in the determination of this application are: -

1. Is the principle of residential development within the Bristol north fringe urban area acceptable?
2. The relevance of the site's planning history?
3. Would the proposed development achieve good standards of site planning and design?
4. Would the proposed development prejudice the amenities of nearby occupiers?
5. Would the proposed development provide adequate private amenity space?
6. Would the proposed development have acceptable transportation effects?
7. Would the proposed development have an unacceptable effect on the water environment (surface water drainage)?
8. Would the proposed development have an unacceptable effect on protected species?

### 5.2 Principle of Development

The proposed development relates to the erection of a detached dwelling within the curtilage of an existing dwelling. Policies H2 and H4 of the South Gloucestershire Local Plan establish that new residential development on sites within the urban area and the curtilage of dwellings are acceptable in principle, subject to the proposal satisfying other material considerations, such as an density, design, residential amenity, and highway safety.

5.3 Notwithstanding this policy context in June 2010 the Coalition Government issued a Ministerial Statement under the title of 'New Powers for Local Authorities to Stop 'Garden Grabbing''. This statement made the following changes to Planning Policy Statement 3: Housing: -

- i. The definition of 'previously developed land' has been amended to exclude private residential gardens.
- ii. The national indicative minimum density target (of 30 dwellings per hectare) for new housing development has been removed.

5.4 These changes have been introduced to reflect the concerns regarding the over development of neighbourhoods, loss of green space and the impact upon local character. PPS3 is a material consideration in relation to planning application for housing development and as such these amendments are material and must be taken into account when determining this application.

- 5.5 Policies H2 and H4 of the South Gloucestershire Local Plan allow for residential development on sites that are within the defined settlement boundaries or urban areas, without reference to whether or not such land is brownfield or previously development land. Therefore, on this basis Officers do not consider the change to the definition of 'previously developed land' to make a significant difference to the approach that the Council takes in considering applications for residential development, and thus the proposed development remains to be acceptable in principle.
- 5.6 Nevertheless the Ministerial Statement has raised some important points regarding the design and density of new residential development. Firstly the statement reiterated the need to ensure the residential development do not result in the over development of neighbourhoods, the loss of green space, and impact upon local character. These matters can be reasonably resisted on the basis of existing policies (D1, L5, H2, and H4) within the South Gloucestershire Local Plan.
- 5.7 The second point relates to the requirement in PPS3 for all new residential developments to achieve the national indicative density target of 30 dwellings per hectare. This policy objective was reflected in Policy H2(b) of the South Gloucestershire Local Plan which stated that the maximum density compatible with the sites location should be achieved, but with an expectation that it will achieve a minimum density of 30 dwellings per hectare. The Ministerial Statement has removed the requirement for new residential development to achieve the national indicative minimum density, and thus very limited weight should be given to Policy H2(b).
- 5.8 The remaining advice in PPS3 states "Good design is fundamental to using land efficiently..." (Para. 48) and "Careful attention to design is particularly important when chosen local strategy involves intensification of the existing urban fabric. However when well designed and built in the right location, it can enhance the character and quality of an area" (Para. 49). "Density is a measure of the number of dwelling that can be accommodated on a site or in an area. 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." (Para. 50)
- 5.9 On this basis in this application the need to achieve an efficient use of land is still an important material consideration. However this need should be carefully balanced against the requirement to consider the character of the area and whether the proposal is good quality design. Policy D1 of the South Gloucestershire Local Plan recognises this, and density is one of the design factors that this policy requires to be assessed.
- 5.10 It is noted that some local residents have identified that the application site has been subject to a previously refused planning application (P93/2334) for the erection of a detached bungalow. This application was refused consent because it was considered to have an unacceptable effect upon the amenities

of nearby occupiers and would have had an unsatisfactory access. This issue has also been raised by a number of local residents.

5.11 This decision is a material consideration in relation to this planning application. However, it is considered that limited weight should be attributed to this decision because there has been a materially change in policy since 1993. This is because the policies within the Bristol North Fringe Local Plan are no longer part of the Development Plan as they have been superseded by policies within the South Gloucestershire Local Plan.

5.12 Moreover, it is important to acknowledge that policies H2 and H4 of the most up to date Development Plan (South Gloucestershire Local Plan) allow for new residential development within the curtilages of dwellinghouses. Nevertheless this, the policy is clear that infill development should not be to the detriment of design, residential amenity, and transportation, and thus these material considerations will be fully assessed under this application.

5.13 Design

A key objective of PPS1, the South Gloucestershire Local Plan, and the emerging South Gloucestershire Core Strategy is to promote high quality design that responds to its context, the distinct assets of the district and creates a 'sense of place' and civic pride. The Council approach to design is set out under policy D1 of the South Gloucestershire Local Plan and the Design Checklist SPD.

Before assessing the quality of the design of the proposed development it is important to understand the context of the site and its surrounding area. The application site relates to an area of rear garden that is situated to the rear of Bronksea Road. The site is enclosed by the residential development along Bronksea Road and Braemar Avenue and by mature domestic landscaping within adjacent gardens. It is considered that a key characteristic of the site and surrounds are the large garden and their 'green character'. This point has been also raised through various consultation responses from local residents.

5.14 The proposed dwelling would be sited within the centre of the application site and would be detached from the surrounding residential development. It is noted that the development would result in the loss of some fruit trees and some domestic planting. However, these features are not considered to make a significant contribution to the sites 'green character'. Furthermore the proposed development would achieve a relatively low density and would retain an extensive garden around the development itself. It is considered that this is an important feature of the development, as it would echo the character of the surrounding dwellings that also have large gardens.

5.15 In terms of scale and massing, the proposed two-storey dwelling would be comparable to the adjacent residential development. With regard to the dwelling's appearance, the building would not be visible from the street scene. In view of this, there is limited context to inform the design of the proposed dwelling. As such, the applicant has adopted a modern design and would utilise finishes that are common in the surrounding area, for instance render and

double roman tiles. It is considered that this represents an appropriate design approach for the site.

