



**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. 15/10

Date to Members: 23/04/10

Member's Deadline: 29/04/10 (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.

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

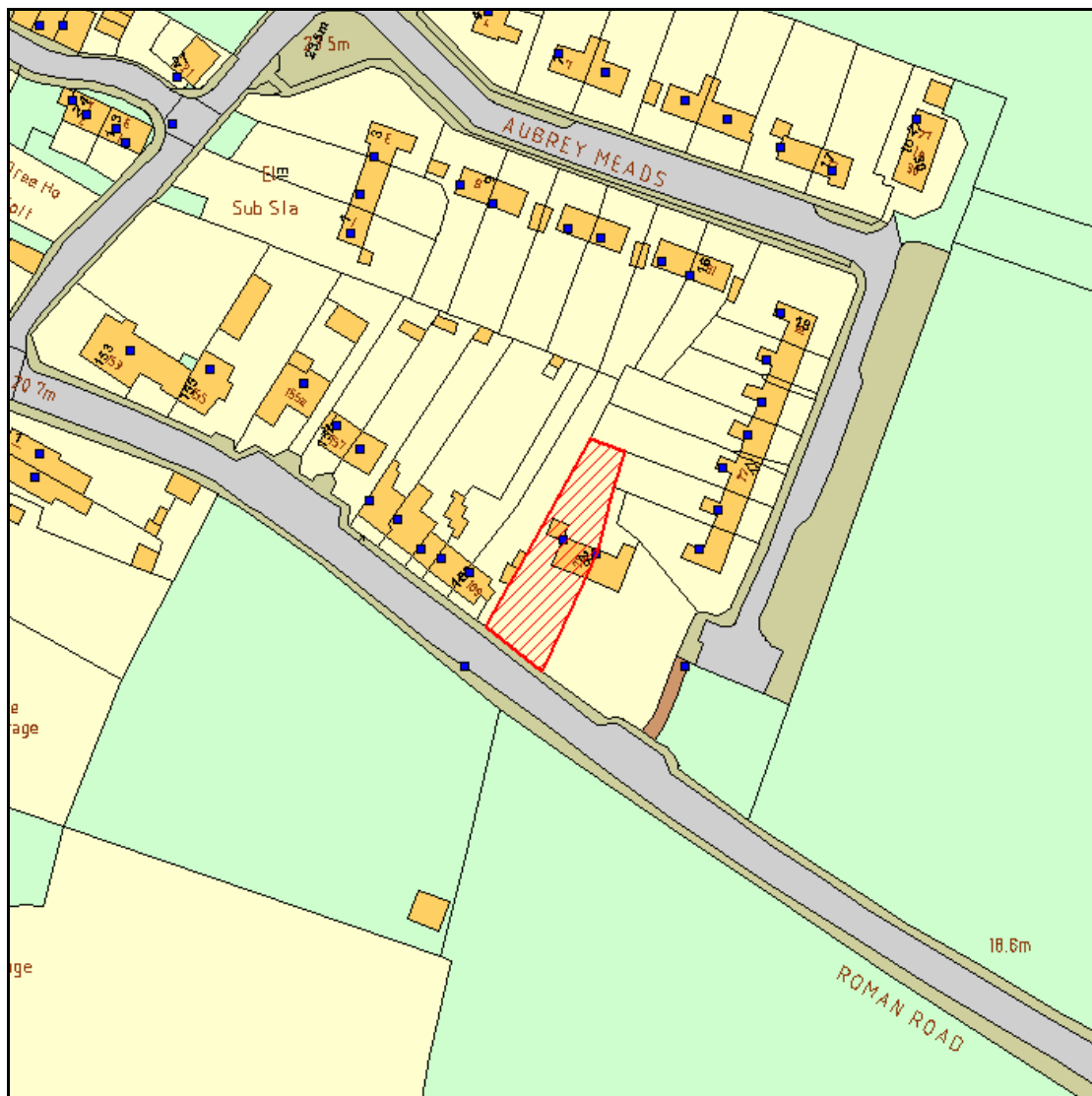
Schedule Number	Date to Members 9am on	Members Deadline 5pm on
16/10	Thurs 29 April 2010	Thurs 06 May 2010
20/10	Thurs 27 May 2010	Thurs 03 Jun 2010

CIRCULATED SCHEDULE – 23 APRIL 2010

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK10/0174/F	Refusal	26 Aubrey Meads Bitton South Gloucestershire BS30 6LQ	Bitton	Bitton Parish Council
2	PK10/0178/F	Approve with Conditions	Crossleaze Farmhouse 65 Abbots Road Hanham South Gloucestershire BS15 3NQ	Hanham	Hanham Abbots Parish Council
3	PK10/0243/F	Approve with Conditions	5 Highfield Road Chipping Sodbury South Gloucestershire BS37 6HD	Chipping	Sodbury Parish Council
4	PK10/0487/F	Approve with Conditions	1 Bury Hill View Downend South Gloucestershire BS16 6PA	Downend	Downend And Bromley Heath Parish Council
5	PK10/0492/CLP	Approve with Conditions	Berkeley Cottage Yate Road Iron Acton South Gloucestershire BS37 9XY	Frampton Cotterell	Iron Acton Parish Council
6	PK10/0509/CLP	Refusal	122 Boscombe Crescent Downend South Gloucestershire BS16 6QZ	Emersons	Mangotsfield Rural Parish Council
7	PK10/0548/F	Approve with Conditions	34 Church Road Hanham South Gloucestershire BS15 3AL	Hanham	Hanham Parish Council
8	PK10/0549/R3F	Approve with Conditions	Sainsbury's Supermarket Emerson Way Emersons Green South Gloucestershire BS16 7AE	Emersons	Mangotsfield Rural Parish Council
9	PK10/0552/F	Approve with Conditions	Land Adjacent To 11 Almond Way Mangotsfield South Gloucestershire BS16 5QL	Rodway	None
10	PT10/0205/F	Approve with Conditions	1 Lawford Avenue Little Stoke South Gloucestershire BS34 6JR	Stoke Gifford	Stoke Gifford Parish Council
11	PT10/0436/F	Approve with Conditions	The Shrubbery Frenchay Hill Frenchay South Gloucestershire BS16 1LU	Frenchay And Stoke Park	Winterbourne Parish Council
12	PT10/0519/CLP	Approve with Conditions	Wayside 9 The Green Stoke Gifford South Gloucestershire BS34 8PD	Stoke Gifford	Stoke Gifford Parish Council
13	PT10/0577/F	Approve with Conditions	Euro Taxis (bristol) Ltd Jorrocks Estate Westerleigh Road Westerleigh South Gloucestershire BS37 8QH	Westerleigh	Westerleigh Parish Council
14	PT10/0615/F	Approve with Conditions	29 Ashford Road Patchway South Gloucestershire BS34 5DX	Patchway	Patchway Town Council

CIRCULATED SCHEDULE NO. 15/10 – 23 APRIL 2010

App No.:	PK10/0174/F	Applicant:	Mr Ferns
Site:	26 Aubrey Meads Bitton Bristol South Gloucestershire BS30 6LQ	Date Reg:	1st February 2010
Proposal:	Erection of two storey side and single storey rear extensions to form additional living accommodation. Erection of detached garage. Construction of new vehicular access from High Street Bitton.	Parish:	Bitton Parish Council
Map Ref:	368376 169531	Ward:	Bitton
Application Category:	Householder	Target Date:	26th March 2010



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100023410, 2008. **N.T.S.** **PK10/0174/F**

INTRODUCTION

This application appears on Circulated Schedule as representations have been received contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application relates to a semi-detached dwelling situated on the north side of High Street, Bitton. It currently has pedestrian access from Aubrey Meads but no vehicular access. It is situated within the Bitton Conservation Area.
- 1.2 This application seeks to erect a two storey side and a single storey rear extension to the dwelling, and to erect a detached garage to the front of the dwelling and create a vehicular access onto High Street, Bitton (The A431, a classified road).

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG15	Planning and the Historic Environment
PPG13	Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	Landscape Protection and Enhancement
L12	Conservation Areas
T8	Parking Standards
H4	Development Within Residential Curtilages

South Gloucestershire Core Strategy Pre-Submission Draft

CS1	High Quality Design
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2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist (Adopted Aug 2007)
Bitton Conservation Area Advice Note

3. RELEVANT PLANNING HISTORY

- 3.1 No history

4. CONSULTATION RESPONSES

4.1 Bitton Parish Council

No objections subject to the views of the South Gloucestershire Council Highways Officer on turning space and access.

4.2 Sustainable Transport

As the comments refer solely to the creation of the access, the comments have been incorporated into the main body of the report under the relevant heading.

Other Representations

4.3 **Local Residents**

Two letters of representation have been received, raising the following points.

- The side and rear extensions are in keeping with the surroundings
- Garage has been positioned to prevent negative impact on neighbouring dwellings
- Concern over vehicular access onto busy main road, close to brow and bend on road
- Concern over actual speed of vehicles on this part of the road, even though speed limit is 30 mph
- Road to Aubrey Meads from High Street was denied when properties built in 1960's due to safety
- The application is supported because the driveway would help alleviate parking problems

5. ANALYSIS OF PROPOSAL

5.1 **Principle of Development**

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 allows for the principle of development within residential curtilages providing it is within keeping with the character of the area and subject to considerations of design, residential amenity and highway safety. Policy D1 permits development where good standards of design are achieved. This is reflected in Policy CS1 of the South Gloucestershire Core Strategy Pre-Submission Draft. Policy L12 generally requires development to preserve or enhance the character or appearance of the Conservation Area.

5.2 This report will firstly address the proposed two storey side and single storey rear extension to the existing dwelling, followed by the proposed garage and access.

5.3 **Extension to the existing dwellinghouse**

Design/Visual Amenity

The application seeks permission for a two storey side and a single storey rear extensions to the existing dwelling. The property has a single storey flat roof rear projection that will be demolished to make way for the proposed extension.

