



**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. 23/10

Date to Members: 18/06/10

Member's Deadline: 24/06/10 (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 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, 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 – 18 JUNE 2010

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK10/0305/CLE	Approve with Conditions	Paddock Barn Dunsdown Lane West Littleton Chippenham South Gloucestershire SN14 8JA	Cotswold Edge	Tormarton Parish Council
2	PK10/0529/F	Approve with Conditions	Land Rear Of 10 Goose Green Yate South Gloucestershire BS37 5BJ	Yate North	Yate Town
3	PK10/0939/F	Approve with Conditions	83 Long Beach Road Longwell Green South Gloucestershire BS30 9XD	Longwell Green	Oldland Parish Council
4	PK10/1039/F	Approve with Conditions	70 Cambrian Drive Yate South Gloucestershire BS37 5TT	Yate North	Yate Town
5	PK10/1058/CLP	Approve with Conditions	123 Oakdale Road Downend South Gloucestershire	Downend	Downend And Bromley Heath Parish Council
6	PK10/1112/F	Approve with Conditions	11 Sally Barn Close Longwell Green South Gloucestershire BS30 9AN	Longwell Green	Hanham Abbots Parish Council
7	PT09/5262/F	Approve with Conditions	Land R/o 444 Church Road Frampton Cotterell South Gloucestershire BS36 2AQ	Frampton Cotterell	Frampton Cotterell Parish
8	PT10/1101/F	Approve with Conditions	126 - 128 Rodway Road Patchway South Gloucestershire BS34 5PF	Patchway	Patchway Town Council
9	PT10/1148/F	Approve with Conditions	5 Amberley Road Patchway South Gloucestershire	Bradley Stoke Central And Stoke Lodge	Patchway Town Council
10	PT10/1154/F	Approve with Conditions	36 Bush Avenue Little Stoke South Gloucestershire	Stoke Gifford	Stoke Gifford Parish Council

CIRCULATED SCHEDULE NO. 23/10 – 18 JUNE 2010

App No.:	PK10/0305/CLE	Applicant:	Cameron Sports Cars
Site:	Paddock Barn Dunsdown Lane West Littleton South Gloucestershire	Date Reg:	18th February 2010
Proposal:	Application of Certificate of Lawfulness for an existing use as Storage and Distribution (Class B8) as defined in the Town and Country Planning (Use Classes Order) 1987 (as amended).	Parish:	Tormarton Parish Council
Map Ref:	375691 176250	Ward:	Cotswold Edge
Application Category:	Minor	Target Date:	13th April 2010



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100023410, 2008. **N.T.S.** **PK10/0305/CLE**

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The application is for a Certificate of Lawfulness for the existing use of land for B8 Storage and Distribution purposes. The application therefore seeks to demonstrate that the land within the red line on the submitted plan has been used for B8 (Storage and Distribution) purposes for a period in excess of ten years.
- 1.2 The site consists of a plot of land operated by Cameron Sports Cars. The current authorised use of the land is as agricultural but information submitted in support of the application claims the land has been used for B8 (Storage and Distribution) uses since 1998 – a 12 year period.
- 1.3 There is a complex history to the site and there is also a separate retrospective application for the erection of a building on the site. This application for a certificate of lawfulness is purely considering the use of the land – there are no other matters for consideration.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK10/0522/F Erection of building for use as Storage and Distribution (B8) – Retrospective.
This is a current undetermined application that is to be decided in conjunction with this application for a certificate of lawfulness. The building subject of the retrospective application is on the same land affected by the application for the certificate of lawfulness.
- 3.2 PK05/1805/F Change of use of agricultural building to class B8 with ancillary office.
Approved November 2005

4. CONSULTATION RESPONSES

- 4.1 Tormarton Parish Council
Raises no objection but makes the following comments:
 1. The area bordered by a red line in the plan incorrectly shows one building, whereas in fact there are two buildings in close proximity to one another. The building on the right hand side, as viewed from Dunsdown Lane, has been erected within the past 12-15 months without planning consent.

The presence of this second building needs to be acknowledged in the application.

2. Since the original buildings and surrounding land were used for agricultural purposes up until when a permit for change in use to Class B8 storage was granted in 2005 (PK05/1805/F), there appears to be a question concerning whether or not the area relating to this application has been used for a sufficient length of time to enable it to be granted a Certificate of Lawfulness for use as Class B8 storage.
3. Some West Littleton residents are very concerned about the potential adverse environmental effects resulting from any additional commercial development taking place along Dunsdown Lane. Although this site is some distance from the village, some residents are worried that the granting of a Certificate of Lawfulness will encourage further unauthorised developments to take place closer to the village with the expectation that these would eventually be given permits retrospectively.

Other Representations

4.2 Local Residents

8 letters of objection have been received in relation to the application although 3 of these letters are from the same objector. The contents of these letters are examined in more detail in section 6 below.

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

- 5.1 Four sworn statements have been submitted in support of the application – two from the current owners of the land (I. Cameron and S. Cockram) and two from the previous owners (J. Player and L. Gray)
- 5.2 Player and Gray confirm that no part of the land has been used for agricultural purposes since 1998 but that whilst the land was within their ownership the land was used for storage and distribution of vehicles, plant, machinery and materials in conjunction with the supply of stone from the premises. *Due weight is to be given to the statutory declarations of both J. Player and L. Gray*
- 5.3 I. Cameron and S. Cockram confirm that since their ownership of the site in 2008, the site has been used continuously for the storage of building materials to be used at the site and as external storage, including motor vehicles, equipment and tools, ancillary to the business of Cameron Sports Cars. *Due weight is to be given to the statutory declarations of both I. Cameron and S. Cockram.*
- 5.4 Additional information has also been received in support of the application. This includes:
 - The receipt for the purchase of a lorry by Mr. C. Player. *This evidence is being given very little weight in the determination of this application as the receipt is addressed to a property on Camp Lane and makes no reference to the site subject of this current application.*

- 3 receipts (one from Leyland DAF, one from Autoglass, and one from PPG fabrications Ltd.) for repair works to the aforementioned lorry addressed to Mr. C. Player. *This evidence is being given very little weight in the determination of this application as the receipt is addressed to a property on Camp Lane and makes no reference to the site subject of this current application.*
- 2 receipts from Kramer Industrial and Construction Plant addressed to Mr. J. C. Player. *This evidence is being given very little weight in the determination of this application as the receipt is addressed to a property on Camp Lane and makes no reference to the site subject of this current application.*
- 4 receipts from Silvey – one receipt is illegible, the remaining three receipts are for the delivery of fuel to the site. The receipts date from 1998 and 1999 and have the Paddock Barn address as the delivery address. *This evidence is given limited weight. Whilst it does prove that on three occasions fuel was delivered to the site, it is not clear whether the fuel was delivered to the particular part of the site subject to the certificate of lawfulness application or to the larger part of the site subject to the 2005 application.*
- An invoice from J.M. Collins for excavator and site clearance work addressed to Mr. Player. *This evidence is being given very little weight in the determination of this application as the receipt is addressed to a property on Camp Lane and makes no reference to the site subject of this current application.*
- An Invoice from Alder King for valuation work carried out at Paddock Barn. *This evidence is being given limited weight as whilst it does refer to the site at Paddock Barn, it makes no reference to the use of the land at that time. It does however prove that a report and valuation of the site was undertaken by Alder King in 2000.*
- A receipt from Acorn Stone Merchants relating to stone delivered to Mr. Player. *This evidence is being given very little weight in the determination of this application as the receipt is addressed to a property on Camp Lane and makes no reference to the site subject of this current application.*

6. **SUMMARY OF CONTRARY EVIDENCE**

- 6.1 8 letters of objection have been received offering evidence contrary to the application.
- 6.2 One letter has been received from a J. S. Knight. J.S. Knight states that the HGV and Kramer vehicles were used both for moving agricultural goods and stone. The HGV was used to bring hay up to Paddock Barn and the Kramer was used to deliver hay. The Kramer was used to move hay and silage across Yard B in 2003. *This letter will be given due weight in the determination of the application.*
- 6.3 One letter has been received from Mr. D. Adams. Mr. Adams states that the granting of a Certificate of Lawfulness sets an unfortunate precedent and serves to encourage further unauthorised development to take place. Mr. Adams believes that development is within the Cotswolds Area of Outstanding Natural Beauty and close enough to the Conservation Area to cause serious impact. Furthermore Mr. Adams believes that the residents of West Littleton were not consulted when the original change of use was granted in 2005.

This evidence is given very limited weight as the letter makes no reference to the use of the land. The physical merits of the change of use are not for consideration as part of the certificate of lawfulness. The consultation process undertaken in 2005 has no bearing on the determination of this current certificate application.

- 6.4 An e-mail has been received from Mr. Alan Young. Mr. Young states that the change of use in 2005 appears to have been permitted without any consultation with residents of West Littleton. He believes that a car warehouse/distribution centre/showroom is wholly inappropriate and incongruous in an Area of Outstanding Natural Beauty. He asks if it is now accepted practice to carry out works first and then ask for permission retrospectively? He asks if he can expect further commercial and industrial development along the lane. The e-mail states that Cameron Cars web-site offers their service as specialists in buying and selling. The letter also states that there has been an increase in traffic through the village (West Littleton).

This evidence is given very limited weight as the letter makes no reference to the use of the land. The physical merits of the change of use are not for consideration as part of the certificate of lawfulness. The consultation process undertaken in 2005 has no bearing on the determination of this current certificate application.

- 6.5 A signed and dated statutory declaration from a Mr. J. S. Knight has been received. The declaration states that Mr. Knight has lived in West Littleton for 70 years and his farm includes a field immediately adjacent to the application site. Mr. Knight states his recollection is that agricultural activities took place on the site after 2001. Mr. Knight states that it is of course difficult to be precise about when things happened or ceased to happen nearly a decade ago. Mr. Knight is certain however of two facts – in 2003 following a fire, Mr. Player delivered some hay to Mr. Knight. This hay was stored in building C. In 2004, Mr. Knight confirms he purchased some silage from Mr. Player which Mr. Knight personally collected from the property.

This evidence will be given due weight in the determination of the application.

- 6.6 A signed and dated statutory declaration from a Mr. M. Horgan has been received. Mr. Horgan states that he is a Councillor on the Parish Council of Tormaton and West Littleton and that he attended a meeting on Monday 15th March 2010. The declaration makes reference to an e-mail marked MH1. Mr. Horgan confirms that a number of people have come forward with comments to the effect that the claim being made was not correct and that agricultural use in the form of storage and distribution took place some time after the spring of 2001. The e-mail marked MH1 explains the application process and confirms the purpose of the certificate of lawfulness application.

This evidence will be given due weight in the determination of the application.

- 6.7 Three letters have been received from Mr. Christopher Bell during the course of the application. In his series of letters Mr. Bell makes the following statements:
- The HGV and the Kramer were both used in conjunction with the agricultural business well into the 10 year period.

- The works were being carried on out of sight of the passing public and in a manner which, even to the few who knew it was going on, appeared to be subsidiary to the permitted agricultural use.
- Yard B has been subject to a mixed use and agriculture and storage and distribution during the relevant ten year period.
- Mr. Bell believes that Cameron Sports cars are engaged in retail activity which would not be covered by B8 use. He states that the sales administration is evidently conducted on site.
- Mr Bell requests that the valuation referred to in Mr. Players statement is produced. Without production of the report, we cannot be confident that exhibits JP5 attached to Mr. Players statement do indeed come from the valuation report. *This point is agreed with and as the full valuation report cannot be produced, very little weight will be attached to exhibit JP5 of Player and Gray's statutory declarations.*
- The planning report submitted in support of the 2005 application makes reference to diversification since 2001
- Mr. Bell asks why this site was not investigated and addressed at the time of the 2005 application.
- Cameron Sports Cars fails to comply with conditions attached to the 2005 consent.

This evidence will be given due weight in the determination of the application

7. EVALUATION

7.1 The application for a Certificate of Lawfulness is purely an evidential test irrespective of planning merit. The only issues which are relevant to the determination of an application for a Certificate of Lawfulness are whether, in this case, the use described has or has not been actively in use on site for a consistent period of not less than ten years and whether or not the use is in contravention of any Enforcement Notice which is in force.

7.2 The relevant test of the submitted evidence

The onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is "on the balance of probabilities". Advice contained in Circular 10/97 states that a certificate should not be refused because an applicant has failed to discharge the stricter criminal burden of proof, i.e. "beyond reasonable doubt." Furthermore, the applicant's own evidence need not be corroborated by independent evidence in order to be accepted. If the Council has no evidence of their own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous. The planning merits of the use are not relevant to the consideration of the purely legal issues that are involved in determining an application. Any contradictory evidence which makes the applicant's version of events less than probable should be taken into account. The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such the applicant needs to prove precise and unambiguous evidence.

- 7.3 In this instance it must be proven that the land identified within the red line has been used for B8 (Storage and Distribution) purposes for a period in excess of 10 years prior to the date of this application.
- 7.4 In determining the application, greatest weight will be given to the sworn statements as these have the greatest legal weight.
- 7.5 The four sworn statement from I. Cameron, S. Cockram, L. Gray and C. Player all seek to demonstrate that the land within the red line has been used for B8 purposes for a period in excess of 10 years. Player and Gray both confirm that yard B (the application site) was constructed in 1988 with the majority laid with concrete. No further evidence has been submitted from any party is dispute this fact and the Council has no evidence to suggest that this is less than probable. Your officer is satisfied therefore that the yard has been in physical existence and largely surfaced with concrete for a period in excess of ten years.
- 7.6 Player and Gray confirm in their statutory declarations that no part of Yard B (the application site) has been used for agricultural purposes since 1998. They state that at all times since and during Player and Grays ownership of the yard, the yard has been used for the storage and distribution of plant, machinery and materials. Cameron and Cockram purchased the site in December 2008. Both statutory declarations by Cameron and Cockram confirm that since their ownership no part of Yard B has ever been used for agricultural purposes.
- 7.7 Taking the above four sworn statements at face-value, and in the absence of any evidence held by the Council to contradict the evidence given, it appears therefore that the site has been used for B8 purposes for a period in excess of 10 years. It then become necessary to weigh up the evidence received from other parties to dispute the ten year claim.
- 7.8 Two statutory declarations have been received from local residents opposing the certificate. The declaration by Mr. Horgan is not considered to offer any evidence to contradict the evidence in support of the application. Whilst Mr. Horgan notes that a number of people have come forward with comments to the effect that the claim being made was not correct, the declaration fails to give any evidence to explain or justify who came forward and why they feel the claim being made to be incorrect. Given the ambiguity of Mr. Horgans declaration and the lack of clear and precise evidence, it is not considered that his declaration makes the claim less than probable.
- 7.9 The declaration received from Mr. Knight contains more specific information regarding the use of the site. Mr. Knight states that in spring 2003, because of a fire, Mr. Knight purchased some hay from the Mr. Player. Mr. Knight states that the hay was stored in Building C. Mr. Player disputes this and claims that the last hay he made was in 2002 prior to his agricultural machinery being sold. Mr. Player states that the hay was actually stored within Building A and never in Yard B or Building C. The Council has no evidence or support or dispute the evidence being given by Mr. Knight. Mr. Knight also states in his declaration that in 2004 he purchased Silage from Mr. Player, which he collected personally from the property. As no details are contained within the statement

to confirm from which property the silage was collected or where within the curtilage of the property the silage was stored, this statement offers little evidence to dispute the claim being made.