5.16 In summary, the comments of local residents regarding the area's 'green character' have been assessed. However, it is considered that the proposed development would not materially harm this key characteristic, as the new dwelling would retain an extensive garden and would be significantly detached from the surrounding residential dwelling. Furthermore, it is considered that the design of proposed unit would also respect the character of the surrounding area. On this basis it is concluded the erection of a single dwelling in this location would not result in significant loss of local green space and would not materially harm the local character of the site and surrounds. The proposed development therefore accords with policies D1, L1, H2 and H4 of the South Gloucestershire Local Plan.

5.17 Residential Amenity

It is acknowledged that a number of local residents have objected to the development on the grounds that it would result in: a overbearing effect; a loss of privacy; air, light and noise pollution; a adverse effect to quality of life; and a loss of security. Policy H2 and H4 of the South Gloucestershire Local Plan is clear that new development should only be permitted where it would not prejudice the amenities of nearby occupiers. On this basis, the impact of the proposed development on these occupiers have been assessed below:

5.18 Overbearing Effect

As part of this application the applicant has submitted a section drawing (Drg 0426/4A). This plan demonstrates that the proposed dwelling would be sited approximately 39m from the properties along Broncksea Road and approximately 34m from the properties along Braemar Avenue. It is considered that extensive buffer between the properties would prevent any overbearing effect upon the occupiers of the surrounding dwellings. It should be acknowledged that in more dense residential areas, units are generally separated by between 12 and 15m. As such the extensive separation observed in this application demonstrates that the development would achieve a relatively low density and would not prejudice residential amenities.

5.19 Loss of Privacy

The proposed dwelling would include windows in the first floor. Given the significant distance separating the proposed dwelling from the surrounding properties, it is considered that the proposed dwelling would not give rise to any direct inter-visibility between the properties themselves. It is noted that the development would afford some views over the private gardens of nearby dwelling. Nevertheless, it considered that any loss of privacy would be limited. This is due to the extensive length of the adjacent gardens, and thus the areas that are immediately adjacent to the proposed unit are unlikely to be used frequently. It should also be noted that this relationship is typical of well-established residential areas where there is generally an element of inter-visibility between private gardens. It is therefore considered that the proposed development would not harm residential amenity.

5.20 Air, Light, and Noise Pollution

It is noted that the proposed development would lead to some air, light and noise pollution during the construction period and throughout the life of the development itself. However the main issue to determine is whether the level of pollution would “materially” prejudice the residential amenity of nearby occupiers.

5.21 With regard to construction of the development, it is likely that there would be some disturbance to local residents through noise and air pollution. Notwithstanding this, it is considered that the construction would be for a relatively short-term period in relation to the life of the development. Furthermore it is recommended that an informative be attached to the consent to advise the applicant to undertake the construction works during hours that are unlikely to result in significant levels of disturbance. However if unacceptable levels of disturbance do occur then there is Environment Health legislation, outside of the remit of the Planning Act, that can be used to control any noise and air pollution.

5.22 It is not considered that residential development at this scale would result in levels of noise, air, or light pollution that would unacceptably harm the amenity of adjacent occupiers.

5.23 Security

It is noted that some local residents have raised concerns with regard to the potential for security issues to arise from building a dwelling to the rear of the existing properties. Notwithstanding these issues, it is considered that the proposed access would benefit from informal surveillance from the front windows of the proposed dwelling and the rear windows of existing dwellings along Broncksea Road. On this basis, it is considered that the proposed development be unlikely to give rise to levels of crime that would be detrimental to personal safety or residential amenity.

5.24 In view of the above, it is considered that the proposed development would not result in an adverse overbearing effect, a material loss of privacy, harmful levels of air, light, and noise pollution, or any security issues. On this basis it is concluded that the proposed development would respect residential amenity and would accord to policies D1, H2 and H4 of the South Gloucestershire Local Plan.

5.24 Amenity Space

The proposed development would provide an extensive area of private garden for the proposed dwelling, whilst retaining a large garden for host dwelling (11 Broncksea Road). It is considered that these areas are more than sufficient for the outdoor needs of family dwellings. The proposed development therefore provides and retains adequate private amenity space, and would accord with policies H2 and H4 of the South Gloucestershire Local Plan.

5.25 Trees

The proposed development would result in the loss of a number domestic tree's, such as fruit and conifers trees. It is considered that these species are not of a sufficient quality to protect via a Tree Preservation Order. Furthermore,



it is considered that their loss would not significantly harm the landscape character of the site. The proposed development would accord with policies D1, L1 and H4 of the South Gloucestershire Local Plan.

#### 5.26 Transportation

It is acknowledged that local residents have objected to the proposed development on the grounds that: the width of the access is inadequate; delivery, refuse, and emergency vehicles would not be able to access the development; the development would give rise to on street parking; and the development would harm pedestrian safety. To assess these matters the Council Highway Engineer has been consulted and their conclusions have been summarised below:

#### 5.27 Access

The previous withdrawn application (PT10/1060/F) was considered to be unacceptable because it would have intensified the number of dwellings using existing access, which is restricted in its width. However, in this application the number of units has been reduced to one and the existing dwelling (11 Bronksea Road) would no longer have a shared access along the lane, as their parking space would be relocated onto Bronksea Road. Furthermore the proposal would include a suitable turning head that would ensure that vehicles would enter and leave the site in a forward gear. As such, only two dwellings would use the access and this would be similar to the existing arrangements. On the basis of these changes the Highway Engineer has concluded that the access incorporates acceptable visibility and any problems associated with opposing vehicles movements would now be minimal. To ensure the implementation of this, it is recommended that a condition be attached to ensure that the parking space to the front of 11 is implemented before the new development is occupied.