5.4 This is a modern semi-detached house within the Aubrey Meads estate on the edge of the conservation area. Set back from the High Street, the properties are not typical of the traditional stone cottages elsewhere in the conservation area nevertheless the layout and form of the rendered properties generally give a pleasant character. The houses on the edge of estate are visible on the approach to the village and the gardens and open space form an attractive green setting linking in with the adjoining open fields. A low wall and tall hedge forms the boundary with the High Street giving enclosure to the road and

forming an important link with the hedgerows to the fields beyond. Vehicular access to the estate is via Golden Valley Lane.

- 5.5 The width of the proposed two storey side extension will be 3.5 metres, and will have a depth of 7.5 metres, resulting in a front projection of 2.7 metres. The roof over the front projection will be pitched, resulting in a front gable wall to match the attached dwelling. The rear single storey extension will have a width of 7.0 metres and be sited 0.3 metres from the side wall of the proposed side extension. It will have a lean-to roof with a height to the apex of 3.7 metres. The materials used in both extensions extension will match the host dwelling.
- 5.6 The windows in the front projection will be centrally aligned, and will match the existing windows by way of being horizontally aligned at first floor level and vertically aligned at ground floor level. The proposed eave height of the two storey front projection does not match the eave height of the adjoining dwelling, which would have to be corrected by condition if the application were to be approved. To the rear, again the first floor windows of the proposed side extension match those of the adjoining dwelling, being horizontally aligned.
- 5.7 Conservation Area
The property is located within Bitton Conservation Area. The Council's Conservation Officer has made the following comments in relation to the proposed extensions to the existing dwelling.
- 5.8 Care is needed to ensure that changes and extensions etc to individual properties do not detract from the uniformity of the estate. In particular, extensions will need to be well designed and of a scale which integrates successfully with the property and its neighbours. Alterations will also need to consider the importance of the rural setting and approach to the village and conservation area.

Extensions to the dwelling

I have no objection to the proposed extensions to the property. The front extension will provide a balance with the attached dwelling though it is noted that the eaves height on the submitted proposal is at a slightly higher level than the one next door. It may be a drafting error – but I suggest amendments are sought to reduce the eaves in line with the adjoining property so it is symmetrical. The Conservation Officer has no objection to the proposed extensions to the dwelling (subject to the amendment to the eaves outlined above).

- 5.9 It is therefore considered that the design of the proposed two storey side extension, with materials to match the existing dwelling and the symmetrical design of the front projection mirroring that of the adjoining dwelling, is sympathetic to the existing property.
- 5.10 In respect of the design of the single storey rear extension, with the chosen construction materials and its location at the rear of the property, it is considered that it is an appropriate addition to the dwelling and the streetscene. It is therefore considered that the design of the proposed extensions to the

existing dwellinghouse accord with Policies D1 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.11 Residential Amenity

Overbearing Analysis

Although the proposed side extension will project beyond the front rear wall of the existing dwelling, the adjoining party wall is located 7.5 metres away. To the other side is the rear garden of the adjacent property that has many small outbuildings along the boundary. The proposed rear extension has a depth of 2.7 metres and is located 4.0 metres from the party boundary. It will also be partly screened by the existing rear extension attached to the adjoining dwelling. It is therefore considered that the proposed side and rear extensions will not have an overbearing effect on the properties to either side of the application property.

5.12 Privacy Analysis

One window at first floor and ground floor level are proposed on the side (east) elevation of the two storey projection potentially leading to overlooking. If the application were allowed, these windows would be therefore be disallowed by way of condition. One side window at first floor and one at ground floor level are proposed which would be obscure glazed. No windows are proposed in either side elevation of the single storey rear extension. It is therefore considered that subject to the above condition, the proposed extensions to the existing dwelling will not cause any issues of intervisibility or loss of privacy.

5.13 Erection of detached garage and formation of access onto High Street (A431)

The application seeks planning permission for the erection of a detached garage to the front of the property and the formation of an access onto High Street (A431), a classified road. The proposed garage would measure 4.6 metres in width by 4.6 metres in depth with a pitched roof. It will have a ridge height of 3.7 metres, but due to the slope of the garden engineering works will be carried out to lower the front part of the garden and to insert a retaining wall at the rear of the proposed parking/turning area. The height of the retaining wall will be 1.2 metres. Due to the engineering works, from both sides and the rear, the ridge height of the proposed garage will measure a maximum of 2.4 metres from the adjacent ground level.

5.14 Design & Visual Amenity

The proposed garage is sited in the front garden, approximately 2.5 metres away from the adjacent dwelling. The adjacent dwelling is an end of terrace cottage, which is Locally Listed. As the application site is located in the Conservation Area, particular regard must be made to Policy L12 that requires development to preserve or enhance the character or appearance of the Conservation Area.

5.15 Due to the proximity of the proposed garage to the Locally Listed row of cottages, it is considered that the proposed modern design with white render and modern concrete tiles is out of character with the design and appearance of

the Bitton Conservation Area. It is considered the proposal is therefore contrary to Policies D1 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 5.16 Due to the proposed engineering works, the ridge height of the proposed garage, when viewed from the adjacent dwelling, will have a maximum height of approximately 2.4 metres. It is therefore considered the proposed garage will not affect the visual amenities of the occupiers of the adjacent dwellings

5.17 Conservation Area

The Council's Conservation Officer has raised the following points regarding the access and erection of a detached garage.

Formation of new access, set back of boundary wall, garage and parking area

I am concerned at this part of the proposal which will alter the character of the High Street at this important entrance to the village. The Bitton Conservation Area SPG set out the important aspects of the linear High Street with its strong sense of enclosure. This section of wall and hedgerow makes an important contribution to the sense of enclosure and with the garden area it forms an important transition from the rural approach with its hedgerows to the stone walls and buildings within the village proper. The SPG highlighted the need to retain and reinforce enclosure by resisting the removal of walls etc. which is an important element of the character of the village. Introducing an entrance here would result in a loss of enclosure by the removal and set back of the low wall and a reduction in the height of the existing high hedgerow to provide adequate visibility for users of the access onto the busy road. These works and the formation of the hard-standing and garage will all introduce a more built up and suburban feel replacing the attractive green appearance and undeveloped character currently provided by the garden which pleasantly links into the adjoining open fields on the village edge. It is considered these works would thus have an adverse impact on the character and rural setting of the conservation area.

- 5.18 The Conservation Officer has objected to the new access, hardstanding, garage and set back of the wall which would have a harmful impact on the character and setting of the conservation contrary to policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the Bitton Conservation Area SPG and thus should be refused.

5.19 Transportation

The Council's Highway Officer has raised the following points.

The planning application relates to erection of side and rear extension as well as construction of a detached garage plus creation of a new vehicular access onto the A431 High Street.

- 5.20 The proposed new vehicular access is on to the A431 High Street a principal classified road. Whilst the posted speed is 30mph at this location, the observed vehicular speeds are higher. In view of this therefore, I consider provision of adequate visibility splays to be critical from the new access.

Accesses onto classified road are also required to provide a satisfactory off-street turning area on site.

5.21 On issue of visibility splays - the applicant's agent has submitted a plan, which indicates visibility splays of 2m by 43m from site access onto the road. Based on visibility standards/guidance, this level of visibility splays conforms to roads subject to 30mph speed limit. However, on closer inspection of the submitted plan and based on my own site visit, I am with a view that such visibility splays could not be achieved at this location without impact or use of a third party land. Without further evidence to prove otherwise then, I suggest that proposed access is substandard in respect of visibility splays.

5.22 On the issue of a turning facility – creation of a suitable turning area on site is considered vital to ensure that all vehicles using accesses onto classified roads can enter and leave the site access in forward gear. The applicant has submitted details of a turning area on site. The suggested turning area in my view is slightly below the necessary standard. Given the nature of the road and the speed of vehicles at this location, I would require adjustment to the size of the turning area to ensure that a large family car can easily manoeuvre on the site before it exits on to the A431. Without the necessary adjustment to the turning area then, it is the officer's assessment that off street turning area as proposed is substandard.

5.23 In view of all the above and in absence of any amendment to turning area then, the application is recommended refusal on the following highway reasons.

“The proposal would lead to creation and use of a substandard access by reason of inadequate visibility splays onto the A431 a principal classified highway thereby it would add to highway hazards faced by highway users to detriment of highway safety”.

“The proposal would lead to creation of a substandard access with insufficient off-street turning area thereby it increases vehicles standing and manoeuvring on the public highway all to detriment of highway safety and contrary to policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006”.

5.24 A letter of representation has been received supporting the application due to the proposals helping to alleviate parking problems experienced in the vicinity. As this representation is contrary to the Officer's recommendation, this report will appear on Circulated Schedule.

5.25 Drainage

No objection subject to appropriate permeable design and construction of proposed and replacement dwelling frontage paving/tarmac exceeding 5 square metres in area is a requirement to ensure surface water run-off is retained at source. Use of permeable surfacing is required or rainfall to be directed to a permeable soakage area (provided it does not cause flooding of adjacent property) within the curtilage of the dwelling. This could be secured by condition.

5.26 Other Matters

It is considered that the proposed development will affect the tree in the front garden. The tree is protected as it is sited within a conservation area. Because of this, a tree survey from a recognised professional arboriculturalist that conforms to Current British Standard BS5837 (2005) "Trees in Relation to Construction Regulations" must be submitted to and approved in writing by the Council. This will provide an assessment of the species, health and amenity value of the trees, hedgerows and other significant vegetation. No report was submitted with the application; therefore this application is recommended for refusal due to insufficient details on the protection of the tree.

5.27 Design and Access Statement

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

5.28 Use of Energy and Sustainability

None submitted.

5.29 Improvements Achieved to the Scheme

None.

5.30 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 application site is located within Bitton conservation area. It is considered that the proposed development will affect the tree in the front garden. No tree survey that conforms to Current British Standard BS5837 (2005) "Trees in Relation to Construction Regulations" was submitted to the Council. It is therefore considered that insufficient details on the protection of the protected tree have not been provided. The proposal is therefore contrary to Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

The proposal would lead to creation and use of a substandard access by reason of inadequate visibility splays onto the A431 a principal classified

highway thereby it would add to highway hazards faced by highway users to detriment of highway safety.