- 7.10 In addition to the statutory declarations as discussed above, one additional letter has been received from Mr. Knight confirming that in his opinion, the HGV and the Kramer vehicle were used for moving agricultural goods as well as stone. Whilst this statement is not disputed by the Council, the existence or otherwise of the HGV and the Kramer is not being taken into consideration by the Council. No evidence has been submitted to prove where these vehicles were parked or what they were used for. They are not material to the change of use of the land.
- 7.11 The letters from Mr. Adams and Mr. Young offer no evidence to support or refute the claim being made. Both letters discuss the planning merits of the proposal but offer no evidence on the likely use of the land.
- 7.12 Mr. Bell in his letters also offers no evidence to support or dispute the claim. Mr Bell notes that works were being carried on out of sight of the passing public. Whilst Mr. Bell raises valid issues, such as the retail function of the site, he is not able to prove that these take place on the site subject of this application. It is equally possible that these take place within the part of the site affected by the 2005 consent and that any retail use is ancillary to the B8 usage on that site. Mr. Bells comments relating to the HGV and the Krammer, and also exhibit JP5 are considered to be valid and therefore these specific elements will not be taken into consideration when determining the application.
- 7.13 On the basis of the evidence submitted above, other than the claim by Mr. Knight that hay was stored and sold from within Yard B in 2003, no evidence has been submitted to make the applicants claim less than probable. The applicants refute the claim by Mr. Knight that hay was sold in 2003 and claim that the last hay was made in 2002 and that this hay was stored in building A.

8. CONCLUSION

- 8.1 Having regard to all of the evidence as discussed above, it is considered that the evidence presented by the applicant proves that, on the balance of probability, the land subject of this application has been used for purposes falling within the B8 (Storage and Distribution) use class for a period in excess of 10 years.

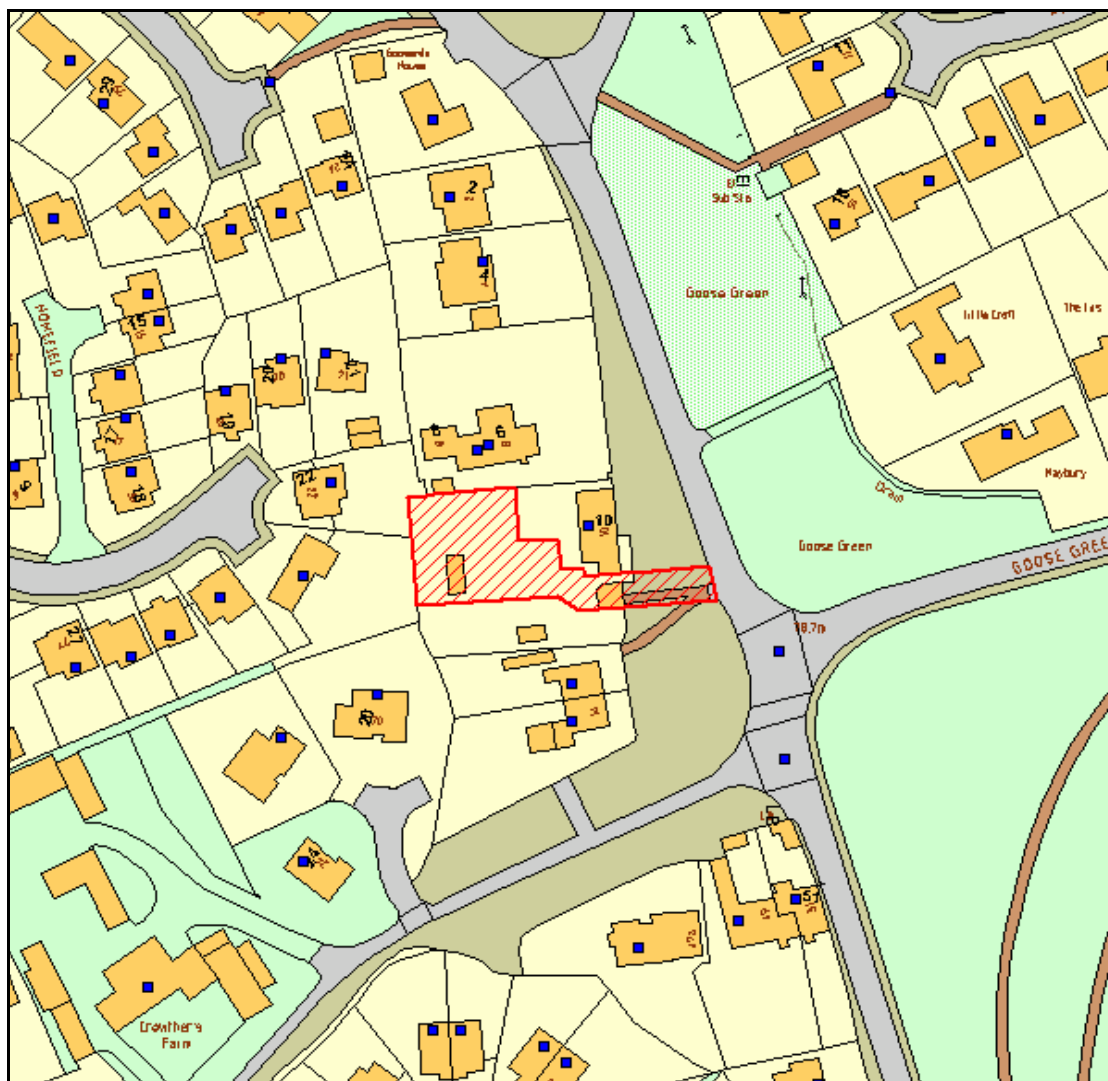
9. RECOMMENDATION

- 9.1 A Certificate of Existing Lawful Use be granted for the existing use of land for Storage and Distribution (B8) purposes as defined in the Town and Country Planning Act (Use Classes Order) 1987.

Contact Officer: Marie Bath
Tel. No. 01454 864769

CIRCULATED SCHEDULE NO. 23/10 – 18 JUNE 2010

App No.:	PK10/0529/F	Applicant:	M And A Commercials (Bristol) Ltd
Site:	Land Rear Of 10 Goose Green Yate Bristol South Gloucestershire BS37 5BJ	Date Reg:	9th March 2010
Proposal:	Erection of detached bungalow with associated works and creation of new vehicular and pedestrian access.	Parish:	Yate Town Council
Map Ref:	371364 183474	Ward:	Yate North
Application Category:	Minor	Target Date:	28th July 2010



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 100023410, 2008. **N.T.S.** **PK10/0529/F**

INTRODUCTION

The application has been referred to the Circulated Schedule due to the receipt of objections from Yate Town Council.

1. THE PROPOSAL

- 1.1 This applicant seeks full planning permission for the erection of 1 no. two bedroom detached dwelling with access and other associated works at the rear of No. 10 Goose Green, Yate. The application site concerns an area of land approximately 0.0565 hectare. The site is used as a private garden for No. 10 Goose Green and is within a residential area of Yate.
- 1.2 The applicant submitted a revised site plan showing that the existing access will be used for the proposed dwelling. There are a number of differences of the current proposal in terms of the siting, design, scale, height and the locations of habitable windows. Previous planning permission was granted for a 3 bedroom dwelling with accommodation within the roof. The current proposal would not have accommodation within the roof, and the design of the bungalow is different.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing (As re-issued 9 th June 2010)
PPG13	Transport: Guide to Better Practice

2.2 Development Plans

South Gloucestershire Core Strategy Pre-Submission March 2010

CS1	High Quality Design
CS9	Environmental Resources and Built Heritage
CS15	Distribution of Housing
CS30	Yate and Chipping Sodbury

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	Landscape Protection and Enhancement
L17 & 18	The Water Environment
H2	Proposals for Residential Development within Existing Urban Area and Defined Settlement Boundaries
H4	Development with Existing Residential Curtilages, including Extensions and New Dwellings
T8	Parking Standards
T12	Transportation Development Control Policy for New Development

3. RELEVANT PLANNING HISTORY

- 3.1 N2052 Use of land and buildings as a bird farm (renewal of temporary consent)
Approved 13.11.75
- 3.2 N2052/1 Use of land and buildings as a bird farm
Approved 15.02.79
- 3.3 P88/3376 Erection of two single storey rear extensions to provide lounge / sun room.
Approved 11.01.89
- 3.4 PK06/3310/F Erection of 1 no. dwelling with integral garage and additional detached garage for use by No. 10 Goose Green.
Approved 05.04.07
- 3.5 PK08/1236/F Erection of 1 no. detached dwelling with access and associated works. Refused 19.06.08
- 3.6 PK08/1239/F Erection of 1 no. detached dwelling with associated works. (Amendment to previously approved scheme PK06/3310/F)
Approved 20.06.08
- 3.7 PK08/1242/F Erection of two storey, first floor and single storey rear extensions and first floor side extension to form garage and additional living accommodation.
Approved 05.09.08
- 3.8 PK08/3091/F Erection of 1 no. detached dwelling with associated works. (Amendment to previously amended scheme PK08/1239/F)
Approved 23.01.09
- 3.9 PK08/3205/F Erection of 1 no. detached dwelling with access and associated works.
Approved 13.02.09

4. **CONSULTATION RESPONSES**

(a) Statutory Consultees

4.1 Yate Town Council

Object to the formation of an additional access way as there is already a permitted access which serves all three properties on site:

- a. They have not served the statutory notice on Yate Town Council as land owners or stated in the application that Yate Town Council are the land owners;
- b. Object most strongly to additional access which will result in the loss of the green.

No objection to the bungalow subject to the old condition regarding not overlooking be carried forward: (i) Removed of permitted development right, (ii) Permission regarding obscure windows be retained in relation to overlooking.

4.2 Technical Services Unit - Drainage
The Unit has no objections in principle.

4.3 Highway Officer
No objection

4.4 Environmental Protection
No objection

(b) Other Representations

4.5 Local Residents
No comments received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
PPS3 has been re-issued on 9th June 2010, to reflect concerns regarding the overdevelopment of neighbourhoods, loss of Green Space and the impact upon local character. The changes involve the exclusion of private residential gardens from the definition of previously developed land and the removal of the national indicative density target of 30 dwellings per hectare. The existing policies in the local plan, Policy H2, H4e, D1 already require that proposals are assessed for their impact upon the character of the area, and that proposals make efficient use of land.

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for development within existing residential curtilages including new dwellings subject to there being no adverse impact on the existing visual and residential amenities within the immediate area. Therefore subject to these constraints, the proposal is considered acceptable in principle.

5.2 Scale and Design
There is a mix of house types and ages in the vicinity, which results in a mix of architectural vernacular. The proposed dwelling would be a single storey building. The front elevation of the dwelling would be finished in natural stonework and other elevations would be finished in render. The roof would be constructed of Redland Breckland black grovebury pantiles. Officers therefore consider that it would not cause significant harm to the character and appearance of the area.

With regard to the provision of amenity space, the new dwelling would have approximately 119 square metres private garden while the existing dwelling would have approximately 116 square metres. Officers therefore considered that the proposal would provide adequate private amenity space for both properties.

5.3 Impact upon Residential Amenity
No rooflight is proposed on the proposed dwelling. The windows on the front elevation would be more than 10 metres away from the rear extension of the

existing dwelling, No. 10, and these windows would be overlooking the rear extension. Whilst there would be some degree of overlooking upon the garden areas, it is not considered that the proposal would cause significant loss of privacy to warrant a refusal of this application.

The proposed dwelling would be approximately 12 metres from the adjacent properties, No. 6 and No. 8 Goose Green. These neighbouring properties have a number of windows on the rear elevation, which would be overlooking the garden of the new dwelling. Due to there are mature vegetations along the northern boundary provided that there would be adequate fencing along this boundary, it is considered that the proposal would not cause significant issue of overlooking.

A secondary bedroom window would be installed at the side south elevation, and it would be overlooking a parking space, and it is considered that it would cause not any loss of privacy or overbearing impact upon the future occupiers of plot 1.

The new dwelling would be approximately 1.6 metres from the western boundary. On the rear (west) elevation, the ridge of the building would be approximately 5.4 metres above the ground level (approximately 2.8 metres to the eaves). The new dwelling would be approximately 18 metres from the rear elevation of neighbouring properties in Homefield. There is no rooflight or dormer proposed to the new dwelling. It is therefore considered that it would not cause significant overbearing impact nor loss of privacy upon the adjacent properties.

5.4 Transportation Issues

This current proposal seeks to amend the previously approved planning permission on site (PK08/3205/F) to erect a single storey two-bed dwelling.

Vehicular parking and access will remain as permitted. The level of parking provided complies with Policy T8 of the SGLP and is therefore considered acceptable.

In light of the above, there is no transportation objection to this proposal.

5.5 Tree Issues

There are no significant trees in the rear garden that would be affected by the proposed development. At the front of the property there is a young sycamore tree standing on the existing driveway; this is a good tree with the potential to become a significant tree contributing to the character of the locality therefore it should be retained, protected and managed in a way that ensures their long-term viability in accordance with South Gloucestershire Council adopted policy L1.