5.28 It is noted that local residents are concerned that the access would not be suitable for large delivery, refuse and emergency vehicles. The Highways Engineer has considered this point and they concluded that they would not necessarily expect a development of this size to require frequent access by large service vehicles. With regard to emergency vehicles, the Highways Engineer has suggested that in the interest of fire safety the developer should consider introducing a fire hydrant within the site. It is considered that this could be one solution to ensure fire safety. Nevertheless, fire safety and access is covered under Part B (5) of Building Regulations, therefore in this instance it is not necessary to deal with this matter thought this application.

#### 5.21 Parking

The proposed development would provide sufficient parking within the application site for the new dwelling, and a further off-street parking space would be provide to the front of the existing dwelling. It is considered that this level of parking would be sufficient for the development and would accord to the Council parking standards. Furthermore it is considered that the proposed development would not give rise to significant levels of on-street parking.

#### 5.22 Pedestrian Movement

It is noted that local residents have raised concerns with regard to pedestrian safety along the access lane due to the lack of a walkway. Notwithstanding this, it is considered that the levels of pedestrian and vehicles movements would be infrequent. Furthermore due to the width of the access vehicles speeds would be low. In view of these circumstances it is considered suitable for the access lane to be a shared access for cars and pedestrians.

5.23 In view of the above it is concluded that the proposed development would provide adequate access and parking arrangements, and would not be detrimental to highway or pedestrian safety. The proposed development would therefore accord to policies D1, H2, H4 and T12 of the South Gloucestershire Local Plan.

#### 5.24 Flooding and Drainage

Representations have been received which have objected to the proposal on the grounds of potential flooding and drainage issues. With regard to flooding and drainage, Officers are satisfied that the proposed development would not be at risk from flooding because it would be situated within Flood Zone 1. Furthermore, the Council Drainage Engineer has confirmed that the development would not have adverse drainage issues. However, it is recommended that a condition be attached to ensure that a scheme of drainage is agreed prior to the commencement of development. The scheme should incorporate sustainable means of drainage that ensure the development drains within its own curtilage and does not materially increase run-off on adjacent sites.

#### 5.25 Ecology

It is noted that local residents have raised concerns with regard to the potential harm to wildlife within the application site. Notwithstanding these comments, the site has been well tended and has been managed as a private residential garden for a number of year. Furthermore the site is located within a well-established residential area. On this basis, the site it is unlikely that the site would be a suitable habitat for protected species. The proposed development would therefore accord to policy L9 of the South Gloucestershire Local Plan.

#### 5.26 Outstanding Matters

It is noted that local residents have raised a number of other issues:

- Inaccuracies within the application form and drawings  
It is noted that a number of local residents have raised concern with regard to the accuracy of the application forms and drawings. Notwithstanding these points, Officers have visited the site and have checked the accuracy of the submitted plans and are satisfied that the drawings allow a reasoned judgement to be made on the planning application.
- Ownership of the access lane  
It is noted that some concern has been raised with regard to the legal ownership of the lane if planning permission were to be granted. For instance whether 11 Broncksea Road could access their property from the lane. It should be noted that the legal ownership of the lane is not a material

consideration and is a matter for the applicant. Nevertheless, officers are satisfied that the new dwelling would be a separate and independent planning unit and thus it is reasonable to conclude that the 11 Broncksea Road would not access their property through the curtilage of the new dwelling.

- Devalue property

It is noted that some local residents have raised concerns that the new development would devalue their property. Notwithstanding these concerns, it should be acknowledged that a perceived loss of property value from a new development is not a material consideration.

## 6. **CONCLUSION**

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

- a) The proposed residential development would be situated within the Bristol North Fringe urban area and within the curtilage of an existing dwelling. It is considered that this is an appropriate area for residential development. It is therefore considered that the principle of the proposed development would accord with PPS3 and policies H2 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.
- b) The density of the proposed development would represent the most efficient use of land that is compatible with the site and its surrounds. The proposed development would therefore accord with PPS3 and policies H2 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.
- c) The design and landscape impact of the proposed development has been fully assessed. It is considered that the development would achieve good standards of siting planning and design. This is because the siting, overall layout, density, form, scale, height, massing, detailing, materials, are informed by, and respect and enhance the character and appearance of the site and locality. The proposed development would therefore accord with PPS3 and policies D1, L1, H2 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.
- d) The impact of the proposed development on nearby properties has been fully assessed. It is considered that the siting and layout of proposal would not result in a material loss of privacy, an overbearing effect, or adverse levels of air, light and noise pollution. The proposed development would therefore accord with Policy H2 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.
- e) The impact of the proposed development in terms of transportation has been fully assessed. It is considered that proposal would have satisfactory access and parking arrangements. The proposed development would

therefore accord with Policy T8 and T12 of the South Gloucestershire Local Plan (adopted) January 2006.

- f) The drainage arrangements of the proposed development have been fully assessed. It is considered that subject to a condition securing Sustainable Drainage Systems the proposal would be acceptable. The proposed development would therefore accord with Policy L17/L18 of the South Gloucestershire Local Plan (adopted) January 2006.
- g) The impact of the proposed development upon protection species of flora or fauna, or species or habitats listed in national, regional, or local biodiversity action plans have been fully considered. It has been concluded that the proposed development would not materially such species. The proposed development would therefore accord with policy L9 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. 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).

2. Prior to the first occupation of the proposed dwelling, the parking space to the front of No. 11 Broncksea Road (as shown on Drg. 0426/1A) shall be provided and thereafter maintained.

Reason

To ensure that the access for the proposed dwelling is suitable for the level of traffic, and to accord to policies H2, H4, T8, and T12 of the South Gloucestershire Local Plan (adopted) January 2006.