The proposal would lead to creation of a substandard access with insufficient off-street turning area thereby it increases vehicles standing and manoeuvring on the public highway all to detriment of highway safety and contrary to policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

The application site lies within the boundary of Bitton Conservation Area, the character and appearance of which it is desirable to preserve and enhance. The proposed garage and access, by virtue of its location, form, design and scale would fail to preserve or enhance the character or appearance of the Conservation Area and contrary to sections 72(1) & 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Policy L12 of the South Gloucestershire Local Plan (Adopted) 6th June 2006 and advice contained in the South Gloucestershire Design Checklist (SPD) Adopted August 2007.

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

7. RECOMMENDATION

- 7.1 That planning permission be **REFUSED** for the following reasons.

Contact Officer: Elizabeth Dowse
Tel. No. 01454 862217

REASONS FOR REFUSAL

1. The application site is located within Bitton conservation area. It is considered that the proposed development will affect the tree in the front garden. No tree survey that conforms to Current British Standard BS5837 (2005) "Trees in Relation to Construction Regulations" was submitted to the Council. It is therefore considered that sufficient details on the protection of the protected tree have not been provided. The proposal is therefore contrary to Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.
2. The proposal would lead to creation and use of a substandard access by reason of inadequate visibility splays onto the A431 a principal classified highway thereby it would add to highway hazards faced by highway users to detriment of highway safety.
3. The proposal would lead to creation of a substandard access with insufficient off-street turning area thereby it increases vehicles standing and manoeuvring on the public highway all to detriment of highway safety and contrary to policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The application site lies within the boundary of Bitton Conservation Area, the character and appearance of which it is desirable to preserve and enhance. The proposed garage, access, hardstanding and retaining wall, by virtue of its location, form, design and scale would fail to preserve or enhance the character or appearance of the Conservation Area and contrary to sections 72(1) & 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Policy L12 of the South Gloucestershire Local Plan (Adopted) 6th June 2006 and advice contained in the South Gloucestershire Design Checklist (SPD) Adopted August 2007.

CIRCULATED SCHEDULE NO. 15/10 – 23 APRIL 2010

App No.:	PK10/0178/F	Applicant:	Mr Hurstwaite
Site:	Crossleaze Farmhouse 65 Abbots Road Hanham Bristol South Gloucestershire	Date Reg:	15th March 2010
Proposal:	Conversion of tractor shed to form residential annexe ancillary to main dwelling.	Parish:	Hanham Abbots Parish Council
Map Ref:	364295 171007	Ward:	Hanham
Application Category:	Householder	Target Date:	6th May 2010



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100023410, 2008. **N.T.S.** **PK10/0178/F**

INTRODUCTION

This application has been referred to the Circulated Schedule due to the receipt of an objection raised by the Hanham District Green Belt Society and an objection from Hanham Abbots Parish Council.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the conversion of a tractor shed into a residential annex, ancillary to the main dwelling at Crossleaze Farm, 65 Abbots Road, Hanham.
- 1.2 The application relates to a modern detached outbuilding situated within the residential curtilage of Crossleaze Farmhouse. The site lies at the corner of Abbots Road and Crossleaze and just outside of the settlement boundary and within the Bristol Bath Green Belt.
- 1.3 Planning permission for the conversion of the outbuilding into an annex was granted in 2005, reference PK05/1445/F. The approved scheme has been implemented but several changes to the approved fenestration have been made, and are proposed, as such this current application seeks to regularise these amendments.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG2 Green Belt
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
GB1 Green Belt
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK04/0171/F Conversion of redundant outbuilding to form 2 no. holiday lets and alteration including construction of pitched roofs. Refused September 2004

- 3.2 PK05/1445/F Conversion of outbuilding to form ancillary residential annexe with associated parking.
Approved September 2005
- 3.3 PK08/1705/F Conversion of existing stable block to form ancillary residential annexe.
Approved September 2008
- 3.4 PK09/0073/F Erection of 1no. detached garage
Approved February 2009
- 3.5 PK09/0089/F Erection of dual pitched roof over existing flat roof
Approved February 2009
- 3.6 PK09/5125/F Erection of single storey side extension to form garage
Approved October 2009

4. CONSULTATION RESPONSES

- 4.1 Hanham Abbots Parish Council
The Parish Council has reservations due to the fact that this property is on Green Belt land and has already seen significant enlargement in recent years. It is considered that building on Green Belt land should only be allowed in very special circumstances and this application does not contain any factors that constitute special circumstances
- 4.2 Hanham District Green Belt Society
Object to the proposal. The application property has seen considerable enlargement over the last 10 years, resulting in buildings being twice the original size. The latest application is clearly intended to be a house at some stage separate to the main property. This is seen as development in the Green Belt.

Other Representations

- 4.3 Local Residents
No response received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that proposals should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space. The application site is also located within the Bristol Bath Green Belt, as such the proposal must meet the criteria set out in GB1.

5.2 Design / Visual Amenity

The building is of modest scale and is a modern building. The difference between the approved scheme reference PK05/145/F and this current application is purely the fenestration of the building. This application introduces two small windows on the north east elevation, the double door on the south east elevation is smaller and the windows on the south west elevation, whilst located in the same position are slightly smaller and the wall below these windows would match the rest of the building rather than being dark stained boarding as previously proposed. Apart from the two new windows on the north east elevation all the openings utilise the original openings of the building, furthermore the proposed changes to the windows on the south west elevation and south east elevation result in smaller openings than were originally proposed. The two new windows on the north east elevation are small in scale and as such it is not considered that the inclusion of these windows results in any demonstrable harm. The proposal is considered to be of an appropriate standard in design and the character of the building is retained. 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 building lies adjacent to the parking and turning area to the side of Crossleaze Farmhouse. In this respect it is considered that the annex is well related to the main house and the other outbuildings. Given the location of the annex, away from any neighbouring residential properties, and the fact that no increase in footprint is proposed, it is not considered that the proposal would have any overshadowing or overbearing effect on the neighbouring dwellings. Furthermore, it is considered that there are no issues of inter-visibility or loss of privacy. In addition it is considered that there is adequate private amenity space to serve both the main dwelling and the proposed annex.

5.4 Green Belt Issues

The proposal does not include any changes to the existing footprint of the building and would utilise the existing residential curtilage and parking area. Furthermore, the proposed annex would be used ancillary to the main dwelling house. As such it is not considered that the proposal would have a materially greater impact than the authorised use, i.e garaging and storage, on the openness of the Green Belt. The building is of permanent construction and is considered to be in keeping with the surroundings. The proposed conversion is not considered to have an adverse impact on the visual amenity of the Green Belt. Consequently, it is not therefore considered to be inappropriate development in 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 the concerns raised, it should be noted that the proposal is for the conversion of an existing building and is not for the development of a new building, furthermore the principle of the conversion of the tractor shed to form a residential annex was approved in 2005 application reference PK05/1445/F. The application is seeking consent for the building to be used as an annex to the main farmhouse and not as a separate residential unit. This is a development that would require planning permission in its own right. For the avoidance of doubt, an informative statement, would be attached to any permission.

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 conversion is of an appropriate standard in design and reflects the character of the surrounding area. Furthermore the proposal 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.

It is not considered that the proposal would have a materially greater impact on the openness of the Green Belt, than the previous authorised use and would not have an adverse impact on the visual amenity of the Green Belt. As such the proposal accords with Policy GB1 of the South Gloucestershire Local plan.

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

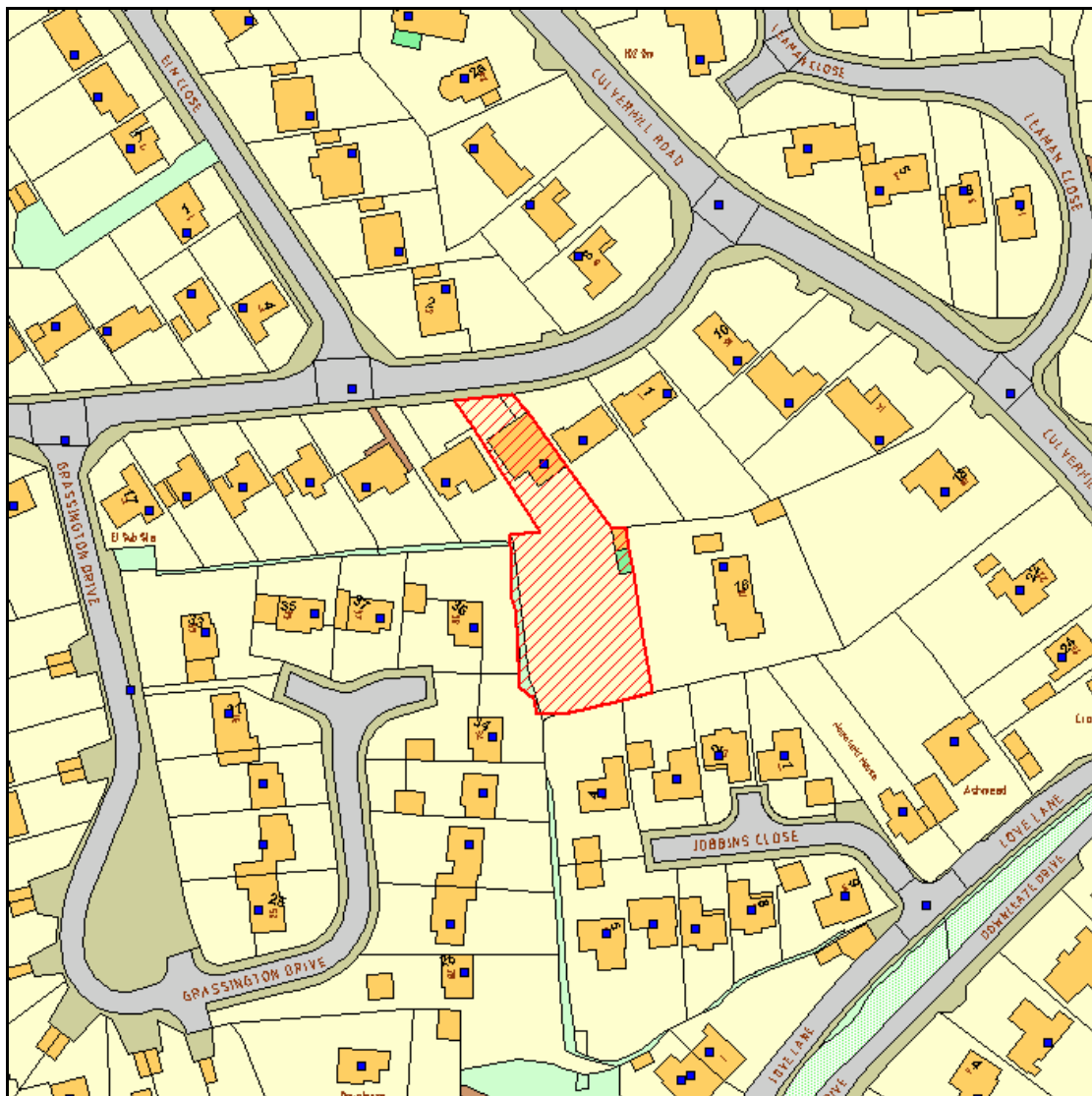
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 15/10 – 23 APRIL 2010