There is a row of mature Lime trees growing along the edge of the road in front of the property; these are significant trees contributing to the character of the locality therefore they should be retained, protected and managed in a way that ensures their long-term viability in accordance with South Gloucestershire Council adopted policy L1.

Access to the site for development traffic and storage of materials near the trees should be avoided, protective fencing inline with BS5837: (2005) should be erected around the Sycamore and the Limes either side of the driveway before the development commences and maintain until its completion. A planning condition is imposed to ensure that this is the case.

5.6 Drainage

The Council's Drainage Engineer raised no objection to the principle of the development provided that a sustainable drainage system would be implemented.

5.8 Other issues

Yate Town Council objects the proposal due to the absence of notice and the construction of additional access.

During the course of the application, the applicant submitted a completed Certificate B, which shown that the Yate Town Council has been noticed, and a revised site location plan showing a single access will be used.

It should also noted that a number of planning conditions, which would be similar previous planning permission, PK08/3205/F, would be imposed with this application

5.9 Design and Access Statement

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

5.10 Use of Energy and Sustainability

Given the nature of the development, this is not required above building regulations.

5.11 Improvements Achieved to the Scheme

None.

5.12 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

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

Reason

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

2. Notwithstanding the submitted development prior to the commencement of development a sample of the roofing material 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 Policies D1 and D4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Core Strategy Pre-Submission Draft March 2010.

3. No windows or rooflights other than those shown on the plans hereby approved shall be inserted at any time in the north, south and west elevations of the property.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Core Strategy Pre-Submission Draft March 2010.

4. The existing Sycamore tree standing / overhanging the driveway shall be retained. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work). If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the same place and that tree shall be of such size, species and shall be planted at such times, as may be specified in writing by the Local Planning Authority.

The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, material and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the trees, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Core Strategy Pre-Submission Draft March 2010.

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority an arboricultural impact assessment including method statement and Tree Protection Plan of the existing Sycamore tree and Lime tree. The proposed works shall comply with British Standard 5837: Trees in Relation to Construction.

Reason

To ensure the works are carried out in appropriate manner and in the interests of the health and visual amenity of the trees, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Core Strategy Pre-Submission Draft March 2010.

6. The vehicular parking area and turning space shall be of a permeable bound surface and be satisfactorily maintained as such.

Reason

In the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Core Strategy Pre-Submission Draft March 2010.

7. Notwithstanding submitted detail and prior to the commencement of development a plan indicating the positions, design, materials and type of boundary treatments (including the boundary treatment between the new dwelling and the existing dwelling, No. 10 Goose Green) to be erected shall be submitted to the Local Planning Authority for approval. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Core Strategy Pre-Submission Draft March 2010.

8. The proposed parking area and turning space shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or

porous area or surface within the curtilage of the dwellinghouse, and shall be maintained thereafter.

Reason

To ensure that a satisfactory means of drainage and pollution control, and to accord with Policies L17 and L18 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS9 of the South Gloucestershire Core Strategy Pre-Submission Draft March 2010.

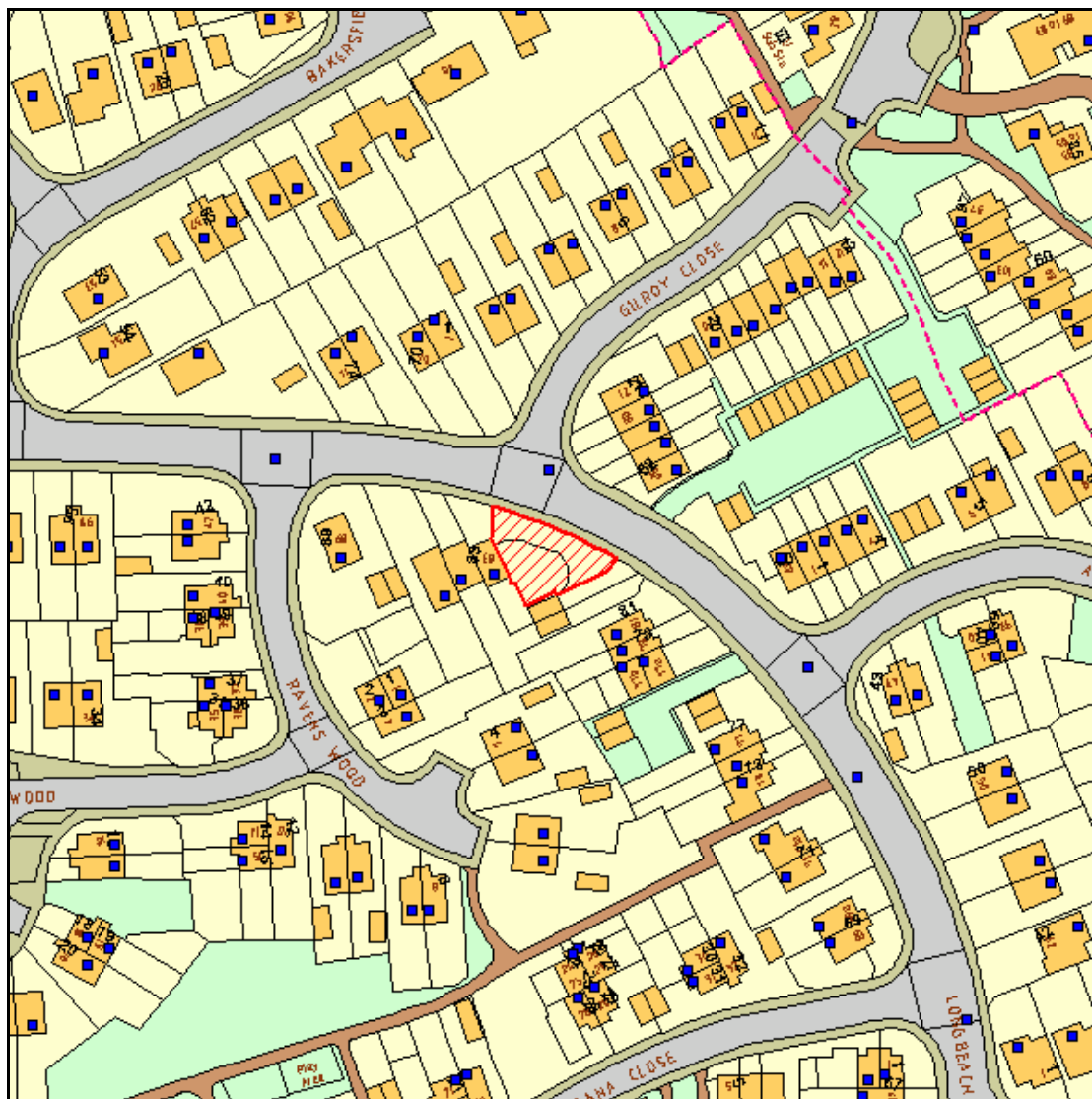
9. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning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

Reason

To minimise the effect of any flooding which may occur and to comply with Policies L17 and L18 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS9 of the South Gloucestershire Core Strategy Pre-Submission Pre-Submission March 2010.

CIRCULATED SCHEDULE NO. 23/10 – 18 JUNE 2010

App No.:	PK10/0939/F	Applicant:	Mr T Pollard
Site:	83 Long Beach Road Longwell Green Bristol South Gloucestershire BS30 9XD	Date Reg:	29th April 2010
Proposal:	Erection of two storey side extension to form 2no. self-contained flats with parking and associated works.	Parish:	Oldland Parish Council
Map Ref:	366558 171253	Ward:	Longwell Green
Application Category:	Minor	Target Date:	18th June 2010



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INTRODUCTION

This application has been forwarded to the Council's Circulated Schedule of applications as representation has been received from the Parish Council which raises a view contrary to the Officer recommendation.

1. THE PROPOSAL

1.1 The application site is situated within the predominantly residential suburb of Longwell Green. The application site forms the side/rear garden of no.83 Long Beach Road. A 2m high wall runs through the garden parallel with the highway creating a long open strip of land at the front and side of the site. The site is bounded by residential development to the west and south and Long Beach Road which curves around the boundary running north to east.

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

1.2 The application for full planning permission proposes erection of two-storey side building attached to the south east elevation of no.83 to form 2no. self-contained one bedroom flats with parking and associated works.

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
T8 Parking standards
T12 Transportation for new development
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
South Gloucestershire Design Checklist – August 2007

3. RELEVANT PLANNING HISTORY

3.1 P82/4048 Erection of 3 dwellinghouses with associated garages, roads and footpaths. (Previous ID: K1088/55)
Approved 24.02.1982

Condition (f) reads,

'Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1977, as amended, no gates, walls, fences or other means of enclosure shall be erected, placed or constructed in front of the front wall of any dwelling or the flank wall of a dwelling at the junction of two roads without the prior express planning permission of the District Local Authority.'

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council

Objection for reason:

'...serious concerns regarding over development and the impact of the proposed development on a corner. It is understood that the original developer of the area was refused permission by Kingswood Borough Council to build on this area and the same concerns remain.'

4.2 Other Consultees

Sustainable transport – No objection

Other Representations

4.3 Local Residents

None received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

PPS3 has been reissued on 9th June 2010 to reflect concerns regarding the redevelopment of neighbourhoods, loss of Green Space and the impact upon local character. The changes involve the exclusion of private residential gardens from the definition of previously developed (brownfield) land and the removal of the national indicative density target of 30 dwellings per hectare. The existing policies in the local plan H4 and D1 already require that proposals are assessed for their impact upon the character of the area and that proposals make efficient use of land. As such the proposal has been considered against policies H4 and D1.

Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage including new dwellings, providing that the design is acceptable, there are no material highway safety implications 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 application site is situated within a modern suburban residential context. The site is situated on a bend in the road and opposite the junction with a cul de sac (Gilroy Close). As such the application site is situated in a visually prominent location. The proposal would provide a building of similar form, design and scale to no.83 to which it would be attached. No 83 is situated at the end of a terrace of three dwellings and is set back from no.85 which is also a two storey dwelling of similar form and design. The proposal would be set back from no.85. As such it is considered that the proposal would provide an addition to the existing terrace which would reflect its architectural character, appearance and layout. Therefore the proposal is considered to be in keeping with its surroundings.

The Parish Council has raised a concern that the proposal would constitute over-development of the site and would impact on a prominent street corner. They also asserted that the Council had previously refused development on this site. No record could be found of a refusal for development on this site. However, a condition was attached to the original planning permission for residential development including the plot for no.83 (P82/4048) which sought to protect the open character of the area. The condition reads,

'Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1977, as amended, no gates, walls, fences or other means of enclosure shall be erected, placed or constructed in front of the front wall of any dwelling or the flank wall of a dwelling at the junction of two roads without the prior express planning permission of the District Local Authority.'

This aim was further emphasised by setting back the side/front boundary wall of the garden for no.83 by 4m from the highway. Thus deliberately reducing the size of private garden associated with no.83 and providing a strip of land adjacent to the highway similar in length to the existing front gardens in the locality. In pre application discussions with the applicant, the above condition and the aims of the Council in terms of open character were considered. The submitted scheme shows the new building set back from no.83 in a position almost entirely occupied at present by the enclosed garden of no.83. Adjacent to the north east elevation of the new building a private garden would be provided. This garden would be surrounded by a 1.8m high wall. The wall would be set back from the highway by 3m and would run parallel with the highway. As such the enclosure would be of a similar height as existing and situated in a similar position. Additionally the new dwelling would be set back from the highway and the existing terrace on land currently used mainly as private garden. As such it is considered that the proposal would respect the open character of the area in accordance with the original aims of the Council.

In terms of over-development, the proposal would provide a building of similar footprint to that of nos 83 and 85 within the terrace. The proposed garden would measure 52m². Garden sizes in the area vary and reflect the dwelling

types with for instance family sized dwellings with 3 or more bedrooms having larger gardens and smaller dwellings such as the dwellings opposite (62-68 Long Beech Road) and 1-4 Auburn Road having much smaller gardens of around 30m². The proposal would provide two one bedroom flats and as such the garden size reflects the dwelling type. It also reflects the garden sizes of other dwellings in the locality, providing a more generous garden than some dwellings opposite. Therefore on the basis that the footprint of the existing and proposed dwellings and resultant garden size are considered to be acceptable and not out of keeping with the locality, the proposal is considered not to represent over-development of the site. Overall, the design, for, scale, layout and materials would be of good quality in keeping with the character of the existing dwelling and would respect the character distinctiveness and amenity of the surrounding area. As such it is considered that the design of the proposal accords with the criteria of Policy D1.

5.3 Residential amenity

The proposal would provide two first floor rear bedroom windows facing south east towards the rear elevations and gardens of no.s 79 and 81. Views from these windows towards the south east would be screened by an existing double garage at the rear of no.83 situated between no.s 83 and 81. All other first floor windows would face onto the highway.

The proposal would be set back from no.83 by 1.6m which is considered not to result in any significant issues concerning bulk or daylight and sunlight. The proposal would be situated 14m from no.81 which would be the nearest other dwelling in the locality. This is considered to be sufficient distance in order to create no significant harm to their residential amenity. Considering all of the above the proposal would not result in material harm to the amenity of the adjacent occupiers.

5.4 Highway matters

The proposal would provide two one bedroom flats. The proposed layout shows two tandem spaces to be provided for the existing dwelling (no.83) including the existing single garage at the rear and two further spaces, one for each of the two flats. This proposed layout meets the parking standard adopted by this Authority in Policy T8. A further off street parking area will be retained at the front of no.83. The Highways Officer has raised no objection to the proposal. On this basis the proposal is considered to result in no significant highway safety implications.

5.5 Design and Access Statement

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

5.6 Use of Energy and Sustainability

The proposal would use materials similar to those existing. The proposal would be of good quality construction and due to its location, within the urban area close to amenities and with easy access to Bristol's transport infrastructure, is considered to represent a sustainable form of development.

5.7 Improvements Achieved to the Scheme

At pre-application stage, the scheme was amended to reflect the open character of the area by setting back the proposed building and the side boundary wall.

5.8 Section 106 Requirements

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

6. CONCLUSION

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

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report. A summary of reasons for granting planning permission in accordance with article 22 of the town and country planning (general development procedure) order 1995 (as amended) is given below.