3. No development shall take place until drainage details have been submitted to, and agreed in writing by the Local Planning Authority. For the avoidance of doubt, the drainage details should incorporate Sustainable Drainage Systems (SuDs) for the disposal of surface waters. Where this is not practicable it must be demonstrated that

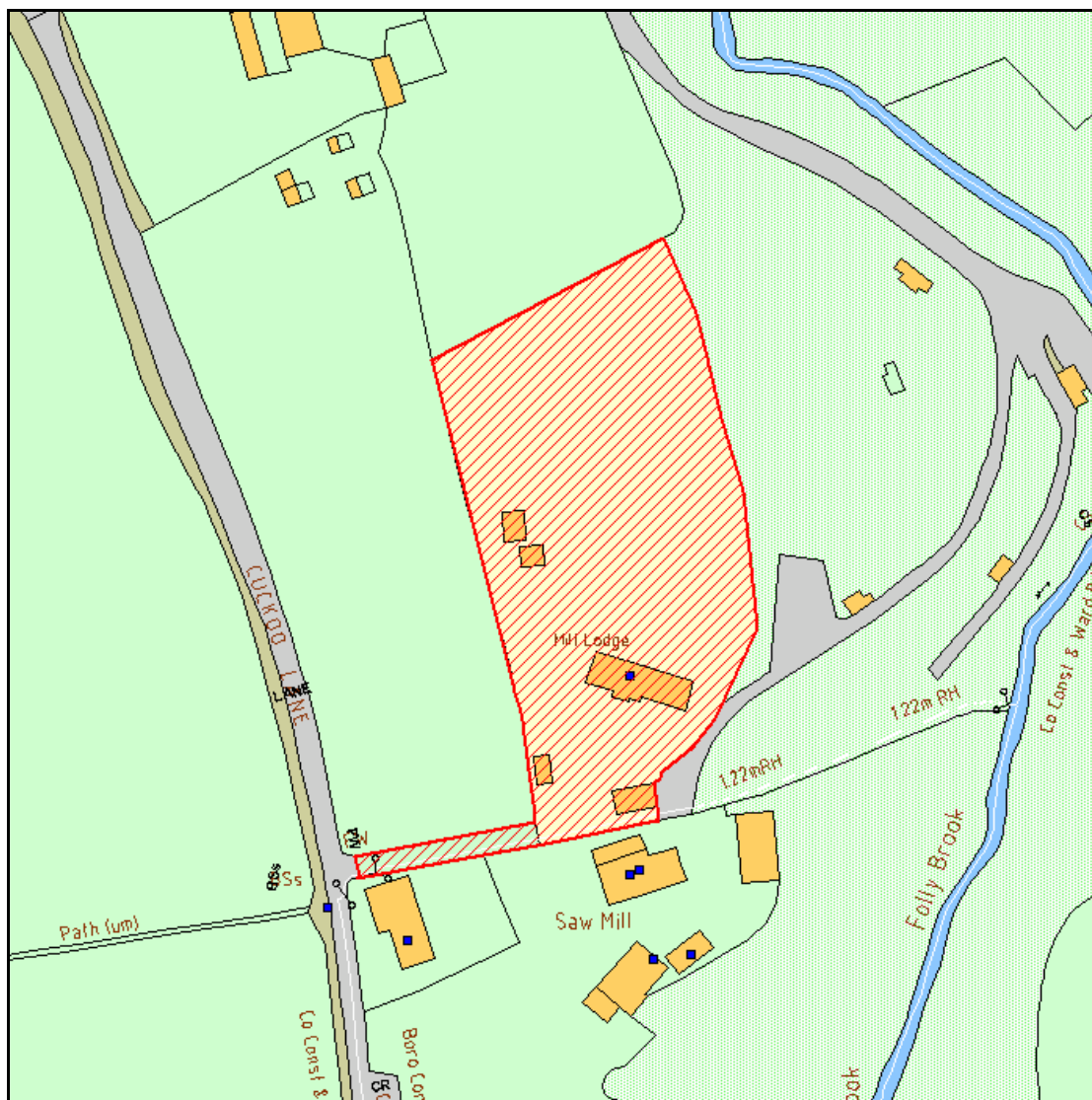
an acceptable alternative means of surface water disposal is incorporated. Development shall be carried out in accordance with the approved details.

Reason

To ensure that the proposed development has suitable drainage arrangements that would not have a unacceptable affect upon the water environment, and to accord to policies L17 and L18 of the South Gloucestershire Local Plan (adopted) January 2006.

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

<b>App No.:</b>	PT10/1852/F	<b>Applicant:</b>	Mr T Smallridge
<b>Site:</b>	Mill Lodge Cuckoo Lane Winterbourne Down Bristol South Gloucestershire	<b>Date Reg:</b>	30th July 2010
<b>Proposal:</b>	Erection of two storey side and rear extension to provide additional living accommodation.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365948 179157	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Householder	<b>Target Date:</b>	21st September 2010



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 100023410, 2008. **N.T.S.** **PT10/1852/F**

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

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

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a two-storey side and rear extension to provide additional living accommodation.
- 1.2 The application site comprises a two-storey detached property situated on the eastern side of Cuckoo Lane within the open Green Belt outside the defined settlement boundary. The dwelling is set well back from the street and is accessed via a long entrance road, which slopes down slightly.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPG2 Green Belts
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
H4 Residential Development within Existing Residential Curtilages  
GB1 Development in the Green Belt  
L1 Landscape Protection and Enhancement  
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist SPD (adopted)  
The Development in the Green Belt SPD (adopted)
- 2.4 Emerging Policy  
The South Gloucestershire Core Strategy March 2010

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

- 3.1 PT02/0649/F, Erection of two storey side and rear extension to form lounge, kitchen, dining room and garden room with additional bedrooms, bathrooms and hobbies room above, refusal, 17/04/2002.
- 3.2 PT09/0558/F, Retention of outbuilding attached to mobile home to form ancillary living accommodation, refusal, 20/10/2009.