App No.:	PK10/0243/F	Applicant:	Mr Tubby
Site:	5 Highfield Road Chipping Sodbury Bristol South Gloucestershire BS37 6HD	Date Reg:	9th February 2010
Proposal:	Erection of 1no. detached dwelling with associated works. Alterations to existing dwelling to provide access. Erection of 1no detached double garage for use of existing and proposed dwellings. (Resubmission of PK08/2642/F).	Parish:	Sodbury Parish Council
Map Ref:	372418 182037	Ward:	Chipping Sodbury
Application Category:	Minor	Target Date:	8th April 2010



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 100023410, 2008. **N.T.S.** **PK10/0243/F**

INTRODUCTION

This application has been referred to the Circulated Schedule following the receipt of objections from local residents', the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to a 1960s/70s two-storey dwelling house and private rear garden, situated on the southern side of Highfield Road, Chipping Sodbury. Vehicular access to a single integral garage and driveway is gained directly from Highfield Road. The elevated rear garden area is currently land-locked and enclosed by neighbouring housing. There are three trees located on the perimeter of the site, which are now protected by Tree Preservation Order (TPO). The land falls generally to the west, thus placing the application site at a higher level than the properties in Grassington Drive and a lower level in respect to neighbouring property at 16 Culverhill Road and a property known as 'Culverhill' to the south (rear) of the application site. The site does not lie within the Chipping Sodbury Conservation Area.
- 1.2 It is proposed to erect a 4 bedroom detached bungalow on the rear garden area. In order to provide vehicular access to the bungalow, it is proposed to modify the existing house by forming an under-croft drive, to replace the integral garage and retain the first floor accommodation above. The new, shared access drive would serve the existing and proposed dwellings. Each dwelling would have a new detached garage, together with a shared turning space, all located to the rear of the existing house. It is proposed to enclose the driveway and turning area, located to the rear of the existing house, with acoustic fences.
- 1.3 The following documents have been submitted in support of the application:
- Design and Access Statement
 - Planning Statement
 - Arboricultural Assessment
 - Ecological Report
 - Acoustic Report
 - Tree Constraints Plan
 - Appeal Decision relating to a previous similar development (PK08/2642/F).
- 1.4 A previous application PK08/2642/F for a similar scheme was refused for the reasons listed in paragraph 3.4 below and a subsequent appeal dismissed. The current application seeks to overcome those refusal reasons. The key differences between the current proposal and that previously refused under PK08/2642/F are:
- The proposed garages and turning areas have been re-located nearer to the existing dwelling resulting in a corresponding reduction in the length of the driveway.

- The driveway and turning areas to the rear of the existing house are now enclosed by an acoustic fence.
- Details of the acoustic fence have been submitted together with an associated Acoustic Report.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1 - Delivering Sustainable Development
- PPS3 - Housing
- PPG13 - Transport
- PPG24 - Planning and Noise

2.2 Development Plans

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

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

Joint Replacement Structure Plan

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

South Gloucestershire Local Plan (Adopted) 6th January 2006

- L1 - Landscape protection and enhancement
- L9 - Species Protection
- EP1 - Environmental Pollution
- EP2 - Flood Risk and Development
- L17 & L18 - The Water Environment
- H2 - Residential development
- H4 - Development in Residential Curtilages
- D1 - Design
- T8 - Parking standards
- T12 - Transportation development control
- H6 - Affordable Housing
- LC1 - Provision for Built Sports, Leisure and Community Facilities (Developer Contributions)
- LC2 - Provision for Education Facilities (Developer Contributions)

2.3 Supplementary Planning Guidance

- South Gloucestershire Design Checklist SPD Adopted 2007
- South Gloucestershire Biodiversity Action Plan
- South Gloucestershire Landscape Character Assessment Adopted Aug. 2005.
(Character Areas 5, Wickwar Ridge & Vale and 8, Yate Vale)

3. RELEVANT PLANNING HISTORY

- 3.1 PK03/2542/F - Demolition of existing dwelling and erection of 4 no. terraced houses and 2 no. flats
Refuse and Dismissed at appeal 2003 (Ref: APP/P0119/A/04/1146096).
- 3.2 PK06/2355/F - Erection of 3 no. detached dwellings with attached garage and associated works.
Withdrawn Feb.2007.
- 3.3 PK07/3117/F - Erection of 1 no. detached bungalow with associated detached garage. Erection of first floor balcony and 1 no. detached garage to existing dwelling.
Refused 13th December 2007 for the following reasons:

1. The proposed development by reason of its siting would constitute an unacceptable form of backland development, which would result in unacceptable noise and disturbance for adjacent residential occupiers and would be contrary to Policy H4 and H2 of the South Gloucestershire Local Plan.

2. The proposed development would generate an increase in traffic onto a restricted access with no footway thereby increasing conflicts between pedestrian/vehicle to the detriment of road safety and would be contrary to the Policies T12 and H4 of the South Gloucestershire Local Plan.

3. In the absence of an Arboricultural Impact Assessment the Council is unable to fully assess the impact of the proposed development on those existing trees covered by a Tree Preservation Order and no details have been submitted with regards which trees are to be felled and retained as part of the development and as such, the Council is unable to fully assess the implications of the proposed development and is therefore contrary to Policy L1 of the South Gloucestershire Local Plan.

4. The proposed first floor balcony by reason of its siting and design would allow for overlooking onto neighbouring gardens resulting in a loss of privacy, which would be to the detriment of residential amenity and would be contrary to Policy H4 of the South Gloucestershire Local Plan.

5. In the absence of an Ecological Survey of the site the Council is unable to fully assess the implications of the proposed development on the ecology and biodiversity of

the area and is therefore contrary to Policy L9 and D1 of the South Gloucestershire Local Plan and Adopted Supplementary Planning Guidance 'Biodiversity'.

3.4 PK08/2642/F - Erection of 1no. detached bungalow with associated detached garage. Alterations to existing dwelling to provide access and erection of 1no. detached garage to existing dwelling. (Resubmission of PK07/3117/F).

Refused 7 Nov 2008 for the following reasons:

1. The proposed development by reason of its siting would constitute an unacceptable form of backland development, which would result in unacceptable noise and disturbance for adjacent residential occupiers and would be contrary to Policy H4 and H2 of the South Gloucestershire Local Plan.

2. The proposed development would generate an increase in traffic onto a narrow access drive with no footway and restricted off-street turning area, thereby increasing conflicts between pedestrians and vehicles to the detriment of road safety and would be contrary to the Policies T12, H2 and H4 of the South Gloucestershire Local Plan.

A subsequent Appeal APP/P0119/A/08/2090536 was dismissed 28 April 2009.

4. CONSULTATION RESPONSES

4.1 Sodbury Town Council
No objection.

Other Representations

4.2 Local Residents

39no. letters/e-mails of objection have been received from local residents; the concerns raised are summarised as follows:

- Access would be on a bend and steep hill with poor visibility and inadequate width thus resulting in conflict between vehicles and pedestrians.
- Increased traffic noise and fumes.
- Backland development.
- Overbearing impact on 36 and 34 Grassington Drive.
- Loss of privacy from overlooking of 36 and 34 Grassingham Drive.
- No screening to the west.
- Increased on-street parking.
- Adverse impact on wildlife.
- Under-croft access not in-keeping.
- Overdevelopment of the site.
- Only one-way in/out of 'The Elms'.
- No access for emergency vehicles.

- Children walking in 'The Elms'
- Disruption during the development phase.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The site is within the established residential area as defined in the South Gloucestershire Local Plan (Adopted) 6th January 2006. Government advice contained in PPS3 – 'Housing' supports a more efficient and sustainable use of land in the urban area, with a provision for more intensive housing development in and around existing centres and close to public transport nodes.

5.2 Having regard to the adopted Joint Replacement Structure Plan, Policy 2, the locational strategy, aims to concentrate development for jobs, housing and facilities within the main urban areas, in order to maintain and develop their vitality and quality as regional and sub regional centres. Policy CS15 of the South Gloucestershire Core Strategy Pre-Submission Draft also identifies infill development as contributing to the distribution of housing development.

5.3 The proposal falls to be determined under Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits the residential development proposed, subject to the following criteria:

- A. Development would not have unacceptable environmental or transportation effects, and would not significantly prejudice residential amenity; and
- B. The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved. The expectation is that all developments will achieve a minimum density of 30 dwellings per hectare and that higher densities will be achieved where local circumstances permit. Not least, in and around existing town centres and locations well served by public transport, where densities of upwards of 50 dwellings per hectare should be achieved.
- C. The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination; and
- D. Provision for education, leisure, recreation and other community facilities within the vicinity is adequate to meet the needs arising from the proposals.

5.4 Policy H4 permits development within existing residential curtilages subject to criteria similar to H2. Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 seeks to secure good quality designs.

5.5 The site is not subject to unacceptable levels of noise, disturbance, air pollution, smell, dust or contamination. There is adequate provision in the locality for Education, Leisure, Recreation and other Community Facilities to meet the needs arising from the proposal.