- a) Due to its scale and position in relation to the adjacent dwellings, the proposed 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 development has been designed to respect and maintain the massing scale, proportions, materials and overall design and open 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.
- c) The proposal would provide off street parking within the site which reflects

the council's adopted parking standard. As such the proposal is considered to accord with Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006

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 development comprising two flats hereby permitted shall match those used in the existing dwelling know as 83 Longbeach Road, Longwell Green.

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. 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, L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

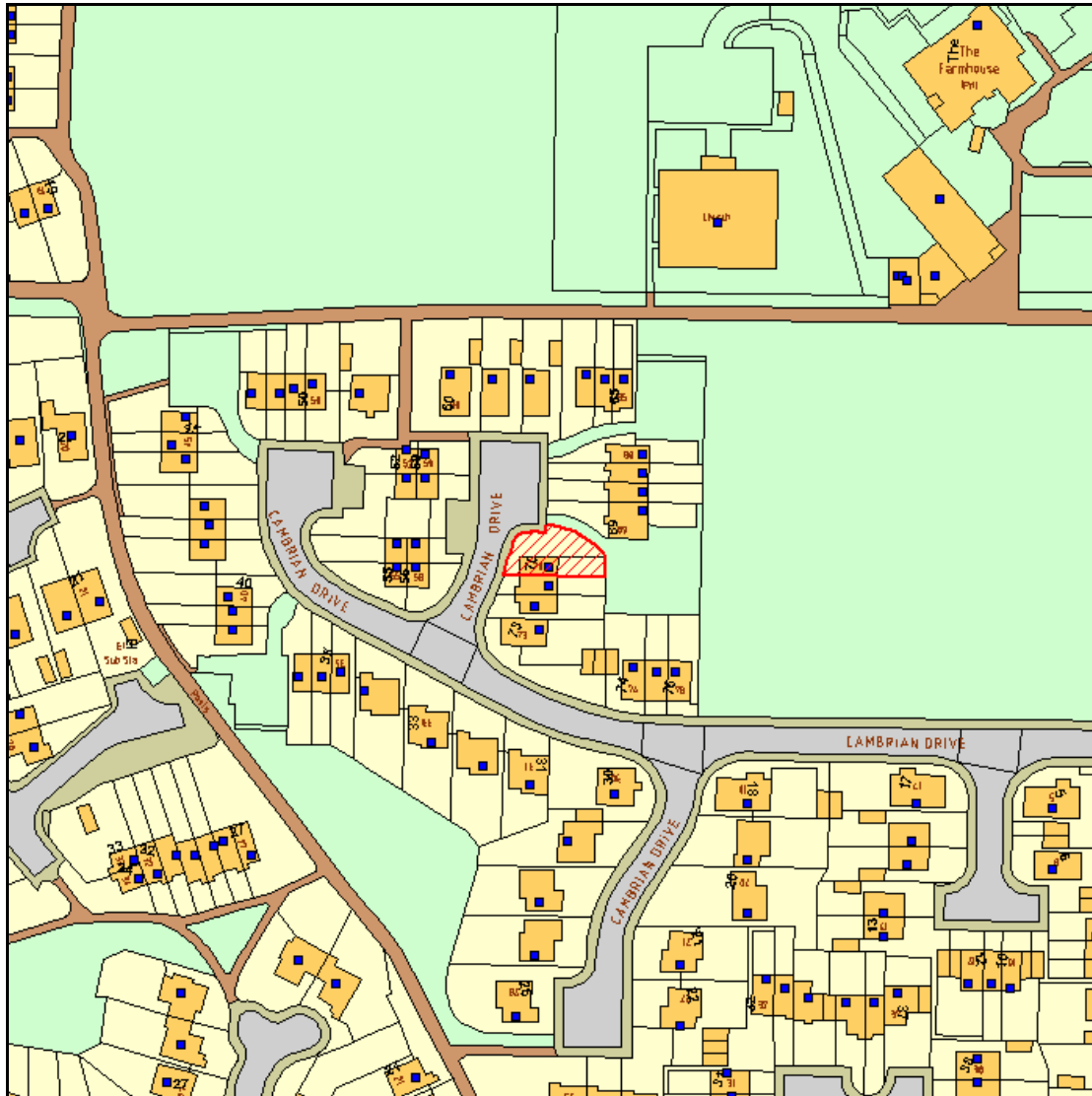
5. Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next 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, L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 23/10 – 18 JUNE 2010

App No.:	PK10/1039/F	Applicant:	Mr Simon Bees
Site:	70 Cambrian Drive Yate Bristol South Gloucestershire BS37 5TT	Date Reg:	13th May 2010
Proposal:	Erection of rear conservatory and side porch.	Parish:	Yate Town Council
Map Ref:	371038 183303	Ward:	Yate North
Application Category:	Householder	Target Date:	30th June 2010



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INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a rear conservatory and side porch at 70 Cambrian Drive, Yate. The proposed conservatory would measure 3.4 metres wide by 2 metres in depth and would have an overall height to ridge of 3.2 metres. The proposed porch would measure 2.6 metres wide by 1.3 metres in width with a height to ridge of approximately 3.2 metres.
- 1.2 The property is a two storey end terrace dwelling and is located within a residential area of Yate. On visiting the site the proposed works were almost complete.

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 PK07/2943/F Erection of two storey side extension with front porch. Erection of 1.8m boundary fence. Refused November 2007

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
No objection

Other Representations

4.2 Local Residents

One letter of objection has been received from a local resident raising the following concerns:

- A previous application for the property was refused
- The applicant has already started the extensions without permission
- Whilst retrospective planning permission may be gained this has occurred previously in the cul-de-sac, making it appear acceptable to start work before an application.
- Disruption in the area whilst work is being completed
- The view from their property is a concern
- Could affect the value of property

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 applicant proposes the erection of a rear conservatory and a side porch. The proposed extensions are of an appropriate standard in design and reflect the character of the main dwelling house and surrounding properties. It is considered that the proposals are of modest size in comparison to the bulk of the main dwelling and are suitably subservient to it. Furthermore, the proposals would incorporate materials to match those of the main dwelling, assisting the successful integration of the extension with the host dwelling.

The proposed conservatory would be to the rear of the existing dwelling and would be screened by the existing boundary fencing. Whilst the location of the porch to the side of the dwelling is uncharacteristic of the area, another property in the vicinity No. 56 Cambrian Drive has a side porch, furthermore, given its simple design and modest dimensions, it is considered to be an appropriate addition to the dwelling and street scene.

5.3 Residential Amenity

The proposed porch is located on the side elevation of the dwelling set away from any neighbouring residential properties. The proposed conservatory would be located approximately 400mm away from the boundary with the adjoining property, No. 71 Cambrian Drive. The conservatory would have a depth of approximately 2 metres and would have a roof hipped away from the neighbouring property. Therefore, given the existing boundary treatments in place, combined with the depth and height of the proposal, it is not considered

that the proposed extensions would have any overshadowing or overbearing effects on the neighbouring dwellings.

The proposed conservatory would only have high level glazing to both side elevations, furthermore the proposed porch would have a side door and a small west facing window. It is therefore 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 Parking and Highway Safety.

The existing rear parking space associated with the application property would not be affected by the proposed development. Therefore the parking provision would remain in compliance and within the Councils required parking standards.

5.5 Design and Access Statement

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

5.6 Use of Energy and Sustainability

No additional measures proposed.

5.7 Improvements Achieved to the Scheme

None required.

5.8 Other Issues

Concern has been raised regarding the disruption in the area during construction. Whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this would be on a temporary basis only, furthermore given the scale of the works proposed it is not considered that this is of sufficient concern to warrant the refusal of the application. With regard to the concerns raised regarding loss of view and possible reduction in property value, these are not material planning considerations.

5.9 Section 106 Requirements

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

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in

accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

- 6.2 The 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. As such the proposal accords with Policies D1 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

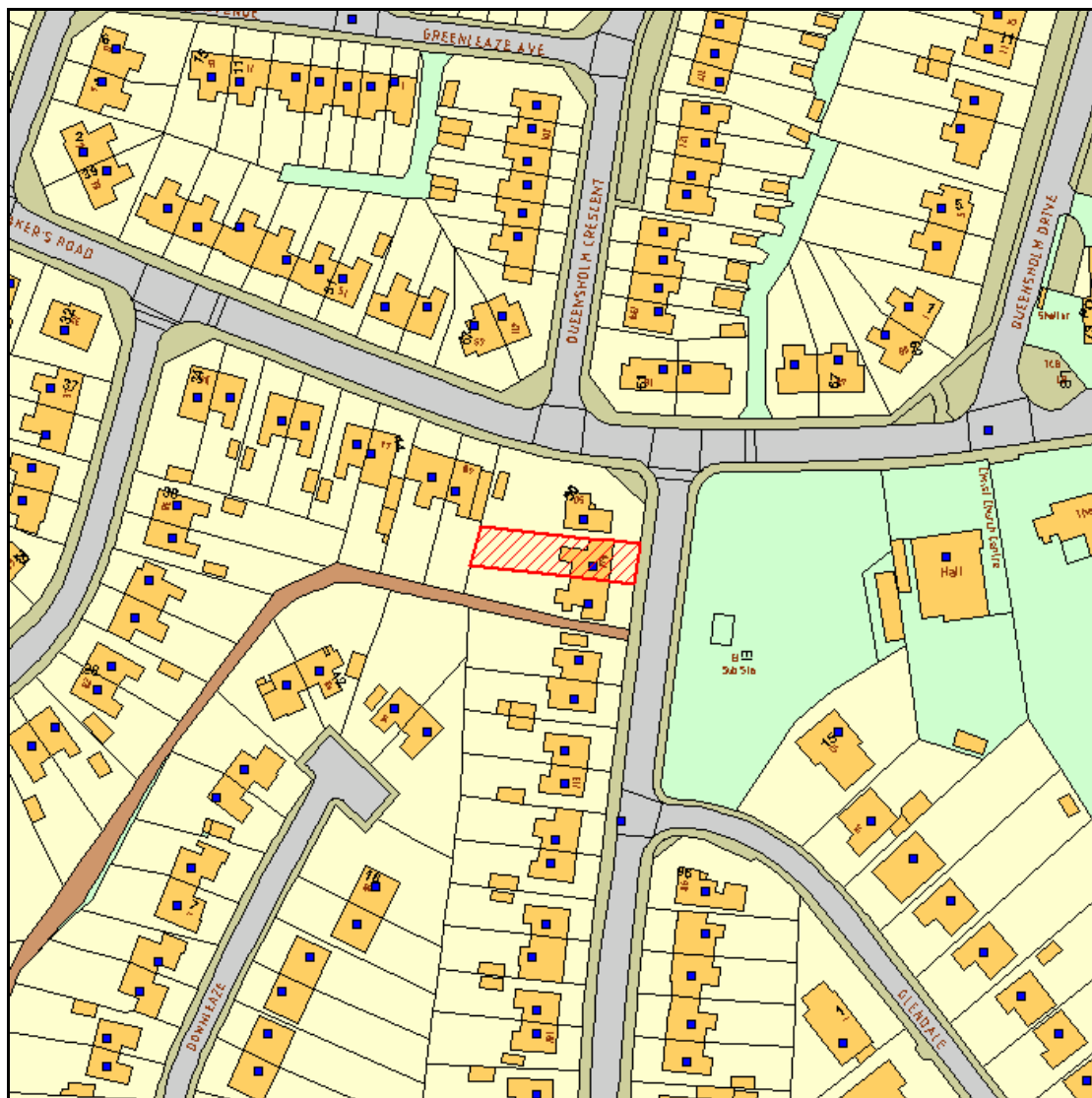
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 23/10 – 18 JUNE 2010

App No.:	PK10/1058/CLP	Applicant:	Mr and Mrs M Price
Site:	123 Oakdale Road Downend Bristol South Gloucestershire BS16 6EG	Date Reg:	14th May 2010
Proposal:	Application for Certificate of Lawfulness for the proposed erection of a single storey side and rear extension.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365037 177904	Ward:	Downend
Application Category:	Minor	Target Date:	30th June 2010



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INTRODUCTION

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

1. THE PROPOSAL

- 1.1 A certificate of Lawfulness for a proposed development has been applied for in relation to the erection of a single storey side and rear extension at 123 Oakdale Road, Downend. The property is a two storey semi-detached dwelling and is located within the residential area of Downend.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

2. POLICY CONTEXT

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant.

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
No objection.

Other Representations

- 4.2 Local Residents
No response received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The purpose of this application for a Certificate of Lawful Development is to establish whether or not the proposed development can be implemented lawfully without the need for Planning Consent. This is not a Planning Application but is an assessment of the relevant planning legislation, and as such the policies contained within the South Gloucestershire Local Plan (Adopted) January 2006 do not apply in this instance.

It stands to be ascertained whether the proposed development falls within the limits set out in Part 1 of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

- 5.2 The proposed development consists of a single storey side and rear extension. This development would fall under the criteria of *Schedule 2, Part 1, Class A*, of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 (The enlargement, improvement or other alteration of a dwellinghouse). Developments which fail any of the following criteria would not be permitted:

Class A.1

- (a) **As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**
The property has a substantial rear garden, consequently the proposed extension would not exceed 50% of the total area of the curtilage.
- (b) **The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**
The maximum height of the proposed extension would be 4 metres, in comparison the main dwelling has a height to ridge of 8.5 metres. As such the proposal meets this criterion.
- (c) **The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**
The entire proposal would sit lower than the eaves height of the main dwelling. The height to eaves of the proposed extension would reach 3 metres, in comparison, the height to eaves of the main dwelling measures 5.5 metres.
- (d) **The enlarged part of the dwellinghouse would extend beyond a wall which—**
(i) **fronts a highway, and**
(ii) **forms either the principal elevation or a side elevation of the original dwellinghouse;**
The proposed extension would be to the side and rear of the dwelling. The side elevation of the dwelling does not front a highway, as such the proposal accords with this criterion.
- (e) **The enlarged part of the dwellinghouse would have a single storey and—**
(i) **extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**
(ii) **exceed 4 metres in height;**

The host dwelling is a semi-detached property. The proposed extension would be single storey and would extend a maximum of 3 metres in depth. Furthermore the proposed extension would have a maximum height of 4 metres, in accordance with this criterion.