### **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
Objection – This is a very large addition to a property, which is situated in the green belt.

## **Other Representations**

- 4.3 Local Residents  
No comments received

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Planning Policy D1 applies to all types of development and requires that a good standard of design is achieved. Planning Policy H4 allows for residential extensions subject to design, residential amenity and transportation considerations. Planning Policy GB1 allows for limited extension to properties located in the provided that they do not result in disproportionate additions over and above the size of the original dwelling. The Development in the Green Belt SPD (adopted) specifies that extensions under 30% of the original dwelling would most likely be considered acceptable. Extensions over 30% would be carefully assessed with particular regard to the appearance of the extension and whether it is in-keeping with the scale and character of the existing dwelling. Extensions over 50% of the volume of the original dwelling would most likely be considered in excess of any reasonable definition of 'limited extension' and would most likely be considered to be contrary to Policies GB1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006. The proposed extension calculates to a volume increase of approximately 50% of the original dwelling. Although at the top end of acceptability, the proposal is considered to be acceptable in principle, provided that the extension is appropriately designed and respects the character and visual amenity of the surrounding area.

### **5.2 Form/Appearance and Impact on Green Belt**

The proposal would extend the existing eaves and ridge height across the build for approximately 5 metres. The existing dwelling is not symmetrical, therefore, it is considered that extending the property in this manner is an acceptable approach, provided that the materials used match the existing dwelling. A dormer window of similar scale, design and siting would be located in the roofslope and a window would be located directly below at ground floor level. To the rear, the extension would project approximately 5 metres into the rear garden of the property and measure approximately 5 metres in width. A pitched roof would encompass the extension and comprise a rear-facing gable, which would be set down from the main roof apex.

- 5.3 The Parish Council's comments are noted, however, the size of the extension has been reduced considerably when compared to the previous application for a side extension at the site, which was refused in 2002. In addition, the Officer requested a further reduction in scale to initial plans received. The applicant acceded to this request and it is considered that the amended plans, given the reduced distances between the fenestration on the front elevation and the edges of the rear extension to the fenestration, demonstrate that the extension would be better proportioned overall and in-keeping with the scale, form, character and siting of the existing dwelling. On this basis, and with the materials specified of coursed bradstone for the walls, plain tiles for the roof and timber windows to match the existing dwelling, it is considered that the



extension would integrate acceptably with the existing dwelling and respect the character of the surrounding area.

5.4 The dwelling, set back from the street is not prominent from Cuckoo Lane. In addition, the dwelling is well screened by high vegetation growing on the front and side boundaries. On this basis, it is considered that the extension would not have a significant adverse impact on the character or visual amenity of the wider landscape.

5.5 Transportation

The existing double garage would be converted to a music room, and the only external alteration involved would be the replacement of an existing up and over vehicular door with a window, which is considered to be acceptable. The host dwelling benefits from a large driveway, which would ensure that there would be sufficient off street parking space following the conversion of the garage. No alterations are proposed to the existing access and it is not considered that the proposal would increase the number of vehicular trips significantly. On this basis, it is considered that the proposal would not have a significant adverse impact on highway safety.

5.6 Residential Amenity

The host dwelling occupies an isolated position and there are no neighbouring residential buildings located within close proximity to the host dwelling. On this basis, it is considered that the proposal would not have a significant adverse impact in terms of residential amenity. A sufficient amount of amenity space would be left to serve the host dwelling.

## 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 for the following reasons:

Although at the top end of acceptability, it is considered that the extension is proportionate to the existing dwelling and constitutes appropriate development in the Green Belt – Policies GB1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006 and the Development in the Green Belt SPD (adopted).

The design, siting, form, scale and materials proposed are considered to be sympathetic to the host dwelling and surrounding area. The extension would be well screened from the surrounding area and would not have a significant adverse impact on the character of the surrounding landscape – Policies D1, H4, GB1 and L1 of the South Gloucestershire Local Plan (adopted) January

2006 and the South Gloucestershire Development in the Green Belt and Design Checklist SPDs (adopted).

The dwelling occupies an isolated location with no residential neighbouring properties within close proximity. On this basis, it is considered that the proposal would not have a significant adverse impact in terms of residential amenity – Policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.

A sufficient amount of off street parking would remain following the conversion of the garage and it is considered that no significant adverse highway safety issues would arise following the development- Policies T12 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