5.6 A previous application for a very similar scheme Pk08/2642/F was refused for the reasons listed at para. 3.4 above and a subsequent appeal dismissed. The comments of the Inspector relating to this appeal decision together with the appeal decision relating to an earlier proposal for residential development of the site are material considerations afforded considerable weight in the determination of this current application. The Inspector for PK08/2642/F raised no objection to the principle of residential development on this backland site or to the proposed density or visual amenity of development; furthermore no objection was raised on highway grounds either.

5.7 Density

Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and like PPS3 seeks to avoid development, which makes an inefficient use of land. PPS3 (para.47) indicates that a national indicative minimum density of 30 dwellings per hectare should be used and whilst not prescribing any maximum figure, the PPS encourages the highest density that can be achieved within the various local considerations that need to be taken into account. The combined area of the land at 5 Highfield Road is 0.1304ha; the existing and proposed dwellings would result in a density of only 15.33 dph.

5.8 PPS3 (para.50) states that *“The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.”* Officers are satisfied that having regard to the site’s constraints relating to its location, landscape characteristics including the presence of 3 TPO’d trees and other boundary vegetation, levels variations, access/parking requirements, and impact on residential amenity, it is unlikely that a larger scheme containing more than 1no. dwelling could be accommodated on the site, and in this respect the proposal represents the most efficient use of the land in what is a reasonably sustainable location, fairly close to the centre of Chipping Sodbury. The proposal therefore accords with government guidelines and in terms of its density alone, the development is not considered to be an overdevelopment of the site. The Inspector for the appeal against refusal of PK08/2642/F agreed with this view.

5.9 Tandem Development

In response to the appeal against the refusal of PK03/2542/F (for a much larger building than is now proposed), the Inspector in para. 30 of his decision letter, stated the following:

“The Council object to the building at the rear of the site mainly on the basis of it being back-land development. I accept that apart from 16 Culverhill Road there are no other examples of back-land development in the surrounding area. However, I do not consider that back-land should be excluded from development merely because such forms of development are not reflected in the surrounding area. If that was the case then the Government’s objective of making the most efficient use of previously developed land in urban areas would, to an extent, be frustrated. The Council accept that very little of the building at the rear would be seen from the public realm. Whilst that which

would be glimpsed would be close to the boundary with 16 Culverhill Road I do not consider that this would materially harm the character of the area as most of the houses along Highfield Road are generally built up close to their side boundaries.”

Given that the proposed bungalow is significantly smaller than the terrace of houses previously proposed in PK03/2542/F, officers consider that it would be unreasonable to raise an objection to back-land development *per se* on this site and the Inspector for the appeal against refusal of PK08/2642/F agreed with this view.

- 5.10 In relation to all of the previous applications PK03/2542/F, PK07/3117/F and PK08/2642/F, officers of the Council did however raise an objection on the grounds that, the proposed development by reason of its siting and relationship with neighbouring residents, if allowed, would have an unacceptable impact in terms of noise and disturbance from traffic movements within the site.
- 5.11 In the appeal decision letter for the previous refusal of PK08/2642/F the Inspector noted (para.13):

‘This backland residential development will have an effect on the quiet character of the area by the introduction of additional buildings and increased activity into an area hitherto used for domestic and recreational purposes ancillary to the existing dwelling. These gardens appear to be relaxing areas of outdoor living space, away from the more public areas at the front of the properties, and enhance the quality of life for the occupiers.’

The Inspector went on to note that vehicles would access the site via a driveway beneath and to the side of the host dwelling and running the length of the garden to no.3 Highfield Road, with the proposed turning area adjacent to the boundary of 16 Culverhill Road. The Inspector expressed concerns about the likely noise and disturbance caused by vehicles using these facilities.

- 5.12 The appellant contended that any noise generated by vehicles to the rear and side of nos.3 and 5 could be attenuated by the use of an appropriate acoustic fence but in the absence of any details of the fence or acoustic study, the Inspector was not persuaded. Furthermore the Inspector noted that (para.14) there had been no assessment as to whether the existing boundary treatment to 16 Culverhill Road was sufficient to protect the amenities of the occupiers of that property.
- 5.13 In order to overcome these concerns the scheme has been amended so that in the current proposal the garages have been re-located further to the north and the length of driveway shortened so that no part of it or the turning area, would lie adjacent to the boundary of no.16 Culverhill Road.
- 5.14 The main body of no.3 Highfield Road is set back some 4m from the boundary with no.5, being separated from it by a garage and pathway. Furthermore there is a high boundary wall that steps down between the properties along this boundary, coupled with some landscaping.

- 5.15 It is now proposed to enclose the driveway and turning area, to the rear of no.5, with a 2m high timber acoustic fence, the details of which have been submitted. The fence would link in to the garages, which would enclose the turning area to the west. It is also proposed to provide an acoustic lining to the undercroft passage roof and to surface the driveway with an appropriate acoustic attenuation material to further baffle any noise from the movement of vehicles. An acoustic assessment has been submitted in support of the application, which concludes that with the proposed acoustic mitigation measures in place, the predicted noise levels at the neighbouring properties would fall within the criteria of the relevant guidance and assessment documents. These matters are discussed further under the Environmental heading below.
- 5.16 On balance therefore and given that there is an acknowledged background noise from traffic using the nearby B4060, an arterial route into Chipping Sodbury Town Centre, officers consider that subject to conditions to secure the acoustic mitigation measures proposed, an objection on the grounds of noise and disturbance can no longer be substantiated.
- 5.17 Residential Amenity
The position and scale of the proposed bungalow is the same as in the previous proposal PK08/2642/F. It is considered that a single-storey dwelling in this location, of the design, scale and siting proposed, would not have an adverse impact on the existing amenities of surrounding residents in terms of overbearing impact or loss of privacy and this view is consistent with that of the officer who determined the previous application PK07/3117/F for a similar sized dwelling on this site. It is also noted that the Inspector for the appeal against refusal of PK08/2642/F also raised no objection on this point. Any future extensions could be controlled by removing permitted development rights.
- 5.18 With regards to application PK03/2542/F the Council raised an objection on the grounds that as the proposed 2-storey block would be set back from the adjoining boundary with no.36 Grassington Drive by 2.0m and 10.0m at the nearest point from the rear elevation of no.36, it would have an overbearing impact. The Inspector was of the view that the proposed development would be *“very dominant and create an oppressive sense of enclosure for the occupiers of no.36 and would harm their living conditions.”*
- 5.19 The single-storey dwelling that is now proposed would be set back from the adjoining boundary with no.36 by 3.6m at the nearest point and 8.0m at the furthest point and set back 28.0m from the rear elevation of no.5 Highfield Road. It is considered that a single-storey dwelling in this location would not have an overbearing impact.
- 5.20 The proposed garages would now be located some 6.5m away from the boundary with no.36 Grassington Drive and would now be located with their rear elevations adjacent to the far south-eastern corner of the garden of no.7 Highfield Road. The garage building is however relatively small with gable ends and a low pitched roof with a maximum ridge height of 3.5m. There is already a substantial belt of vegetation on the boundary with no.36 and a large tree at the bottom of the garden of no.7, all of which would help screen the garages from

- view; the boundary vegetation could be enhanced to further screen views of the garages.
- 5.21 As the proposed scheme now relates to a detached single-storey dwelling measuring only 5.70m in height to the ridge, which would be set back from the adjoining boundary with no.16 by some 7.0m at the nearest point, with existing trees and boundary wall retained, it is considered that the proposed dwelling would not have an overbearing impact.
- 5.22 It is also considered that a dwelling of this scale and by reason of its location would not have an adverse impact on those recently built two- storey houses sited south of the application site.
- 5.23 As regards issues of overlooking, the existing and proposed boundary fences, walls and belts of trees and hedgerows would provide adequate screening at ground floor level. Whilst it is acknowledged that there are considerable ground level differences between the application site and that of no.36 Grassington Drive, there would be only velux rooflights serving the bedroom accommodation in the roof-space of the proposed bungalow. Officers consider that some overlooking of neighbouring property is a ubiquitous situation only to be expected in an urban area, but given the height of the boundary vegetation and nature of the fenestration in the proposed roof-space, the level of overlooking or inter-visibility to result from the scheme would be minimal. There would therefore be no significant adverse impact on residential amenity to result from overbearing impact or loss of privacy from overlooking or inter-visibility. This view concurs with that of the Inspector for the appeal against refusal of PK08/2642/F.
- 5.24 Visual Amenity

At the time of application PK03/2542/F the Council raised an objection on the grounds that the proposed development would constitute back-land development and be out of keeping with the surrounding development. The Planning Inspector made the following assessment:

I accept that apart from 16 Culverhill Road there are no other examples of back land development in the surrounding area. However I do not consider that back land development should be excluded from the development merely because such forms of development are not reflected in the surrounding area. If that was the case then the Government's objective of making the most efficient use of previously developed land in urban areas would to an extent be frustrated

I have also considered whether the building to the rear would significantly harm the character and appearance of the area for surrounding residents. I know it would result in a substantial change from the existing garden land, which is characterised by its undeveloped nature and the trees growing therein. However the government policy of making the most efficient use of previously developed land is bound to result in some changes to the appearance of the area.