(f) The enlarged part of the dwellinghouse would have more than one storey

The proposed extension is single storey.

(g) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

Whilst the proposed extension would be located within 2 metres of the boundary of the property, the extension would have a height to eaves of 3 metres.

(h) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would:

(i) Exceed 4 metres in height,

(ii) Have more than one storey, or

(iii) Have a width greater than half the width of the original dwelling house.

The proposed extension would be single storey and would have a maximum height of 4 metres. The proposal would extend 2.6 metres beyond the side elevation of the dwelling, in comparison the main dwelling measures 5.9 metres in width. As such the proposal meet this criterion.

(i) It would consist of or include—

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

(ii) The installation, alteration or replacement of a microwave antenna,

(iii) The installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

(iv) An alteration to any part of the roof of the dwellinghouse.

The proposal does not include any of the above and consequently meets this criterion.

Class A.2 restricts the development on article 1(5) land. The application site does not fall within Article 1(5) land, as such the criteria outlined in Class A.2 are not relevant to this application.

Conditions

(a) The materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

The plans state that the proposal would be finished in materials that match the main dwelling.

- (b) Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be—
- (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and

The proposal does not include the installation of any upper floor windows.

- (c) Where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

The proposal is single storey.

5.5 Design and Access Statement

Not applicable.

5.6 Use of Energy and Sustainability

No additional measures.

5.7 Improvements Achieved to the Scheme

None required.

5.8 Section 106 Requirements

Not application.

6. CONCLUSION

It is considered that the proposal does fall within one of the categories of development which are permitted development, and therefore planning permission is not required.

7. RECOMMENDATION

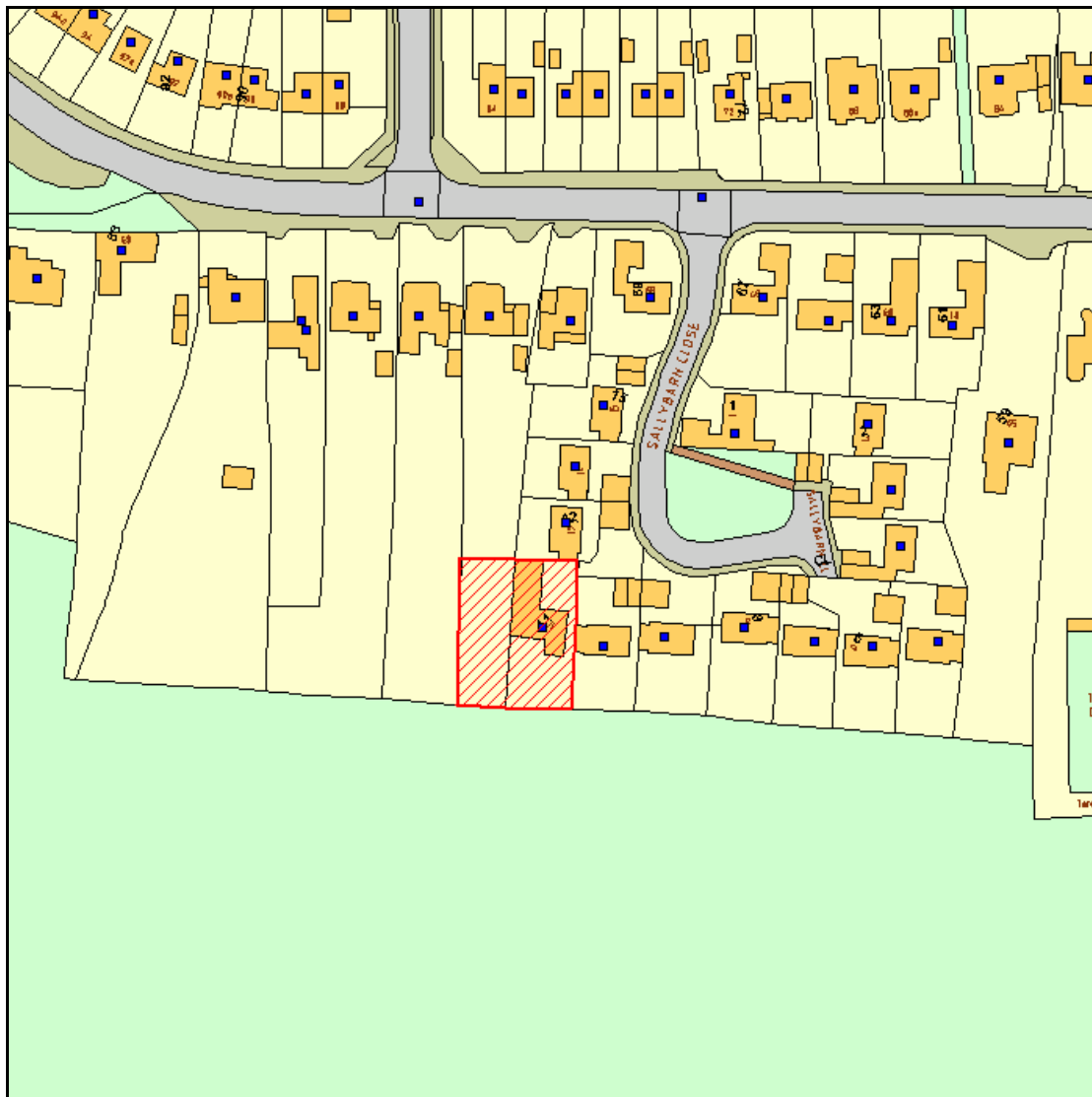
- 7.1 That a certificate of Lawfulness for Proposed Development is granted for the following reason:

Evidence has been provided to demonstrate that the development falls within permitted development within the curtilage of the dwellinghouse under Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

Contact Officer: Kirstie Banks
Tel. No. 01454 865207

CIRCULATED SCHEDULE NO. 23/10 – 18 JUNE 2010

App No.:	PK10/1112/F	Applicant:	Mr Selby Stenner
Site:	11 Sally Barn Close Longwell Green Bristol South Gloucestershire BS30 9AN	Date Reg:	14th May 2010
Proposal:	Erection of single storey side and rear extensions to provide additional living accommodation.	Parish:	Hanham Abbots Parish Council
Map Ref:	365445 170532	Ward:	Longwell Green
Application Category:	Householder	Target Date:	30th June 2010



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 100023410, 2008. **N.T.S.** **PK10/1112/F**

INTRODUCTION

This application has been referred to the Circulated Schedule due to the receipt of a letter of objection from a local resident and concerns raised by Hanham Abbots Parish Council.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a side and rear extension at 11 Sally Barn Close, Willsbridge. The proposed extension would measure a maximum of 6.8 metres wide, extending 3.3 metres beyond the side elevation of the dwelling, by a maximum of 11.3 metres in depth and would have a maximum height to ridge of 5.3 metres.
- 1.2 The property is a two storey detached dwelling and is located within a residential area of Longwell Green. The site is not located within the Bristol Bath Green Belt but it lies adjacent to the south boundary of the site.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG2 Green Belts
- 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
GB1 Development in the Green Belt

South Gloucestershire Core Strategy, Pre-submission Publication Draft March 2010
CS1 High Quality Design
CS9 Environmental Resources and Built Heritage
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 The application property has been subject to several extensions in the past, the most recent of which is detailed below.
- 3.2 P97/4539 Erection of first floor side extension
Approved October 1997

4. CONSULTATION RESPONSES

4.1 Hanham Abbots Parish Council

Raised concern that the proposal would result in overdevelopment of the property and that a condition should be attached to the proposal ensuring that the dormer windows are obscure glass to avoid overlooking and loss of privacy to the neighbouring garden. There are also concerns that the application property is built on significantly higher ground than the neighbouring property and therefore the extension could have an overbearing effect.

Other Representations

4.2 Local Residents

One letter of objection has been received from a local resident raising the following concerns:

- The size of the proposal is intrusive to privacy and light
- Patio is raised above garden level allowing direct overlooking to garden
- No reason for the height of the extension or the use of skylights which will effect privacy and light
- Building should be kept to single storey height

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

It is considered that the proposed extension is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. Whilst the extension is of a fairly complex design, it is of modest size in comparison to the bulk of the main dwelling and is suitably subservient to it. 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. Concern has been raised regarding the appearance of the extension being of a two storey nature. The proposal is raised up above the garden level, however the eaves height of the proposal follows the eaves height of the existing single storey attached garage and the ridge height is significantly set down from the main two storey ridge height. As such it is not considered that the proposal has a two storey appearance.

Concern has been raised that the proposal would result in over development of the site. Whilst the application property has been extended in the past, the proposed extension is subservient to the main building given its single storey nature, furthermore ample garden space would remain to serve the property.

As such it is not considered that the proposed extension is over-development of the site. The proposal is located to the rear of the property and would not be visible from the highway, therefore whilst the property would be larger than most dwellings in Sally Barn Close, when viewed from the road the property would still appear in keeping with the scale of surrounding properties. 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 is set over 5 metres away from any boundary with a neighbouring residential property. Furthermore whilst the proposal is set at quite a high level the existing boundary treatment with the neighbouring property to the north, No. 73 Court Farm Road measures approximately 2 metres in height from the existing raised patio. As such given the location of the proposed extension set away from neighbouring properties, it is not considered that the extension would have any overshadowing or overbearing effect on the neighbouring dwellings.

The southern elevation is predominantly glazed and this would over look the rear garden of the application property and the open fields beyond. There is also glazing on the northern and western elevations of the proposal, these windows would serve a bedroom and a family room most likely to be used as a dining room. The property currently benefits from a raised rear and side patio area. Whilst concern has been raised regarding loss of privacy, given the boundary treatments along the northern boundary of the site, a high wall measuring 2 metres from the ground level of the extension and a 1.8 metre high fence from garden level, in combination with the mature trees growing in the rear garden of No. 73 Court Farm Road, it is not considered that the proposal would result in any overlooking or loss of privacy to the rear garden of No. 73 Court Farm Road, over and above the existing situation. The proposed sky lights would not result in any overlooking given that they are situated approximately 4 metres above the floor level.

Low fencing and young shrubs and bushes define the boundary with the neighbouring property to the west, No. 75 Court Farm Road. The proposed extension is at a raised level as such the rear of the garden of No. 75 Court Farm Road would be overlooked, however the rear of this property can already be overlooked to the same level from the existing raised patio area and the ground floor and first floor side elevation windows. As such given that the garden to the rear of No. 75 Court Farm Road is over 70 metres in length and the fact that the application site only overlooks the very bottom of this garden which is not currently used, in combination with the fact that a 2 metre high boundary treatment could be erected under the provisions of the Town and Country Planning General Permitted Development Order, it is not considered that a refusal reason based on overlooking or loss of privacy could be justified or substantiated at appeal.

Given the distance the proposal is located away from neighbouring properties it is considered that there are no issues of inter-visibility. 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 Green Belt Implications

The application site is located adjacent to the Bristol Bath Green belt but not within it. Policy GB1 of the South Gloucestershire Local Plan states that development that is conspicuous from the Green Belt should not harm the visual amenity of the Green belt by reason of their siting, materials or design. The proposed extension would be located over 13 metres away from the boundary with the Green Belt, furthermore the proposal wraps around the existing building rather than projecting out towards the open field to the south. As such, it is not considered that the proposal would have any adverse impacts on the visual amenity of the Green belt.

5.5 Design and Access Statement

None submitted.

5.6 Use of Energy and Sustainability

No additional measures proposed.

5.7 Improvements Achieved to the Scheme

None required.

5.8 Other Issues

With regard to comments made by Hanham Abbots Parish Council regarding a condition being attached to the proposal ensuring that the dormer windows are obscure glass to avoid overlooking and loss of privacy to the neighbouring garden. No dormer windows are proposed, as such it is assumed that the concern is with regard to the glazed gable. Given the existing level of overlooking from the raised patio and side elevation windows, is it not considered reasonable that a condition be imposed to ensure windows in the proposed extension are obscurely glazed.

5.9 Section 106 Requirements

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

6. CONCLUSION

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

- 6.2 The 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 significantly harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. As such the proposal accords with Policies D1 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

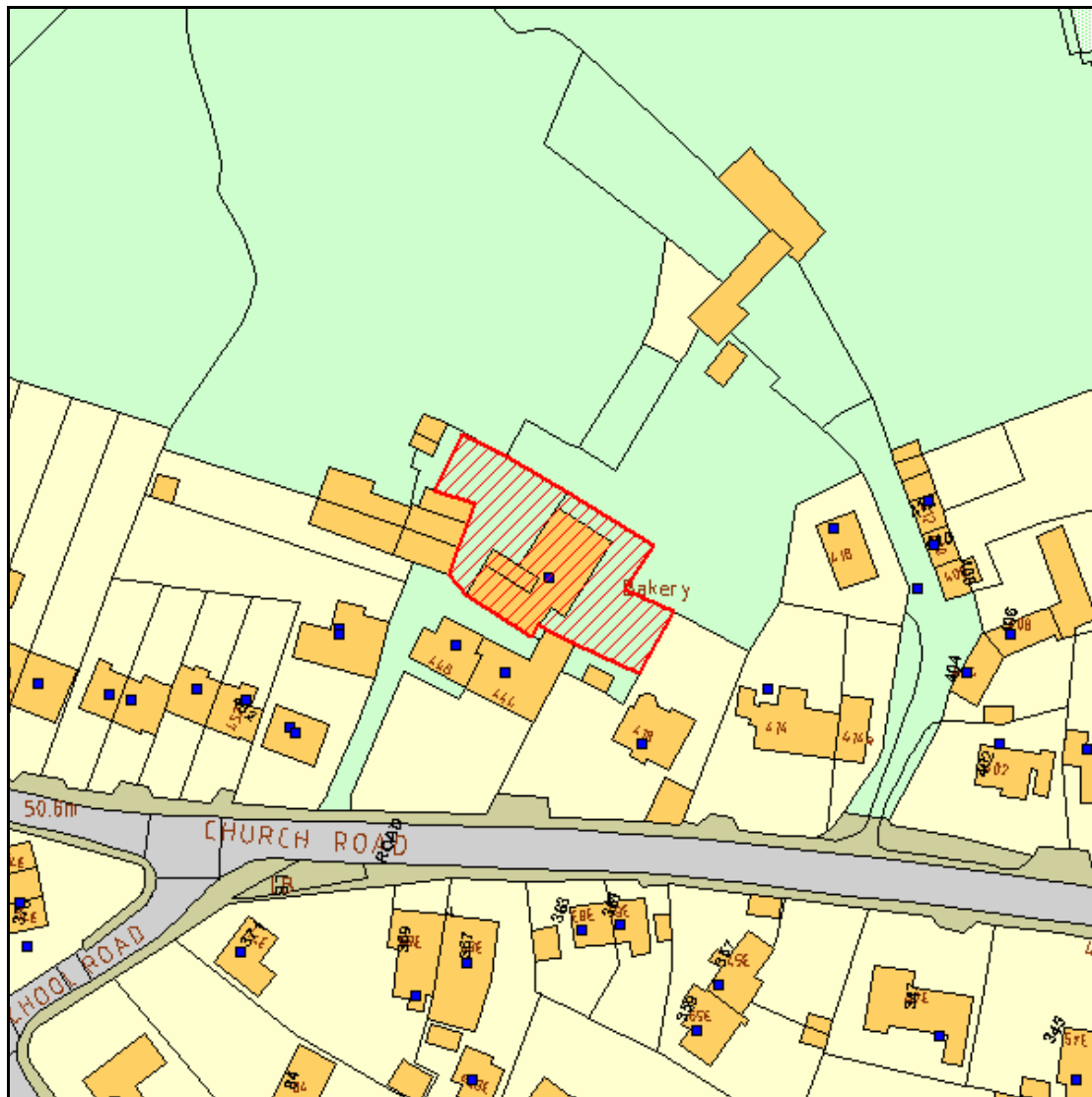
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 23/10 – 18 JUNE 2010