## **7. RECOMMENDATION**

7.1 Planning Permission is GRANTED subject to the following conditions.

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

### **CONDITIONS**

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

Reason

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

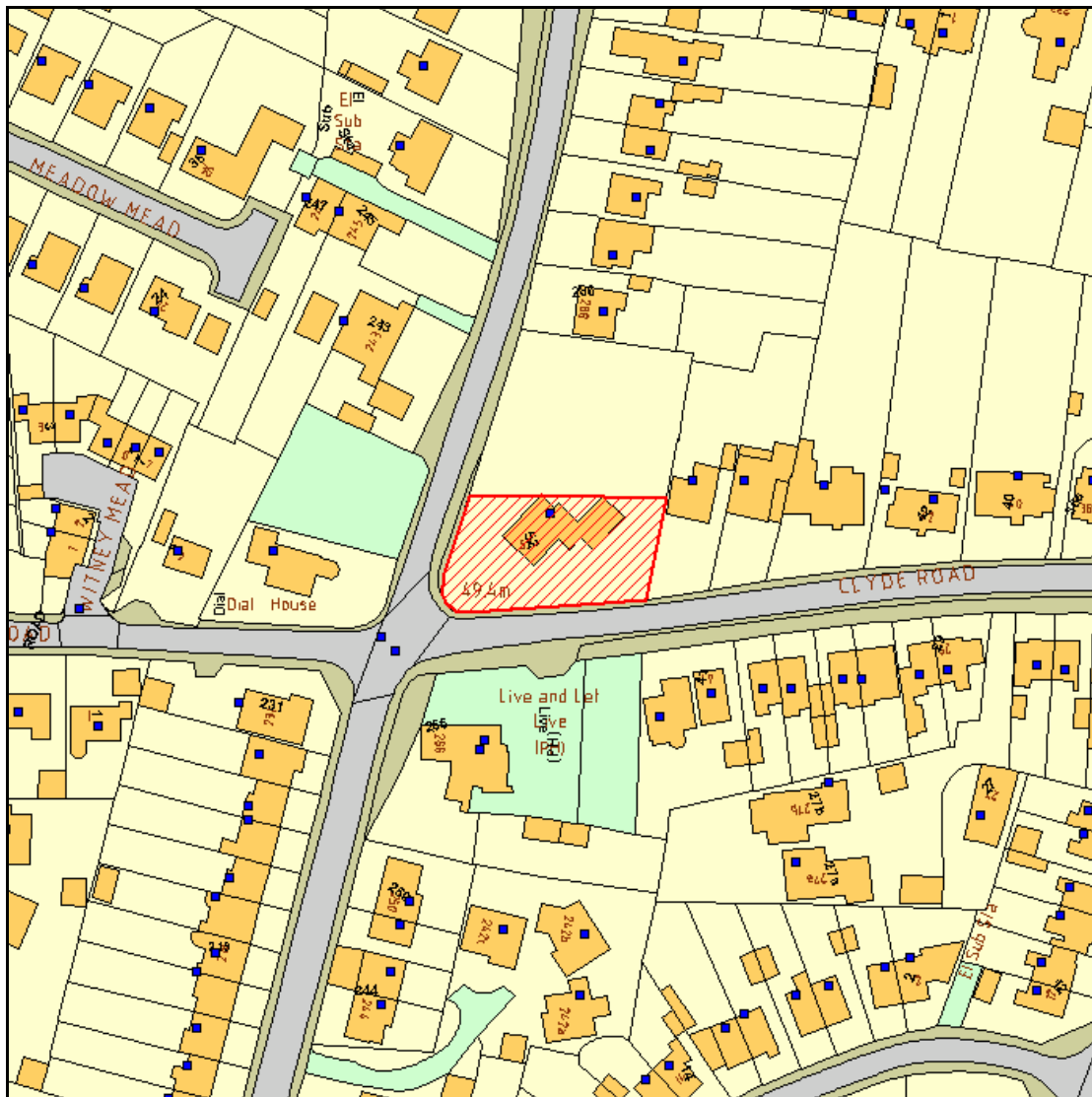
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

In the interests of visual amenity and accord with Policies D1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

**CIRCULATED SCHEDULE NO. 35/10 – 10 SEPTEMBER 2010**

<b>App No.:</b>	PT10/1887/CLP	<b>Applicant:</b>	Mr Mark Hippisley
<b>Site:</b>	52 Clyde Road Frampton Cotterell Bristol South Gloucestershire BS36 2EF	<b>Date Reg:</b>	3rd August 2010
<b>Proposal:</b>	Application for Certificate of Lawfulness for the proposed erection of single storey side extension, a single storey rear extension, a rear roof extension and a detached outbuilding.	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	366810 181704	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	4th October 2010



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 100023410, 2008. **N.T.S.** **PT10/1887/CLP**

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 The applicant seeks a Certificate of Lawfulness for the proposed erection of a single storey side extension, single storey rear extension, roof alteration and extension, and detached outbuilding.
- 1.2 The application site relates to a dilapidated single storey bungalow and its associated curtilage. The site is located on a corner plot where Clyde Road meets Park Lane. It is situated in a well-established residential area within the Settlement Boundary of Frampton Cotterell as defined on the Local Plan Proposals Map Adopted 2006.

### **2. POLICY CONTEXT**

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

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

- 3.1 PT08/1221/F           Erection of 4 detached dwellings with associated works. Construction of new access (Resubmission of PT08/0416/F). **Approved.** 20 June 2008.
- 3.2 PT09/5330/F           Erection of two storey detached dwelling. Construction of new access. **Refused.** 17 November 2009.
- 3.3 PT09/0478/F           Erection of 4 semi-detached dwellings with new access and associated works. **Refused.** 28 April 2009.

### **4. CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Parish Council  
Objection on the grounds that such extensions could constitute lawful development when they are additions to a derelict building.

#### **Other Representations**

- 4.2 Local Residents  
None received.

## 5. ANALYSIS OF PROPOSAL

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

### 5.2 Extent of Permitted Development Rights of the Application Site

The Parish Council have raised a query asking whether owners can exercise permitted developments rights for houses which are derelict. It is worth noting that if a dwelling is dilapidated or even derelict, this does not necessarily amount to its use being considered abandoned.

It is considered in this instance that a dwelling house in a state of disrepair and dilapidation does not by virtue of being in this state discontinue to be a dwellinghouse. The building has been in situ for a number of years and the majority of the original structure remains.

It is still considered to be 'a dwellinghouse' in the meaning of the term. Given that the permitted development rights have not been removed by either a previous planning permission or an Article 4 direction, it is considered that the owners right to exercise permitted development rights within the limitations of the regulations remains existing at this time.

### 5.3 Original Dwelling and Existing Rear Extension

Having conducted a thorough history search of the property, it is apparent that there has been a lean-to rear extension added to the dwellinghouse in the late 1950's - early 1960's which indicate that this is not part of the original dwelling. The original building is square in shape and is located on the site of an old orphanage dating back to the late 1800's.

The rear extension extends back from the original dwelling by some 3.5 metres and projects sideways beyond the original southeast side elevation of the property by some 3.3 metres. This element of the dwellinghouse could be considered to be permitted development under Part 1 Class A of the existing regulations. Notwithstanding this, it is clear from the officer's site visit that the house and especially the existing rear lean-to extension is in a severe state of disrepair and dilapidation. It is likely that should this be extended/built upon it could result in a partial collapse of the rear extension lean-to and potentially the original property.