- 5.25 Based on the above findings of the Inspector's decision, the Council considers this to be a material consideration in the determination of this application. It is therefore considered that no objection could be raised on visual amenity grounds with regards to the introduction of a dwelling in this back-land location.
- 5.26 It is also considered that the proposed dwelling by reason of its design and external appearance is considered to be acceptable.
- 5.27 Concerns have been raised regarding the impact of the proposed alterations on the front elevation of the existing dwelling in order to create the new vehicular access. Whilst it is accepted that such an opening is not characteristic of nearby dwellings, officers consider that a refusal reason could not be justified on this basis since car ports and archways to under-croft parking areas are common enough features in urban areas.
- 5.28 Landscaping
At the time of planning application PK03/2542/F an objection was raised on the grounds that in the absence of full landscaping details the Council was unable to assess the impact of the proposed works. The Inspector however was of the opinion that the Council could have requested those details or made a judgement, and on the basis of the limited information available, did not consider that the trees that would be lost would make a significant contribution to the amenity of the area. Although the Inspector did advise *"that I agree with the appellants that those along the southern boundary and part of the western boundary could probably be retained."*
- 5.29 Since the above decision, three trees on the site have had a Tree Preservation Order placed on them. The Council's Tree Officer has noted that the submitted Arboricultural report outlines those trees which are to be removed from the site and those which are to be retained, and raises no objection to the proposals. The proposed development would however impact upon some of the retained trees and as such an Arboricultural Impact Assessment Method Statement and Tree Constraints Plan in accordance with BS:5837 will need to be submitted; this can be secured by condition.
- 5.30 Transportation Issues
There is extensive planning history on this site and that includes a planning appeal in relation to planning application PK08/2642/F. The access proposals for the current scheme are the same as in the previous application but the turning area has been increased in size.
- 5.31 A new shared under-croft access driveway is proposed (measuring at its narrowest point approximately 3.6m wide) to serve the existing house and the proposed bungalow. Car parking for both the existing dwelling and the new bungalow is proposed to the rear of the existing dwelling and comprises a single garage each. The proposed access would be used by both pedestrians (including people with push chairs, etc.) and vehicles. It is estimated that the proposed additional dwelling would generate in the region of 7 vehicle movements per day and between 1 and 2 pedestrian movements per day along the proposed access; the Inspector did not consider that this amount of traffic movement was significant.

- 5.32 Officers previously raised a number of concerns about the highway implications of the proposal to which the Inspector, in her decision letter, responded (paras. 7-9) as follows:

'The appellant maintains that 2 vehicles can pass on the drive to the north and south of the under-croft access. The Council indicate that although a width of 4.1m is theoretically sufficient, there are hard structures immediately adjacent to the edge of the highway so that wing mirrors are unable to overhang. I consider that drivers will not try to pass each other when it is likely to be a finely judged manoeuvre, but instead wait on Highfield Road or on the proposed turning area within the appeal site to allow for vehicles to enter or leave the access drive. I find no harm to highway safety should vehicles wait within the site.'

'During my site visit I noted on-street parking on the south side of Highfield Road within the vicinity of the appeal site causing most traffic to pass in single file. If a vehicle needed to wait on Highfield Road and was unable to wait adjacent to the kerb, then, bearing in mind that Highfield Road serves as the only vehicular access for a number of cul-de-sacs and that this traffic has to pass the appeal site, any tandem waiting is likely to cause a temporary inconvenience to vehicles using Highfield Road. However, bearing in mind the modest traffic generated by the proposed dwelling, I do not consider that this would give rise to any unacceptable harm to road users of Highfield Road.'

'Whilst visibility of vehicles emerging from the appeal site is restricted by the side walls of the under-croft, this is no different to vehicles emerging from the existing garage. Whilst this may lead to reversing manoeuvres onto Highfield Road on occasion, I see little difference between the manoeuvres potentially caused by the appeal proposal and those that may arise currently.'

- 5.33 The Inspector went on to conclude that the proposed turning area was adequate and that given the daily vehicle movements associated with the proposal, there would be no conflict between vehicles and pedestrians along the proposed drive or at its junction with Highfield Road.
- 5.34 The parking standards for four bedroom dwellings, as listed in Policy T8 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 is 3 spaces per dwelling. The parking standards are however maximum standards and the site lies in a sustainable location, close to Chipping Sodbury Town Centre. Furthermore successive Inspectors have not raised objections to proposed parking provision below the maximum standards. On this basis officers raise no objection to the proposed parking provision.
- 5.35 The height of the under-croft is 3.3m, which would be plenty high enough to accommodate a Transit Van. The submitted plans show a bin store located at the end of the driveway. It is also proposed that a contractors' compound could be located at the end of the driveway during the construction phase.
- 5.36 Given the above, officers consider that on balance a refusal on highway grounds cannot in this case be substantiated.

5.37 Ecology

Further to the submission of an updated Ecological Report the Council's Ecologist raises no objection to the proposal. The report identifies potential for the loss of woodland and disturbance to birds and hedgehogs. Birds such as bullfinch and song thrush; and hedgehog are all listed on the South Gloucestershire Biodiversity Action Plan as species, which the Council will require or carry out work to enhance populations. In response to these issues the Ecological Report under "Impacts of Development" states the mitigation measures, which should be implemented in full. Subject therefore to a condition to ensure that the site is searched for hedgehogs prior to development and suitable mitigation measures should any be found, there is no objection on ecological grounds.

5.38 Drainage

The Council's Drainage Engineer raises no objection in principle to this application. Where appropriate, the Council requires that the applicant/developer consider the use of soakaways for roofs or permeable surfaces for private drives and parking areas.

5.39 Environmental Issues

An acoustic report has been commissioned by an appropriately qualified Acoustic Consultant. Noise has been assessed in accordance with guidance set out in PPG24, BS8233:1999 and World Health Organisation guidance. The Council's Environmental Health Officer has inspected the report and concluded that the proposed attenuation measures are suitable to minimise disturbance on numbers 5 and 3 Highfield Road.

5.40 Affordable Housing

The proposal is for 1no. dwelling only, which is below the Council's threshold (15) for affordable housing provision.

5.41 Education Service

The proposal is for 1no. dwelling only, which is below the Council's threshold (5) for contributions to the Education Service.

5.42 Community Services

The proposal is for 1no. dwelling only, which is below the Council's threshold (10) for contributions to Community Services.

5.43 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.

5.44 Use of Energy and Sustainability

None.

5.45 Improvements Achieved to the Scheme

Since the last refusal the scheme has been amended to provide details of the Acoustic Fence, revised location of the garages, enlarged turning area and shortened driveway.

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

7. RECOMMENDATION

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

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. 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 and G) or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

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

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

Reason

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

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

Reason

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

5. 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 Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

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

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy H2/H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. 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 D1/L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. Prior to the commencement of the development hereby approved, a schedule of remedial tree works in accordance with BS3998:1989 'Tree Works' for the retained trees shall be submitted to and approved in writing by the Local Planning Authority's Tree Officer. Thereafter the development shall proceed in full accordance with the details so approved.

Reason

To ensure the retained trees are maintained to preserve their visual amenity and landscape integrity within the context of the proposed development in accordance with Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.

10. Prior to the commencement of the development hereby approved a Tree Protection Plan in accordance with BS5837:2005 'Tree in relation to Construction-Recommendations' shall be submitted to and approved in writing by the Local Planning Authority's Tree Officer in accordance with Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006. Thereafter the development shall proceed in full accordance with the details so approved.

Reason

To ensure the retained trees are protected during the construction phase and maintained to preserve their visual amenity and landscape integrity within the context of the proposed development in accordance with Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.

11. Prior to the commencement of the development hereby approved, a Detailed Arboricultural Method Statement in accordance with BS5837:2005 has been submitted to and approved in writing by the Local Planning Authority's Tree Officer.

Reason

To ensure that the retained trees are not impacted by the proposed development and that satisfactory measures are in place to prevent damage to retained trees to accord with Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.

12. Prior to the first occupation of the development hereby approved, the proposed Acoustic fence and acoustic mitigation measures shall be erected/implemented in full accordance with the plans and details hereby approved and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy H2/H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

13. Prior to the commencement of the development hereby approved, details of the proposed finished floor levels shall be submitted to and approved in writing by the Local Planning Authority, thereafter the development shall be carried out in full accordance with the details so approved.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy H2/H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

15. Prior to the commencement of the development hereby approved, details of any proposed floodlighting or external illuminations shall be submitted to and approved in writing by the Local Planning Authority, thereafter the development shall proceed in full accordance with the details so approved.

Reason

To avoid excessive light pollution and to protect the residential amenity of the neighbouring occupiers and to accord with Policies EP1/ H2/H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

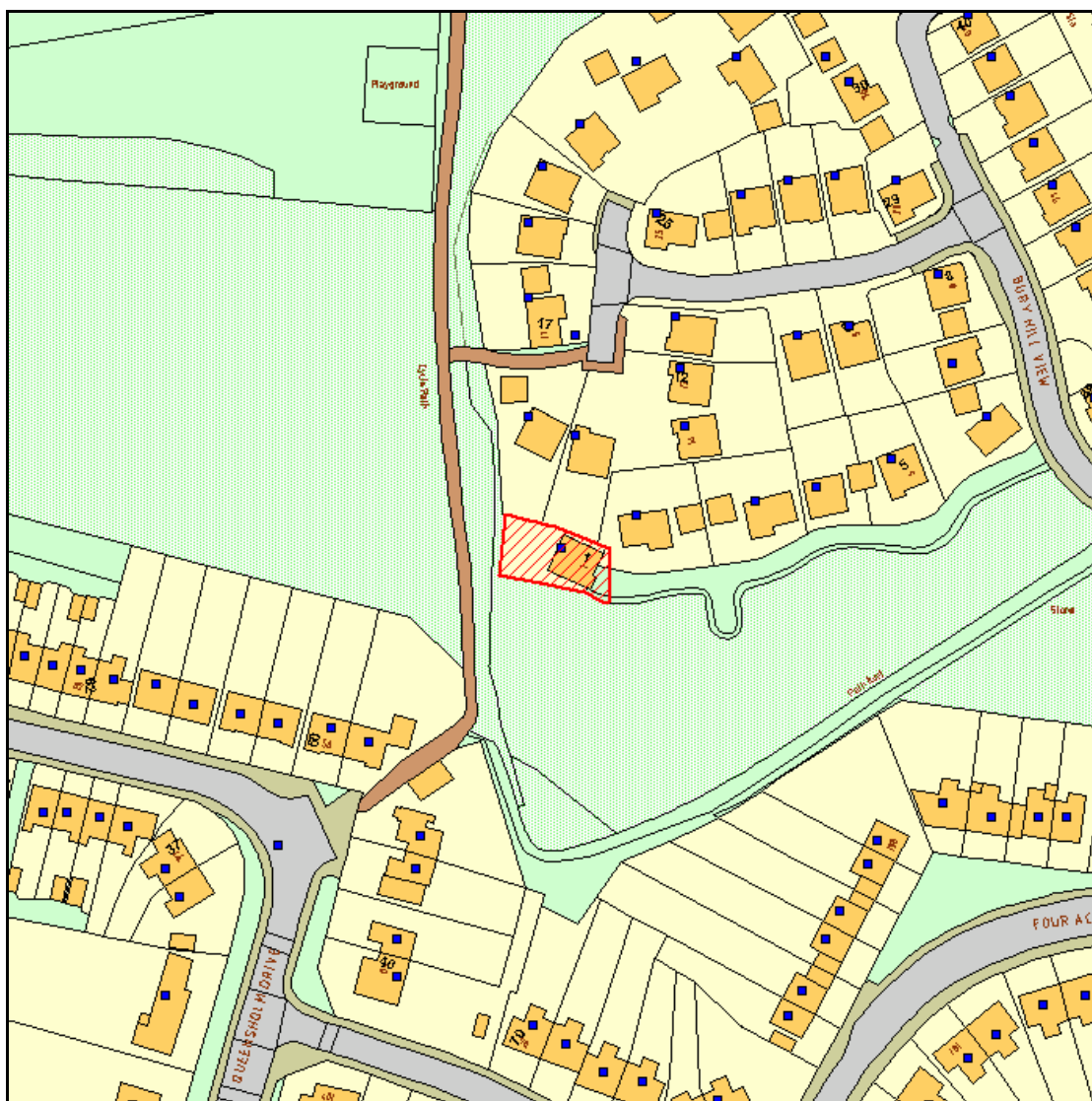
16. Immediately prior to the commencement of the development hereby approved, the site shall be searched, by a suitably qualified person, for hedgehogs; any hedgehogs found shall be moved to a suitable safe nearby location in accordance with the recommendations of the approved Ecological Survey.