App No.:	PT09/5262/F	Applicant:	Mr David Whitlock JD Commercial Builders Ltd
Site:	Land R/o 444 Church Road Frampton Cotterell Bristol South Gloucestershire BS36 2AQ	Date Reg:	21 st September 2009
Proposal:	Demolition of single storey building. Conversion of existing building and erection of new one storey/two storey building to provide 4no. retirement units with associated works.	Parish:	Frampton Cotterell Parish Council
Map Ref:	366377 182077	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	30th October 2009



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INTRODUCTION

This application appears on the Circulated Schedule in view of the letters of objection that have been received.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a single-storey/ two-storey building and the conversion of a former bakery building to provide four flats for the 'active elderly'. The proposal would also allow the demolition of existing single-storey buildings that formed part of the bakery.
- 1.2 The application relates to land behind no. 444 Church Road, Frampton Cotterell; this building is Grade II listed with the application site falling within the curtilage of this listed building. The site straddles the Frampton Cotterell settlement boundary with the land beyond within the open Green Belt.
- 1.3 The application includes amended plans that have reduced the number of units proposed from seven down to four. This was in view of a number of officer concerns raised in respect of the original scheme.

2. POLICY CONTEXT

2.1 National Guidance

PPS1: Delivering Sustainable Development
PPG2: Green Belts
PPS3: Housing
PPS5: Planning and the Historical Environment
PPG13: Transport

2.2 Development Plans

Joint Replacement Structure Plan (Adopted) September 2002

Policy 33: Housing

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development
H2: Proposals for Residential Development
H3: Residential Development in the Countryside
H4: Development within Existing Residential Curtilages
T7: Cycle Parking
T8: Parking Standards
T12: Transportation Development Control Policy for New Development
L1: Landscape Protection and Enhancement
L13: Listed Buildings

GB1: Development in the Green Belt

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

CS1: High Quality Design

CS9: Environmental Resources and Built Heritage

CS13: Non-Safeguarded Economic Development Sites

CS15: Distribution of Housing

CS16: Housing Density

CS17: Housing Diversity

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

Development in the Green Belt (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 P92/1656: Erection of two dwellings. Withdrawn: 26 August 1992
(*Land between 414 and 444 Church Road*)
- 3.2 P92/1777: conversion of dwelling into four flats; construction of new vehicular access. Withdrawn: 26 August 1992 (*444 Church Road*)
- 3.3 P92/2231: Demolition of existing outbuilding and erection of detached dwelling. Permitted: 9 December 1992 (*Land between 444 & 414 Church Road*)
- 3.4 P92/2232: Demolition of existing outbuilding; change of use of dwelling to form four flats, re-roofing of building, construction of vehicular access and car parking areas. Permitted: 9 December 1992 (*444 Church Road*)
- 3.5 P92/2233/L: Demolition of existing outbuilding; change of use of dwelling to form four flats, re-roofing of building, construction of vehicular access and pedestrian access and car parking areas. Permitted: 9 December 1992 (*444 Church Road*)
- 3.6 P94/2142/L: Minor works of demolition and partial rebuilding of three chimneystacks, installation of seven mechanical vents. Permitted: 26 September 1994 (*444 Church Road*)
- 3.7 P94/2364: Partial rebuilding of three chimneystacks. Permitted: 9 November 1994 (*444 Church Road*)
- 3.8 P95/2630: Erection of detached dwelling and garage. Undecided. (*Land adjacent to 444 Church Road*)
- 3.9 P95/2631/L: Demolition of stonewalls to facilitate erection of pedestrian and widened vehicular access. Permitted (*Land adjacent to 444 Church Road*)
- 3.10 PT04/2956/F: Conversion and extension of barn to form dwelling. Withdrawn: 20 October 2004 (*Rear of 446 Church Road*)

- 3.11 PT04/2959/F: Conversion and extension of existing barn to form 2 flats. Withdrawn: 20 October 2004 (*446 Church Road*)
- 3.12 PT05/2056/F: Conversion and extension of existing dwelling to form two flats; widening of existing access and associated car parking; erection of replacement boundary and replacement boundary wall. Permitted: 22 August 2005 (*446 Church Road*)
- 3.13 PT05/2057/LB: Demolition and replacement of boundary wall. Permitted: 22 August 2005 (*444 Church Road*)
- 3.14 PT06/2114/F: Conversion of basement to living accommodation. Refused: 11 August 2006 (*446 Church Road*)
- 3.15 PT06/2896/LB: Demolition of garden store to facilitate erection of single-storey side extension and erection of garden shed and 1.8m high boundary wall. Refused: 13 November 2006 (*Flat 2, 444 Church Road*)
- 3.16 PT07/1881/F: Erection of two-storey rear extension to facilitate conversion of existing barn to one dwelling. Permitted: 30 July 2007 (*Rear of 446 Church Road*)
- 3.17 PT08/0039/F: Erection of two-storey rear extension to facilitate conversion of existing barn into one dwelling (amendment to approved scheme). Permitted: 31 January 2008 (*Rear of 446 Church Road*)
- 3.18 PT08/0906/F: Erection of two-storey rear extension to facilitate conversion of existing barn into 2 dwellings. Refused: 30 April 2007 (*446 Church Road*)
- 3.19 PT08/1707/LB: Replacement of existing French doors. Permitted: 28 July 2008 (*Flat 2, 444 Church Road*)
- 3.20 PT09/1370/LB: Installation of four replacement sash windows to front and side second floor elevations. Permitted: 2 September 2009 (*444 Church Road*)

4. CONSULTATION RESPONSES

4.1 Frampton Cotterell Parish Council

(First Plans)

Objection:

- o Traffic hazard- access problems onto Church Road;
- o Bus service information is incorrect;
- o If permission is granted, need to ensure local materials/ stone are used due to the proximity of the adjoining listed building;
- o If seven dwelling units are to be developed some affordable housing needs to be included.

(Second Plans)

Objection:

- o The plans indicate seven new dwellings in which case there should be some affordable housing;
- o There are too many dwellings on the site for the access road;
- o There is little point in stating they are for the active elderly as there is no lift.

Officer comment: the number of units has been reduced as set out in the report.

4.2 Other Consultees

Highways DC: no objection subject to conditions

Other Representations

4.3 Summary of Local Residents Comments:

2 letters expressing the following concerns (in response to the first set of plans):

- o The proposal would reduce views/ sunlight from the neighbouring flats;
- o What is proposed for the existing Orchard?
- o The existing trees in the orchard provide privacy from the three-storey flats - the application form advises that no trees will be removed;
- o If the trees are to be removed and the land built on then there would be an objection to this application.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning policy H2 allows for the principle of residential development subject to considerations of design, residential amenity and highway safety. It also contains a density requirement with a minimum of 30 units per hectare anticipated. However, as of the 9th June 2010 this requirement has now been omitted from the updated PPS3. The level of density should be assessed having regard to the design of the proposal and the pattern of surrounding development without such an indicative minimum.

5.2 Similarly, planning policy H4 is permissive of proposals for new residential development subject to considerations of design, residential amenity and highway safety. Further, development proposals should not prejudice the retention of adequate private amenity space with such also provided for any new separately occupied dwelling.

5.3 Policy GB1 cites that within the Green Belt, permission will only be given for the construction of new buildings if for agriculture or forestry, essential facilities for outdoor sport and recreation, cemeteries, the limited extension, alteration or replacement of dwellings and where development comprises limited infilling within the settlement boundaries. The change of use of land will only be permitted where it does not have a materially greater impact on the openness of the Green Belt.

- 5.4 Policy L13 advises that development including alterations or additions affecting a listed building or its setting will not be permitted unless:
- o The building and its setting would be preserved; and
 - o Features of architectural or historic interest would be retained; and
 - o The character, historic form and structural integrity of the building would be retained.
- 5.5 Planning policy T12 cites that new development will be permitted in terms of transportation provided that (considered relevant in this case):
- o It provides adequate safe, convenient, attractive and secure access and facilities for pedestrians, cyclists and people with disabilities; and
 - o It provides safe access capable of accommodating motorised traffic that is generated by the proposal; and
 - o It would not create or unacceptably exacerbate traffic congestion, or have an unacceptable effect on road, pedestrian and cyclist safety; and
 - o It would not generate traffic that would unacceptably affect residential amenity or other environmentally sensitive areas in terms of noise, vibration of air quality.
- 5.6 Core Strategy policy CS13 advises that the change of use of economic development sites within the settlement boundaries of the urban areas and villages will not be allowed unless it can clearly be demonstrated that all reasonable attempts have failed to secure a suitable economic re-use for the site. However, given the stage and weight of this policy relative to policy H2; this is not sufficient to outweigh the principle of support for the proposal.
- 5.7 Design/ Visual Amenity
The application relates to a former bakery building immediately behind no. 444 Church Road; a Grade II listed building. The main building (subject to this application) forms a rendered 1.5 storeys height structure with a metalled roof with attached single-storey buildings behind. The building has until recently been used as a commercial bakery with all internal fixtures and fittings in the process of being removed at the time of the initial site visit.
- 5.8 The building as a whole occupies an 'L' shaped footprint with an area of hardstanding adjoining the vehicular access with this access continuing through to a larger parking area behind. Given the position of this building (behind no. 444 Church Road), it is not readily visible from public views gained along Church Road.
- 5.9 The application seeks full planning permission for the conversion and extension of the existing 1.5 storey building to provide a two-bed unit with accommodation to comprise an open plan kitchen, living room and dining room on the ground floor with a bedroom and bathroom behind. A further bedroom would be provided at first floor level.
- 5.10 The application would also facilitate the demolition of the modern attached structures with these to be replaced by a part two-storey and part single-storey building that would provide three further residential units. This new block would

- occupy an 'L' shaped footprint the 'upright' of which would align with the existing rear building line of the bakery building. This would allow a central semi-enclosed courtyard and shared outdoor amenity space. As per the existing modern structures, the building would adjoin the settlement boundary along its north and west boundaries.
- 5.11 Accommodation within this new building would in part be replicated on ground and first floors with two units at ground level and one above. Each would benefit from two bedrooms with an open plan living room, dining room and kitchen. The units would be inward facing entranced via the internal courtyard. Access to that at first floor would be provided via an external staircase.
- 5.12 In response, the Design and Access statement advises that the scale and form of the new build references the existing buildings and the local vernacular whilst the general massing, roof pitch and eaves height would match the retained two-storey element of the bakery. Further, the use of gables and dormers reference no. 444 Church Road. Nonetheless, there was considerable concern as to the level of new development proposed and thus on this basis, amended plans now form part of this application that have effectively halved the bulk and massing of the development. On this basis, it is considered that the building would now allow the gradual reduction in scale and massing of buildings to the rear of the host dwelling (no. 444 Church Road) as would be reasonably expected given both the nature of this former farmhouse and edge of settlement position of the application site. This revised approach is therefore considered to address the previous concerns of over development that also manifested themselves in respect of the proposed relationship between the new units (discussed below).
- 5.13 In the light of the above, the design, massing and scale of these revised proposals is now considered to be acceptable with no objection raised to the scheme on this basis. In the event that planning permission is given, this should be subject to appropriately worded conditions in respect of the proposed materials. It is also considered appropriate to remove permitted development rights in respect of the detached unit given its relationship with the listed building and the constraints of the application site. Permitted development rights do not apply to flatted accommodation.
- 5.14 Listed Building Considerations
No. 444 Church Road forms a Grade II listed farmhouse dating from the mid seventeenth century. It has been subject to alteration in the recent past and has been converted into flats. There are a number of original barns and outbuildings that served the property that remain. These include the threshing barn in use as a commercial garage/ engineering garage and a further barn to the north of this that has been converted and restored to residential accommodation.
- 5.15 At the time of submission, there was some ambiguity as to whether the application site was curtilage listed and but further details submitted now confirm this to be the case. Nevertheless, irrespective of this it would always be necessary to consider the impact of the proposal on the setting of the adjoining listed building. In this regard, the scale and nature of the

- development as initially proposed was considered to be unacceptable and inappropriate within this sensitive and historic context hence the need for a smaller and less intrusive form of development. On this basis, the revised scheme has been designed following input from the Councils Conservation Officer thus on this basis, there is now no objection to this amended proposal.
- 5.16 Notwithstanding the above, in the event that planning permission is given, appropriately worded conditions should be attached in respect of further structural details and materials with such to be agreed in writing prior to the commencement of development.
- 5.17 Impact on the Openness of the Green Belt
The application site straddles the Frampton Cotterell settlement boundary with this aligning with the rear of no. 444 Church Road and then turning to encompass the single-storey modern additions that form part of the host building. The Local Plan proposals map then shows this to include part of the car park and access before turning back to adjoin the rear northeast corner of the converted barn; land beyond this falls within the Green Belt.
- 5.18 In this instance, the new build would align with the existing building where it abuts the Green Belt whilst the reduction in scale and massing of the proposal would allow a softer edge to the settlement boundary than would have been created by the initial scheme. On this basis, there is no objection to the new building on Green Belt grounds.
- 5.19 As originally proposed however, the application would have been reliant upon extensive land beyond the settlement boundary for parking. This would not alter the current situation on site given there appears to have been a gradual encroachment of this hardstanding into the adjoining field. However, in part, this appears to have been without the benefit of any formal planning permission.
- 5.20 In the light of the above, the reduced number of spaces required (given the reduction in units) dictates that these could now be accommodated on a smaller area of land which aerial photos show has been used for car parking for in excess of 10 years. It is also noted that this area is shown on the submitted plans in respect of the barn conversion to the rear of no. 446 Church Road. On this basis (given that this smaller area of parking would appear immune from enforcement action), there is no objection to the proposal on this basis. Further, the proposal would allow the removal of the existing hardstanding to the rear of the proposal with this to be returned to grassland; this would benefit to the openness of the Green Belt.
- 5.21 The submitted plans would also allow the remove of the existing store to the rear of the application site. Whilst this would also aid the openness of the Green Belt, this building stands on land that is beyond the application site (and the applicants ownership) thus it would not be possible to condition this in the event that planning permission is granted.