### 5.4 Proposed Extensions

Whilst the existing extension could be considered permitted development, the additional roof extension on the original dwelling and existing rear lean-to extension is considered to exceed the permitted development rights. Under Part 1 Class A A.1(c) the eaves height of the original dwelling would be exceeded in this proposed enlargement. Under Part 1 Class B B.1(c), it is considered that the resultant roof space would include both red and pink shaded areas on Plan 'Sketch Plan, Elevations' Drg. No: 1347/001.C. The applicant has indicated that the red shaded area alone would result in almost an additional 50 cubic metres over and above the original roof space. In

absence of sufficient evidence such as requested volume calculations, it is considered it would logically follow that this 50 cubic metre limit would be exceeded when taking into account the pink shaded area in addition to the red. It is worth noting that where extensions fall into two or more classes of the Town and Country Planning (General Permitted Development) (Amendment) Order 2008, the extension needs to comply with the terms of both classes (p.7 *'Permitted development for householders: Technical Guidance'* Department for Communities and Local Government, August 2010).

Accordingly it is considered that the Certificate of Lawfulness should be refused in relation to the roof extensions as it is considered that the proposed roof alterations do not comply with Part 1 Class A A.1 (c) or Part 1 Class B B.1 (c) of the Town and Country Planning (General Permitted Development) (Amendment) Order 2008.

- 5.5 Given that an existing rear extension is already in situ and not part of the 'original dwelling' (i.e. part of the house as it was in 1948 as defined in Citation, Comment and Interpretation section para. 1 of the Town and Country Planning (General Permitted Development) Order 1995), it is apparent that the proposed rear extension would exceed permitted development rights granted under the Town and Country Planning (General Permitted Development) (Amendment) Order 2008 Part 1 Class A A.1 (e)(i) by projecting further than 4 metres from the original rear wall of the dwelling. Moreover the side extension extends from this rear lean-to and the majority of it does not extend from the original sidewall of the dwelling as required under the Town and Country Planning (General Permitted Development) (Amendment) Order 2008 Part 1 Class A A.1 (h). Accordingly it is considered that neither the proposed single storey rear extension or the proposed single storey side extension can be permitted development within the meaning of Part 1 of the Town and Country Planning (General Permitted Development) Order (Amendment) (No.2) (England) Order 2008. As such a refusal of the Certificate of Lawfulness in terms of the single storey rear extension and the majority of the proposed single storey side extension is recommended on the basis that they does not comply with Part 1 Class A A.1 (e)(i) and Part 1 Class A A.1(h) of the Town and Country Planning (General Permitted Development) (Amendment) Order 2008 respectively.

#### 5.6 Detached Outbuilding

No information has been provided as to the intended use of the detached outbuilding in order for it to be able to be shown that it would on the balance of probability be for a use incidental to the enjoyment of the dwelling house as required for outbuildings under Part 1 Class E of the Town and Country Planning (General Permitted Development) (Amendment) Order 2008 respectively.

Insufficient information has been provided to show the proposed roof style i.e. whether it would be flat or mono pitch or pitched to be able to assess the compliance of the outbuilding with Part 1 Class E E.1(d) of the Town and Country Planning (General Permitted Development) (Amendment) Order 2008 respectively.

Insufficient information has been provided to show the height of the building to be able to assess the compliance of the outbuilding with Part 1 Class E E.1 (d)

and E.1 (e) of the Town and Country Planning (General Permitted Development) (Amendment) Order 2008 respectively.

Accordingly it is considered that a Certificate of Lawfulness should be refused for the proposed detached outbuilding shown shaded green on Plan 'Sketch Plan, Elevations' Drg. No: 1347/001.C on the basis of insufficient information.

## **6. RECOMMENDATION**

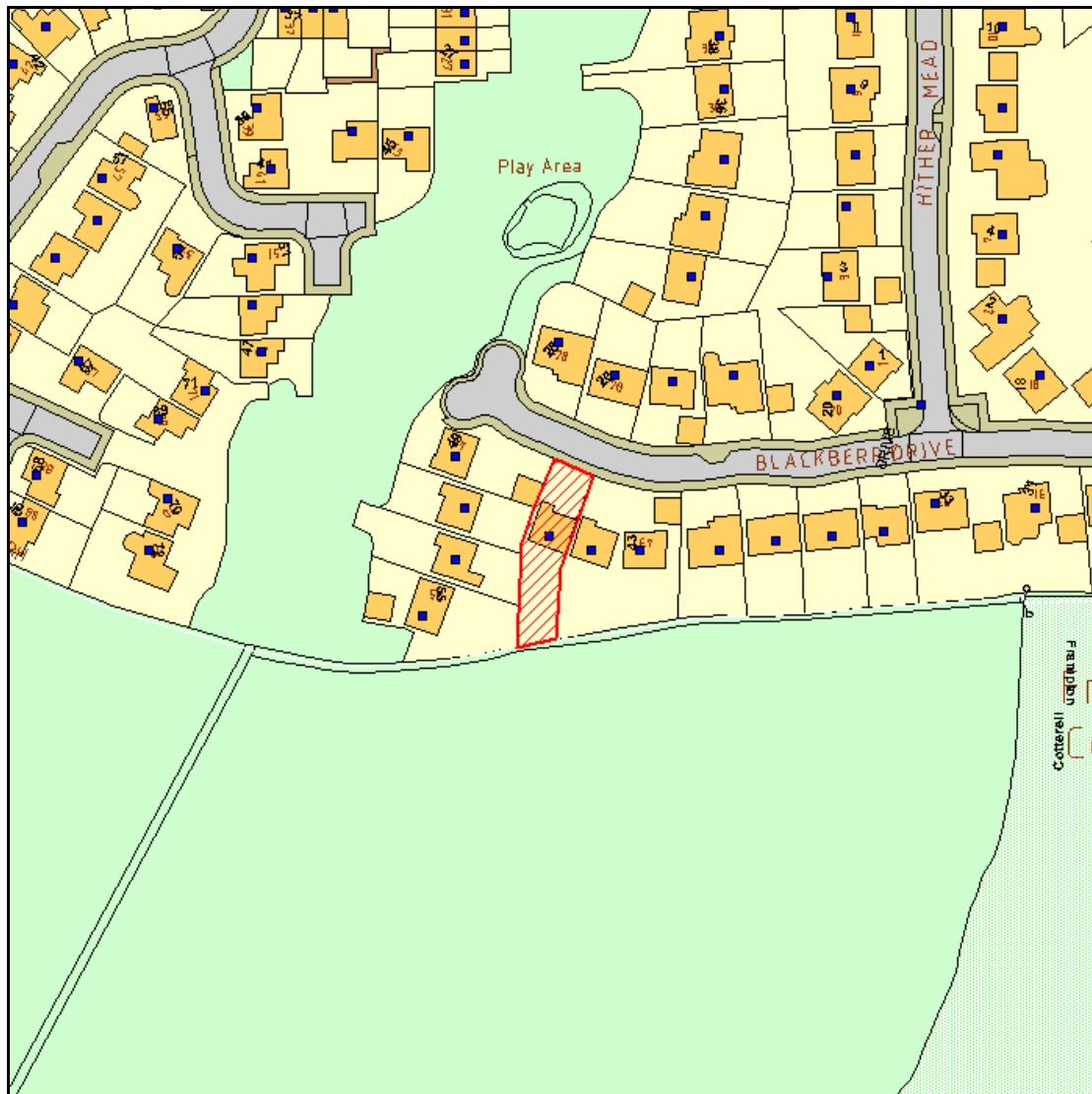
- 6.1 That a Certificate of Lawfulness of Proposed Use be refused as it has not been shown on the balance of probability that the proposed developments would fall within Schedule 2, Part 1, Classes A and E of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England)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