Reason

To protect the ecology and wildlife interests of the site and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 15/10 – 23 APRIL 2010

App No.:	PK10/0487/F	Applicant:	Mr And Mrs M Livings
Site:	1 Bury Hill View Downend Bristol South Gloucestershire BS16 6PA	Date Reg:	10th March 2010
Proposal:	Erection of two storey rear extension to provide additional living accommodation.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365257 178285	Ward:	Downend
Application Category:	Householder	Target Date:	4th May 2010



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 100023410, 2008. **N.T.S.** **PK10/0487/F**

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a two storey rear extension at 1 Bury Hill View, Downend. The proposed extension would measure 3.8 metres wide by 4.5 metres in depth. The proposal would include a catslide roof and a small dormer window.
- 1.2 The property is a two storey detached dwelling and is located within a residential area of Downend.

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
- South Gloucestershire Core Strategy, Pre-submission Publication Draft March 2010
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
No objections

Other Representations

- 4.2 Local Residents
One letter of objection has been received from a neighbouring resident raising the following concerns.
- The proposal would dramatically affect the outlook from their property, in terms of light and view.
 - The proposal would de-value their property significantly.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design / Visual Amenity

The proposed extension is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. The extension 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.

Whilst catslide roofs and dormer windows are not common features in the surrounding estate, the proposed extension would be to the rear of the existing dwelling and would not be highly visible from the highway. 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 application property is located to the rear of No. 13 Bury Hill View. The proposal would at its closest point be located 1 metre away from the rear boundary of this property but would be located over 13 metres away from the main rear elevation of the dwelling. The proposed extension would measure 4.5 metres in depth and would include a catslide roof which would have a height to eaves of 2.3 metres. The proposed dormer is modest in scale and would be set 1 metre in from the side elevation of the dwelling. Given the existing boundary treatments in place combined with the modest height of the proposal, it is not considered that the extension would have any overbearing effect on the neighbouring dwellings. Whilst the proposal would result in a slight increase in overshadowing of the rear garden of the neighbouring property, given the modest height of the proposal, this would only be a minimal increase in comparison to the existing situation and is not considered to be of sufficient concern to warrant or justify the refusal of the application.

No new windows are proposed in the side elevation which faces the neighbouring properties, as such, it is not considered that the proposal would result in any significant increase in overlooking or loss of privacy over and above the levels of overlooking from the existing first floor windows. It is considered that there are no issues of inter-visibility or loss of privacy. Further, there are no concerns relating to loss of daylight/sunlight and sufficient garden space would remain to serve the property. Therefore the impact on residential amenity is subsequently deemed acceptable.

5.4 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.

5.5 Use of Energy and Sustainability

No additional measures proposed

5.6 Improvements Achieved to the Scheme

None required

5.7 Other Issues

With regard to concerns raised regarding the loss of outlook and views from the neighbouring property and concerns about the decrease in value in the property. It should be noted that there is no right to a view under planning legislation, furthermore given the scale and location of the proposal it is not considered that the proposal would have a significantly detrimental impact on the outlook of the neighbouring property to justify the refusal of the application. In addition the perceived impact on property value is not a material planning consideration.

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 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

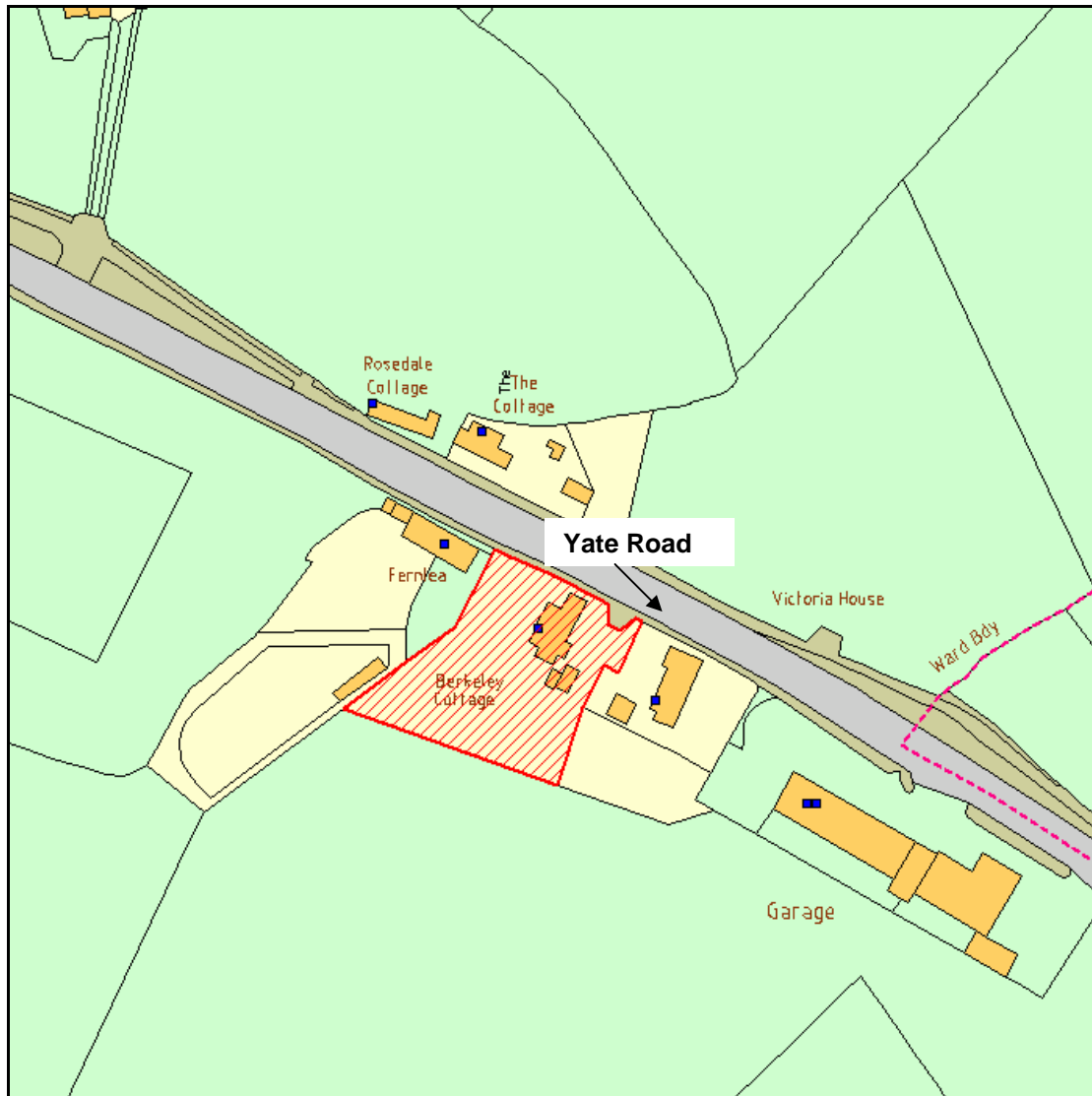
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 15/10 – 23 APRIL 2010

App No.:	PK10/0492/CLP	Applicant:	Mr M Evans
Site:	Berkeley Cottage Yate Road Iron Acton Bristol South Gloucestershire	Date Reg:	17th March 2010
Proposal:	Application for Certificate of Lawfulness for the proposed erection of single storey detached building.	Parish:	Iron Acton Parish Council
Map Ref:	368855 183279	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	6th May 2010



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 100023410, 2008. **N.T.S.** **PK10/0492/CLP**

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 A certificate of Lawfulness for a proposed development has been applied for in relation to the erection of a single storey detached building for use ancillary to the main dwelling, within the curtilage of Berkeley Cottage, Iron Acton. The application property is a two storey detached dwelling and is located outside of any settlement boundaries and within the Bristol Bath Green Belt.
- 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.
- 1.3 This application is the resubmission of a previously refused application for a certificate of Lawfulness for a proposed single storey detached building. The difference between the previous application and the current application is that the use of the building has changed from housing an office, bedroom, toilet, kitchenette and garden room, to accommodating an office, small store room, toilet, games room and music room.

2. POLICY CONTEXT

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK03/1637/F Erection of two storey side extension to form additional living accommodation and garage. Installation of two dormer windows and erection of side and rear conservatory. Change of use of land from agricultural to residential curtilage.
Refused February 2004
- 3.2 PK09/5393/CLP Application for certificate of lawfulness for the proposed erection of a single storey detached building for use as an annexe ancillary to the main dwelling.
Refused January 2010.

4. CONSULTATION RESPONSES

4.1 Iron Acton Parish Council

Object to the proposal, do not fully understand why a certificate of lawfulness is being applied for and feel the building is too large to be subservient to the main dwelling.

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.