5.22 Density

The minimum density requirement has been removed from PPS3 with the level of density instead to reflect the pattern of development within the locality. On this basis, given that the amended plans have addressed the perceived over development of the site as originally shown, there is no objection to the application on this basis.

5.23 Affordable Housing

Planning policy H6 advises that an element of affordable housing will be required on all housing developments of 15 or more dwellings or 0.5Ha or more, irrespective of the number of dwellings. This threshold is lowered to 5 or more new dwellings or 0.2Ha in settlements within Rural Areas. In this instance, the revised proposal falls below this threshold with the number of units reduced; the site area measure 0.0975Ha. On this basis there is no requirement for an affordable housing contribution.

5.24 Residential Amenity

Officer raised concerns relating to the relationship between the new units in respect of the original scheme with a number of inward facing windows shown in close proximity of one another. In this instance, the reduction in the number of units combined with the reduced size of the proposal has overcome these concerns with the new windows instead overlooking the enlarged courtyard area.

5.25 With regards to the relationship of the proposal within the existing flatted accommodation in front of the development (and the concerns that have been raised), it is noted that there are a number of windows that face the application site. However, the proposal would utilise the existing building with the opening at ground level as existing. However, given that this would not form the only opening to this room, it is considered appropriate to condition obscure glass to this window in the event that permission is granted.

5.26 Brookmans Barn stands to the west of the application site. In this regard, the proposal would be set back to the far side of the access road allowing an element of separation between these buildings with facing windows within the proposal orientated away from this building. As such, it is again not considered that any significant adverse impact in residential amenity would be caused.

5.27 All further dwellings stand at an appreciable distance from the site of the proposal thus on this basis, it is not considered that any significant adverse impact in residential amenity would be caused. However, having regard to the further concerns raised, it is considered that a landscaping condition should be attached in the event that permission is granted which can help to address the screening concerns raised. Notwithstanding this, it is noted that the existing orchard is not directly affected by the proposed development.

5.28 Amenity Space

Planning policy H4 requires the provision of private amenity space for new and existing dwellings. In this instance, the proposals would benefit from the enlarged shared courtyard thus it is considered that there can be no reasonable objection to the proposal on this basis. The plans also show the inclusion of

the orchard as part of the garden area. In this regard, recent appeal decisions have been permissive of the change of use of land for residential purposes whilst this area might historically have been used as garden land and is adjoined by garden land to the rear. For this reason, there is no objection to the current proposal on this basis.

5.29 Highway Safety

Given the previous use of the building as a commercial bakery; it is anticipated that the proposed use would be less intensive in transportation terms; on this basis there is no objection to the principle of development.

5.30 Further, the level of vehicle parking to be provided would accord with the provisions of policy T8 whilst it is considered that a medium sized service vehicle (i.e. an ambulance) would be able to turn within the site. Further, whilst roadside collections/ deliveries are not preferred, there would in practice be no material change from the historical situation.

5.31 Finally, it is noted that as part of a previous application for development at this location, the driveway into the site was widened so as to facilitate two-way vehicle movements. However, the corresponding kerbing stones are yet to be lowered thus this would need to form part of an appropriately worded condition should this development be approved (with these works to be undertaken prior to the occupation of the development). A further appropriately worded condition in respect of the transfer of bins from the proposals to a collection point would also be necessary.

5.32 For the above reasons, there is no objection to this current proposal on highway safety grounds subject to those conditions as detailed.

5.33 Outstanding Issues

The proposal is described as being for the 'active elderly'. However, it is not considered possible or necessary to condition this given that this would not alter this above assessment of the proposal. Notwithstanding this, the applicant clearly has a marketing strategy for these units.

5.34 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 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 principle of residential development would accord with planning policy H2 (Proposals for Residential Development) of the South Gloucestershire Local Plan (Adopted) January 2006.
2. The design, massing and scale of the development proposed are considered to be appropriate to this edge of settlement position having regard also to its relationship with the existing listed building. The proposal is therefore considered to accord with Planning Policies D1 (Achieving Good Quality Design in New Development), H2 (Proposals for Residential Development) and L13 (Listed Buildings) of the South Gloucestershire Local Plan (Adopted) January 2006.
3. The development proposed would preserve the setting of the adjacent Grade II Listed 444 Church Road. The proposal is therefore considered to accord with Planning Policy L13 (Listed Buildings) of the South Gloucestershire Local Plan (Adopted) January 2006.
4. The proposal would not cause any significant adverse impact in residential amenity and thus is considered to accord with Planning Policy H2 (Proposals for New Residential Development) of the South Gloucestershire Local Plan (Adopted) January 2006.
5. The proposal would not cause any further adverse impact to the openness of the Green Belt and thus is considered to accord with Planning Policy GB1 (Development within the Green Belt) of the South Gloucestershire Local Plan (Adopted) January 2006.
6. The proposal is considered to be acceptable in highway safety terms and would thus accord with Planning Policies T8 (Parking Standards) and T12 (Transportation Development Control Policy for New Development) 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. Prior to the commencement of development samples of the roofing, external facing and fenestration 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:

In the interests of visual amenity and in order that the development serves to preserve the architectural and historic significance and setting of the listed buildings, in accordance with planning policies D1, H2, and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the commencement of development the paint colour finish of the doors and windows shall be submitted and approved in writing by the Local Planning Authority. Development shall accord with these approved details whilst the windows and doors shall be maintained in this painted finish unless written prior consent is obtained.

Reason:

In the interests of visual amenity and in order that the development serves to preserve the architectural and historic significance and setting of the listed buildings, in accordance with planning policies D1, H2, and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the commencement of development, details of any wires, pipework, satellite dishes or other aerials, alarms or other paraphernalia to be affixed to the external elevations of the development hereby approved shall be agreed in writing by the Local Planning Authority. Development shall accord with these approved details with any further external fittings requiring the prior written approval of the Local Planning Authority. For the avoidance of doubt, all such fittings should be avoided.

Reason:

In the interests of visual amenity and in order that the development serves to preserve the architectural and historic significance and setting of the listed buildings, in accordance with planning policies D1, H2, and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Notwithstanding previously submitted details, and prior to the commencement of development a sample panel of roughcast render of at least one square metre shall be constructed on site to illustrate the proposed finish, colour and texture of render. The development shall be completed in accordance with the sample panel which shall be retained on site until the completion of the scheme to provide consistency.

Reason:

In the interests of visual amenity and in order that the development serves to preserve the architectural and historic significance and setting of the listed buildings, in accordance with planning policies D1, H2, and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Notwithstanding the previously submitted details, prior to the commencement of development a representative sample of reclaimed clay roofing tile shall be submitted and approved in writing by the Local Planning Authority. Development shall accord with these approved details.

Reason:

In the interests of visual amenity and in order that the development serves to preserve the architectural and historic significance and setting of the listed buildings, in accordance with planning policies D1, H2, and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. 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:

In the interests of visual amenity and in order that the development serves to preserve the architectural and historic significance and setting of the listed buildings, in accordance with planning policies D1, H2, GB1 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. 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:

In the interests of visual amenity and in order that the development serves to preserve the architectural and historic significance and setting of the listed buildings, in accordance with planning policies D1, H2, GB1 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

In the interests of visual amenity and in order that the development serves to preserve the architectural and historic significance and setting of the listed buildings, in

accordance with planning policies D1, H2, GB1 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, 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:

In the interests of visual amenity and in order that the development serves to preserve the architectural and historic significance and setting of the listed buildings, in accordance with planning policies D1, H2, and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. The glazing in the south elevation living room window of the detached unit hereby approved shall at all times be of obscured glass to a level 3 standard or above and be permanently fixed in a closed position.

Reason:

In the interests of residential amenity and to accord with Planning Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

13. The off-street parking facilities 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 Planning Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

14. Notwithstanding previously submitted details, and prior to the commencement of development, the design and details including materials and finishes of the following shall be submitted and approved in writing by the Local Planning Authority:

- a. Eaves, verges and ridges;
- b. All new windows (including cill and head details);
- c. All new exterior doors;
- d. Rainwater goods;

- e. Reveals;
- f. Extract vents and flues;
- g. Rooflights;
- h. Chimney;
- i. External stair, including baluster rail;
- j. Dormer windows, including cheeks, roofing and eaves.

With the exception of the extract vents, flues and the rainwater goods, the design details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 together with cross section profiles. The scheme shall be implemented strictly in accordance with the approved details.

Reason:

In the interests of visual amenity and in order that the development serves to preserve the architectural and historic significance and setting of the listed buildings, in accordance with planning policies D1, H2, and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 15. Prior to the commencement of development, details of a bin collection point adjacent to the road frontage shall be submitted to and agreed in writing with the Local Planning Authority. Development shall accord with these agreed details.

Reason

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

- 16. Prior to the commencement of development, detailed plans in respect of the dropping of the kerbing stone at the entrance to the application site shall be submitted to and agreed in writing by the Local Planning Authority. These works shall be completed on site prior to the first occupation of the development hereby approved. All works shall accord with these approved details.

Reason

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

CIRCULATED SCHEDULE NO. 23/10 – 18 JUNE 2010

App No.:	PT10/1101/F	Applicant:	Mr John Dolman Capper & Co. Ltd
Site:	126 - 128 Rodway Road Patchway Bristol South Gloucestershire BS34 5PF	Date Reg:	20th May 2010
Proposal:	Erection of single storey rear extension to provide additional retail space.	Parish:	Patchway Town Council
Map Ref:	360078 181590	Ward:	Patchway
Application Category:	Minor	Target Date:	1st July 2010



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INTRODUCTION

This application appears on the Circulated Schedule List because an objection has been received from a neighbouring occupier.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single storey rear extension to provide an integral Post Office.
- 1.2 The application site comprises an end of terrace shop (Use Class A1) situated on the western side of Durban Road within a local centre.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS 4 Planning for Sustainable Economic Growth
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
T12 Transportation Development Control Policy for New Development
RT8 Small Scale Retail Uses within the Urban Areas and Boundaries of Settlements
- 2.3 Supplementary Planning Guidance
Achieving Good Quality Design in New Development SPD (adopted)
- 2.4 Core Strategy - Planning for Future Development in South Gloucestershire Pre-Submission Publication Draft March 2010
CS1 High Quality Design
CS14 Town Centres and Retail

3. RELEVANT PLANNING HISTORY

- 3.1 PT03/2470/F, erection of single storey rear extension at 128 Rodway Road to form store room and conversion of two existing shops to form one retail unit including enclosed pedestrian stairway access for first floor flat, 16/09/03, approval.

4. CONSULTATION RESPONSES

- 4.1 PatchwayTown Council
No comments received.
- 4.2 Transportation DC
No objection.

Other Representations

4.3 Local Residents

One letter of objection has been received from a neighbouring occupier, which objects to the development on the basis that it would result in a loss of light to the property.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning Policy Statement 4 seeks to direct main town centre uses into town and district centres. In addition, PPS4 encourages proposals, which would provide sustainable economic growth; reduce the need to travel, especially by car and provide a wide range of services to communities. Given the small scale of the proposal, it is considered to be appropriate development in the local centre and would comply with the main objectives of PPS4. Policy EC10 of PPS4 supports the principle of economic development. The criteria set out in policy EC10 are considered under the headings in this report.

Policy CS14 of the South Gloucestershire Core Strategy encourages development in local centre/parades that meets local needs and of a scale appropriate to the role and function of a centre/parade so that it would not harm the vitality and viability of other centres. In addition it encourages convenient and accessible local shopping facilities to meet the day to day needs of residents and contribute to social inclusion.

Planning Policy RT8 in the South Gloucestershire Local Plan (adopted) January 2006 allows outside Town centres, small scale proposals falling within Class A1 (shops), Class A2 (financial and professional services) and Class A3 (food and drink) to be permitted within existing urban areas and boundaries of settlements subject to transportation, residential amenity, design and scale and function considerations. The proposal comprises a small extension of an A1 unit and so the development is supported in principle.

5.2 Transportation

Given the scale of the extension proposed, it is considered that it would not increase vehicular trips significantly. In addition, the site is located in a sustainable location where it can be accessed by public transport, foot and bicycle. Concerns have been raised that the extension would result in delivery vehicles blocking the private lane to the north of the site. However, the Council's Transportation Officer does not anticipate service vehicles causing significant disruption given the size of the retail unit and the nature of the local highway network.