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

On the balance of probability the evidence does not demonstrate that the proposal falls within terms of the Town and Country Planning (General Permitted Development) Order (Amendment) 2008 that are claimed and accordingly a Certificate of Lawful Proposed development cannot be granted.

## CIRCULATED SCHEDULE NO. 35/10 – 10 SEPTEMBER 2010

<b>App No.:</b>	PT10/2019/F	<b>Applicant:</b>	Mr Greg Oakes
<b>Site:</b>	47 Blackberry Drive Frampton Cotterell Bristol South Gloucestershire BS36 2SL	<b>Date Reg:</b>	9th August 2010
<b>Proposal:</b>	Conversion of existing garage to use as playroom.	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	366901 180622	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Householder	<b>Target Date:</b>	30th September 2010



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## **INTRODUCTION**

This application is being circulated to Members because the Officer's recommendation is contrary to a consultation reply from the Parish Council.

### **1. THE PROPOSAL**

- 1.1 This application seeks conversion of the existing integral garage to use as a playroom. The development would not materially alter the external appearance of the dwelling and the elevations will stay the same save a window being inserted in the ground floor of the west side elevation. The proposed development would be considered permitted development but for the permitted development rights relating to use of the garage being restricted under original planning permission (P96/2971).
- 1.2 The application site relates to a modern two-storey detached dwelling constructed of red brick with mock Tudor cladding above a storm canopy over the garage with black roof tiles and finished with white Upvc windows and doors. It is located in a well-established residential area in Frampton Cotterell.

### **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  
T12: Transportation in New Development  
T8: Car parking standards
- 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 None.

### **4. CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Parish Council  
Object on the grounds that the proposed new ground floor window overlooks an adjoining property.

- 4.2 Transport  
No objection.

### **Other Representations**

- 4.3 Local Residents  
None received.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The proposed development consists of residential development within an existing residential curtilage. Policy H4 of the Local Plan permits this type of development in principle subject to the following considerations.

### 5.2 Residential Amenity

The proposed development consists of changing the use of the garage to use it as a playroom. The development would not materially alter the external appearance of the dwelling and the elevations will stay the same save a window being inserted in the ground floor of the west side elevation.

The Parish Council have raised an objection to this ground floor side window on the basis that it would overlook the adjacent property. However it is considered that the proposed window at ground floor level would not result in unreasonable overlooking or inter-visibility between principal rooms. This sort of alteration would normally be permitted development, and does not relate to the reasons for the original condition which restricted the use of the garage.

### 5.3 Design/Visual Amenity

It is considered that there will be no material change in appearance. The principal elevation of which the garage door is part, would remain the same as would every other aspect save the inclusion of the additional window on the west side elevation the details of which have already been highlighted. As such the proposal is considered to meet criteria in policy D1 of the South Gloucestershire Local Plan (Adopted) 2006 and the South Gloucestershire Design Checklist Supplementary Planning Document 2007.

### 5.4 Transportation

The South Gloucestershire Council Highways Engineer has been consulted on this application and is satisfied that sufficient parking would remain on the hard standing. Accordingly the proposal is considered to meet Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) 2006.

### 5.5 Design and Access Statement

The Design and Access Statement submitted with the application is [not] considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

## 5.6 Section 106 Requirements

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

## 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposal would not result in overlooking or inter-visibility between principal rooms. The existing levels of residential amenity afforded to neighbouring and future occupiers would remain unaffected. Accordingly it meets criteria contained in policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.3 There will be no material change in appearance. As such the proposal is considered to meet criteria in policy D1 of the South Gloucestershire Local Plan (Adopted) 2006 and the South Gloucestershire Design Checklist Supplementary Planning Document 2007.
- 6.4 The proposal raises no highway issues, Accordingly the proposal is considered to meet Policies T12 and T8 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.5 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

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

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

### 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).