5.3 Residential Amenity

Concerns have been raised by no.1 Durban Road, which is located immediately to the north of the site. The occupier objects to the proposal on the basis of a loss of light through the side windows of their property. The side of no.1 Durban Road faces the application site and this side elevation contains 1no. ground floor window and 1no. first floor window. Whilst the building and

fence would be closer to the neighbouring property following the extension, a private road approximately 4.5 metres in width separates the neighbouring occupier and the application site. On this basis and considering the modest scale of the extension and single storey form, it is considered that on balance, the proposal would not be significantly more harmful in terms of loss of light than the existing situation. In addition, the development would be contained within the front and rear elevations of the neighbouring property, therefore, the proposal would not have a significant impact in terms of loss of light through the principal front and rear windows of the property. As such, it is considered that the proposal would not have an adversely harmful impact on the neighbouring property and on balance, the proposal is considered to be acceptable in terms of residential amenity. The proposal would not be adversely more harmful impact on the adjoining property no.130 than the existing situation.

5.4 Design/Visual Amenity

The extension would measure approximately 3.1 metres in length, 3.4 metres in height and extend the full width of the existing rear elevation of the building. The extension would comprise painted render for the walls to match the existing building and a felt flat roof. The property occupies a prominent corner location and the side and rear elevations of the building are visible from Durban Road. The proposal would continue the flat roof design of the existing building across the build, and given the small scale of the extension, on balance, it is considered that it would not be significantly more harmful to the character of the surrounding area than the existing situation. The rear the building is currently secured by a galvanised steel fence with a metallic finish approximately 2.4 metres in height. The scale and finish of the existing fence is such that it has an industrial appearance, which is considered out of keeping with the character of the area. Whilst the extent of the proposed fence would be reduced in size, a condition will be applied to the consent, if permission is granted, to obtain further details with regard to the proposed colour finish for the fence.

In terms of scale and function, the proposal would be small in scale (approximately 30 square metres), which is considered to be an appropriate scale for the local centre and would not adversely affect the vitality of other centres. In addition, the post office would provide a local service for the community.

5.5 Design and Access Statement

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

5.6 Use of Energy and Sustainability

The proposal would comply with building regulation specifications.

5.7 Improvements Achieved to the Scheme

N/A

5.8 Section 106 Requirements

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

6. CONCLUSION

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

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

- The proposal would be consistent with the scale and function of the local centre and would not be significantly adversely more harmful to the character of the area than the existing situation – Policies D1 and RT8 of the South Gloucestershire Local Plan (adopted) January 2006.
- Given the small size of the extension, it is considered that it would not adversely increase traffic levels to the detriment of highway safety – Policy T12 of the South Gloucestershire Local Plan (adopted) January 2006.
- The proposal would not be significantly more harmful to the residential amenity of neighbouring properties in terms of loss of natural light and privacy than the existing situation – Policy RT8 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. Prior to the commencement of the development, details/samples of the proposed colour finish for the fence shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance in accordance with Policies D1 and RT8 of the South Gloucestershire Local Plan (adopted) January 2006.

CIRCULATED SCHEDULE 23/10 – 18 JUNE 2010

App No.:	PT10/1148/F	Applicant:	Mr Mohammed Hussain
Site:	5 Amberley Road Patchway Bristol South Gloucestershire BS34 6BU	Date Reg:	21st May 2010
Proposal:	Erection of single storey rear extension to provide additional living accommodation. Erection of front porch. Erection of detached garage. (Amendment to previously approved scheme PT09/6075/F).	Parish:	Patchway Town Council
Map Ref:	360852 181919	Ward:	Bradley Stoke Central And Stoke Lodge
Application Category:	Householder	Target Date:	7th July 2010



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INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the erection of a single storey rear extension, front porch, and detached single garage.
- 1.2 This application is an amendment to the previously approved scheme PT09/6075/F. This seeks to amend the layout of the rear extension due to issues with Wessex Water and positioning of an existing drain. The layout would now be 4.7m in width, 4.5m in depth, and 3.5m in height.
- 1.2 The applicant site relates to a semi-detached dwelling and its associated residential curtilage. The site is situated within a well established residential area within Little Stoke and the Bristol North Fringe Urban Area.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1: Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Quality Design in New Development
H4: Development within Existing Residential Curtilages
T12: Transportation Development Control Policy for New Development
- 2.3 Emerging Development Plans
South Gloucestershire Core Strategy (Pre-Submission Draft) March 2010
- 2.4 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT09/6075/F Erection of single storey rear extension to provide additional living accommodation. Erection of front porch.
Erection of detached garage
Approved.

4. CONSULTATION RESPONSES

- 4.1 Patchway Town Council
No comments received.
- 4.2 Wessex Water
The applicant in respect of planning permission for an extension at the above property has applied to Wessex Water to build over the public sewer to the rear of 5 Amberley

Road. I can confirm that Wessex Water is satisfied with the application and approval has been granted.

4.3 Local Residents

One letter has been received from a local resident. The main objections have been summarised below: -

- The proposed extension would be situated above a main sewer.
- If the sewer were to collapse it would be difficult to fix with a structure above.
- This issue has been raised with Wessex Water.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

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

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

5.3 Residential Amenity

The application site is situated between Nos. 3 and 7 Amberley Road. The proposed development includes a front porch and a detached garage as approved in the previous application (PT09/6079/F). The layout of the proposed rear extension has been amended so that the proposal is narrower in width but greater in depth. It is considered that this amendment would maintain a suitable relationship with the adjacent dwelling and would not result in a material overbearing effect. Moreover, the development would not include any windows that would result in direct inter-visibility between the neighbouring properties. On this basis it is concluded that the proposed development would not harm residential amenity.

5.4 Visual Amenity

The only amendment to the previous consent is that the rear extension would become narrower and deeper, and the roof shape has been changed from a mono-pitch to a dual-pitch. The proposed porch and garage would be identical to the previous approval. It is considered that this amendment would be acceptable because the scale and massing of the new development would remain proportionate to the host dwelling. On this basis the overall massing, scale, proportions, materials, and design would respect the existing dwelling and the character of the surrounding residential area.

5.5 In the previous application a condition was attached to secure the demolition of the existing garage prior to the first use of the proposed garage. It is

understood that this aspect of the proposal has now been completed and thus there is no longer a requirement for this condition.

5.6 Transportation

It is considered that the proposed development would be acceptable in terms of access and would not result in a highway safety hazard. It is noted that the proposal would exceed the parking standards set under policy T8 of the adopted local plan. Nevertheless, it is considered that the applicant could provide a similar amount of parking on hardstanding under their permitted development rights. On this basis, it is considered that the additional parking would not result in material harm to the objectives of policy T8 and would not justify the refusal of this application.

5.7 Other Matters

It is noted that a local resident has raised concerns with regard to the proposal to build above an existing sewer. To address this concern Wessex Water has been consulted. They have confirmed applicant has been granted the necessary consent to build above the sewer. On this basis, Officers are satisfied that the proposed development would not prejudice the existing sewerage infrastructure in the vicinity of the application site.

5.8 Use of Energy and Sustainability

To be built to Building Regulations standards.

5.9 Improvements Achieved to the Scheme

None.

5.10 Section 106 Requirements

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

6. CONCLUSION

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

a) The proposed extensions and detached garage would not give rise to an adverse overbearing effect or a material loss of privacy to nearby occupiers. The development therefore accords to Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

b) The proposed extensions and detached garage have been designed to respect and maintain the massing scale, proportions, materials and overall

design and character of the existing dwelling and the surrounding area. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (Adopted) 2007.

- c) The proposal would not prejudice highway safety and would have an acceptable level of parking provision. The development therefore accords to policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

7. **RECOMMENDATION**

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

Contact Officer: Peter Rowe
Tel. No. 01454 863131

CONDITIONS

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

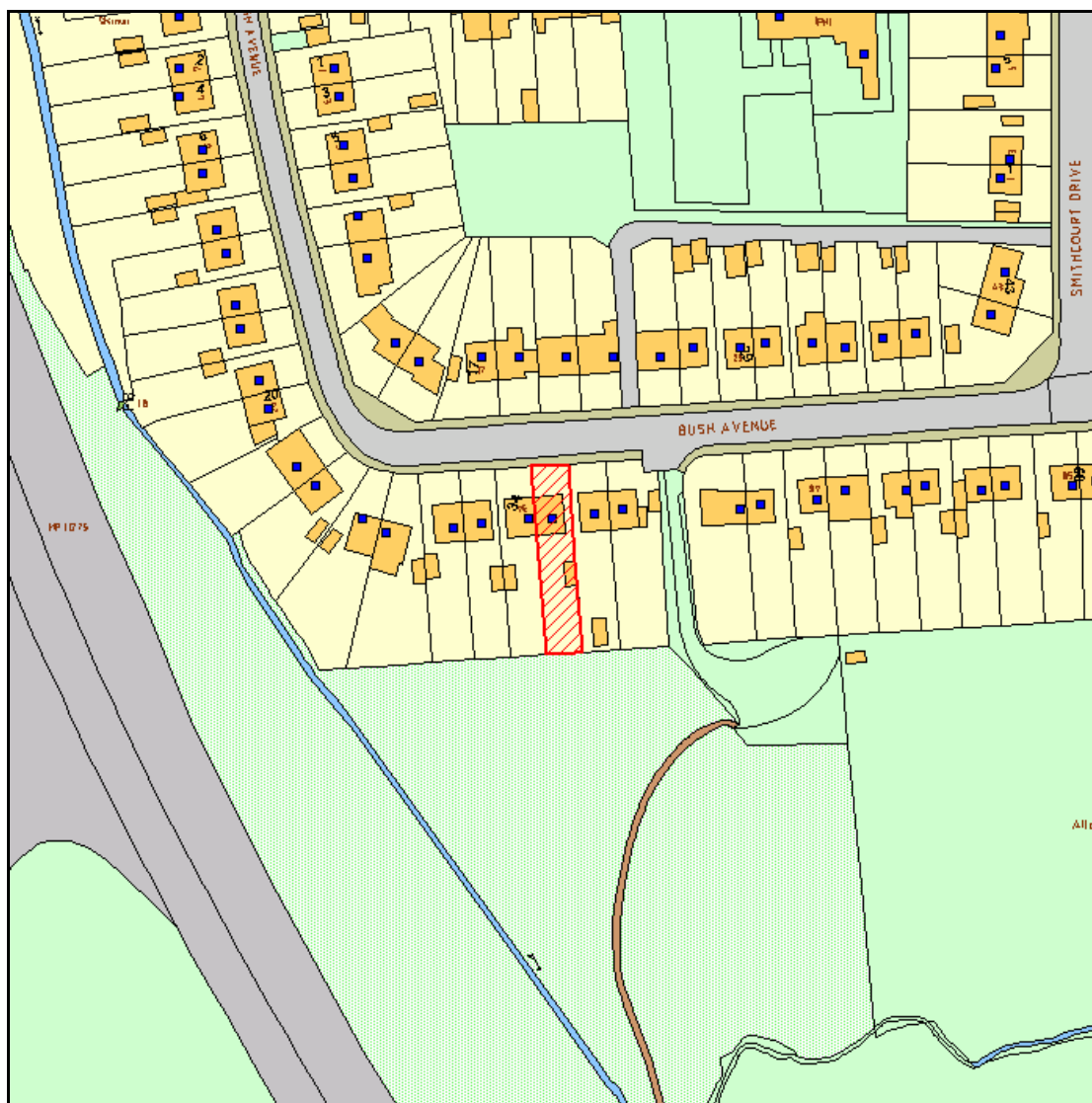
Reason

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

CIRCULATED SCHEDULE NO. 23/10 – 18 JUNE 2010

App No.: PT10/1154/F
Site: 36 Bush Avenue Little Stoke Bristol
 South Gloucestershire BS34 8LX
Proposal: Erection of rear conservatory
Map Ref: 361325 180415
Application Category: Householder

Applicant: Mr Bateman
Date Reg: 18th May 2010
Parish: Stoke Gifford
 Parish Council
Ward: Stoke Gifford
Target Date: 5th July 2010



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 100023410, 2008. **N.T.S.** **PT10/1154/F**

INTRODUCTION

This application appears on the Circulated Schedule following the receipt of representations from Stoke Gifford Parish Council that were contrary to the Case Officers recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the erection of a rear conservatory. The proposal would be approximately 3.2m in depth, 3.1m in width, and 3.5m in height.
- 1.2 The application site relates to a semi-detached dwelling and its associated residential curtilage. The site is within a well established residential area and lies within the Bristol north fringe urban area.

2. POLICY CONTEXT

2.1 National Guidance

PPS1: Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development

H4: Development within Existing Residential Curtilage

2.3 Emerging Development Plans

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

2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2008

3. RELEVANT PLANNING HISTORY

- 3.1 None.

4. CONSULTATION RESPONSES

4.1 Stoke Gifford Parish Council

It was resolved by the council that proposed measurement of 3200cm was too much and beyond the recommended guidelines. Also expressed concern about the next door light.

4.2 Local Residents

None.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

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

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

5.3 Residential Amenity

It is acknowledged that the Parish Council have raised concerns with regard to the potential for a loss of light. Notwithstanding these views, it is considered that due to the overall scale and size of the proposed development, and sufficient boundary treatment, the proposal would not be overbearing on the residential amenity of neighbouring occupiers. The proposal is single storey and there is an existing party boundary fence so therefore there would be no overlooking or loss of privacy as a result of the proposal.

5.4 Visual Amenity

The proposed single storey extension would be situated on the rear elevation. The proposal would be subservient and proportionate to the existing dwelling in terms of its height, scale, and massing, and moreover its detailing and materials would match the existing dwelling. On this basis, it is considered that the proposed development would respect the character and appearance of the existing dwelling and the surrounding residential area.

5.5 Other Matters

It is noted that the Parish Council have also suggested that the proposed conservatory would exceed the recommended guidelines. Notwithstanding this view, it should be acknowledged that there is no material guidance stating that a conservatory must not be less than 3.2m in depth. All planning applications are determined on their own merits and in this instance it is considered that the proposed development would accord to policies D1 and H4 of the adopted Local Plan.

5.6 Use of Energy and Sustainability

To be built to Building Regulation standards.

5.7 Improvements Achieved to the Scheme

None.

5.8 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under

Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

a) The proposal would not give rise to an adverse overbearing effect or a material loss of privacy to nearby occupiers. The development therefore accords to Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

b) The proposal would respect the overall design and character of the existing dwelling and the surrounding area. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (Adopted) 2007.

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

7. RECOMMENDATION

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

Contact Officer: Peter Rowe
Tel. No. 01454 863131

CONDITIONS

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

Reason

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