The proposed development consists of the erection of a single storey detached building. This development would fall under the criteria of Schedule 2, Part 1, Class E of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 (The provision within the curtilage of the dwelling house of:- any building or enclosure...for a purpose incidental to the enjoyment of the dwelling house).

- 5.2 Schedule 2, Part 1, Class E of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 allows the provision of a building or enclosure provided that it meets the following criteria and provided that the purpose of the building is incidental to the enjoyment of the dwelling house. The applicant is proposing a single storey detached building that would contain an office, small store room, a music room and a games room. The view that is taken in cases such as this, is that to quantify as permitted development under Class E, Part 1 of the General Permitted Development Order, the proposal should not include any accommodation that could be regarded as adding or extending the normal living accommodation of the dwelling house. It is not considered that something that is 'incidental' to the dwelling house can be primary living accommodation.

The purpose of the building as outlined on the plan and in supporting information, is considered to be incidental to the enjoyment of the dwellinghouse. As such provided that the building is used for the purposes indicated within the application it is considered that the proposed purpose of the building would comply with schedule 2, Part 1 Class E of the Town and

Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008.

5.3 There are several conditions attached to development permitted under Class E. Developments which fail any of the following criteria would not be permitted:

E.1 (a) The total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwelling house) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwelling house);

The application property is set within a large plot of land. The proposed building in combination with all other existing structures, excluding the main original dwelling house would not cover a total ground area exceeding 50% of the total area of the curtilage.

(b) Any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwelling house;

The proposed building would be located to the rear of the main dwelling.

(c) The building would have more than one storey;

The proposed building would be single storey

(d) The height of the building, enclosure or container would exceed-

(i) 4 Metres in the case of a building with a dual-pitched roof,

(ii) 2.5 metres in the case of a building or enclosure or container within 2 metres of the boundary of the curtilage of the dwelling house, or

(iii) 3 metres in any other case;

The proposed building would be situated more than 2 metres from the boundary of the curtilage and would have a dual pitched roof which is less than 4 metres in height.

(e) The height to eaves of the building would exceed 2.5 metres;

The eaves height of the proposed building would be 2.5 metres.

(f) The building, enclosure, pool or container would be situated within the curtilage of a listed building;

The application property is not a listed building.

(g) It would include the construction or provision of a veranda, balcony or raised platform;

The proposal would not include any of the above

(h) It relates to a dwelling or microwave antenna; or

The proposal is for detached building, but not for a new dwelling or microwave antenna

(i) The capacity of the container would exceed 3,500 litres.

Not applicable.

E.2 In the case of any land within the curtilage of the dwelling house which is within-

- (a) A world Heritage Site,**
- (b) A National Park,**
- (c) An area of outstanding natural beauty, or**
- (d) The Broads,**

Development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwelling house would exceed 10 square metres.

The application site is not located within any of the above.

E.3 In the case of any land within the curtilage of the dwelling house which is article 1(5) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwelling house and the boundary of the curtilage of the dwelling house.

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

5.4 Public Rights of Way

The Public Rights of Way Officer has advised that the proposed development may affect the nearest recorded public right of way, footpath with reference LIA 23 which runs within the grounds of Berkeley Cottage and to the east of the existing house and proposed annexe building. There are no objections to the proposal but it is advised that an informative drawing attention to the public right of way should be attached to any decision notice.

5.5 Other issues

This application is a formal way of establishing whether or not the proposal requires planning permission. Accordingly there is no consideration of planning merit and the Local Plan is not of relevance in the determination of this application, as such concern raised over the size of the proposal can not be taken into consideration.

5.6 Conclusion

The proposed building in terms of scale and location meets the criteria set out in the Class E of the General Permitted Development Order, furthermore, the purpose of the building is considered to be incidental to the enjoyment of the dwelling house and as such the proposal complies with schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and is permitted development.

6. RECOMMENDATION

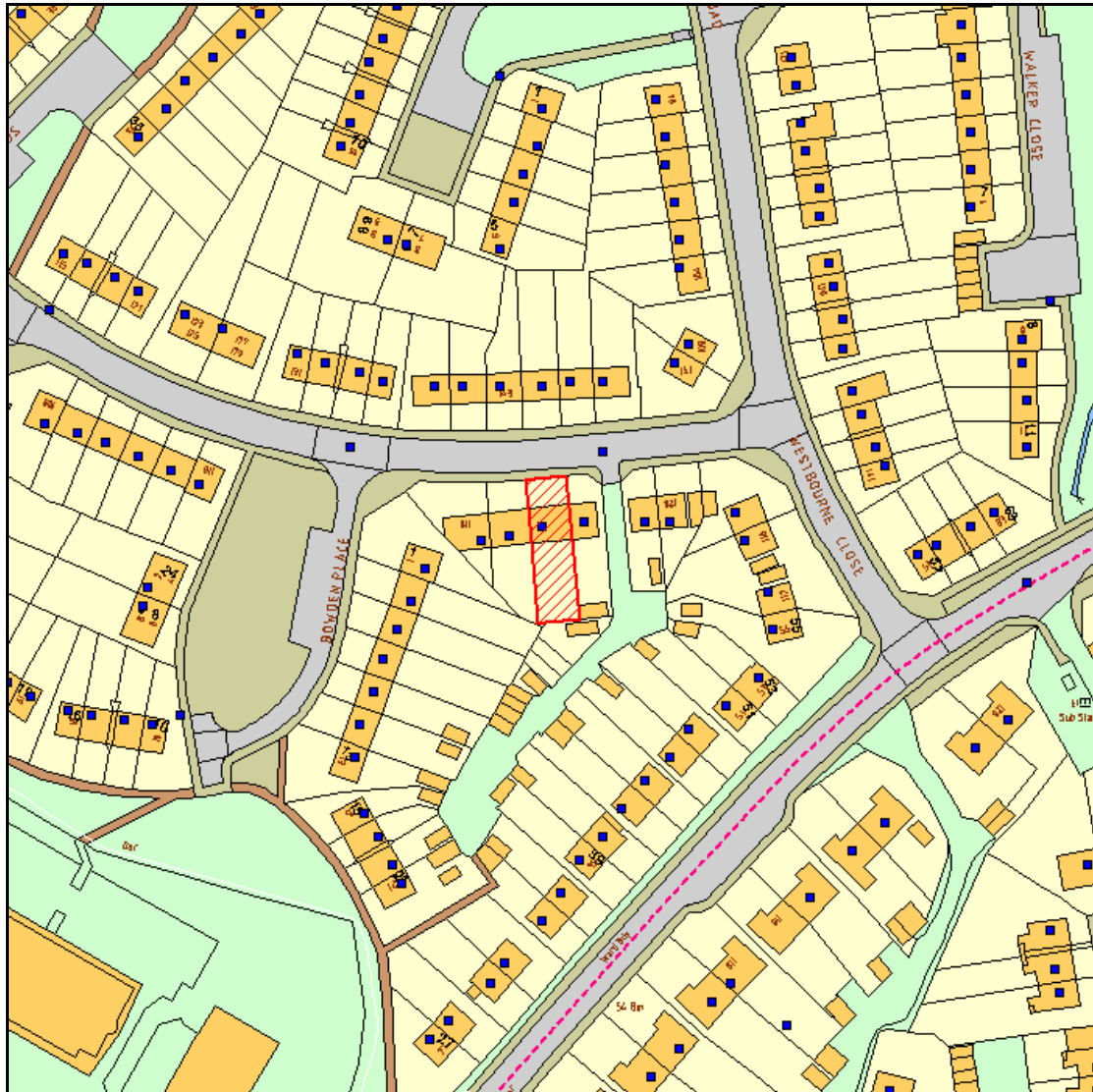
6.1 That a Certificate of Lawfulness for Proposed Development is approved for the following reason;

The purpose of the building proposed is considered to be incidental to the enjoyment of the dwelling house and the scale and location of the building meets the criteria set out within schedule 2, Part 1 Class E 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. 15/10 – 23 APRIL 2010

App No.:	PK10/0509/CLP	Applicant:	Mrs M Todd
Site:	122 Boscombe Crescent Downend Bristol South Gloucestershire BS16 6QZ	Date Reg:	15th March 2010
Proposal:	Application for Certificate of Lawfulness for the proposed installation of a rear dormer.	Parish:	Mangotsfield Rural Parish Council
Map Ref:	365955 177312	Ward:	Emersons Green
Application Category:	Minor	Target Date:	5th May 2010



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 100023410, 2008. **N.T.S.** **PK10/0509/CLP**

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 A certificate of Lawfulness for a proposed development has been applied for in relation to the installation of a rear dormer at 22 Boscombe Crescent, Downend. The application property is a two storey terraced property sited on the south side of the road. The dwelling is located within the settlement boundary.
- 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 B of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008

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

3. RELEVANT PLANNING HISTORY

- 3.1 No history.

4. CONSULTATION RESPONSES

- 4.1 Mangotsfield Rural 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.

The proposed development consists of the installation of a rear dormer. This development would fall under the criteria of *Schedule 2, Part 1, Class B* of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 (The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.)

5.2 *Schedule 2, Part 1, Class B* of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 allows the enlargement of a dwellinghouse consisting of an addition or alteration to its roof provided that it meets the following criteria.

5.3 There are several conditions attached to development permitted under Class B. Developments which fail any of the following criteria would not be permitted:

B.1 Development is not permitted by Class B if—

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

No part of the development will exceed the height of the highest part of the existing roof.

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

No part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse

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

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

(ii) 50 cubic metres in any other case;

The cubic content of the proposed rear dormer has been calculated at 23.0 metres cubed, falling within the above threshold.

(d) it would consist of or include—

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

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

The proposal include the alteration of a soil and vent pipe, therefore the proposed rear dormer is not classed as permitted development under this class.

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

The dwellinghouse is not on article 1(5) land.

5.4 Use of Energy and Sustainability

No measures proposed

5.5 Improvements Achieved to the Scheme

None necessary

5.6 Conclusion

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

6. RECOMMENDATION

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

The proposed rear dormer includes the alteration of a soil and vent pipe and as such the proposal does not comply with schedule 2, Part 1 Class B of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008.

Contact Officer: Elizabeth Dowse

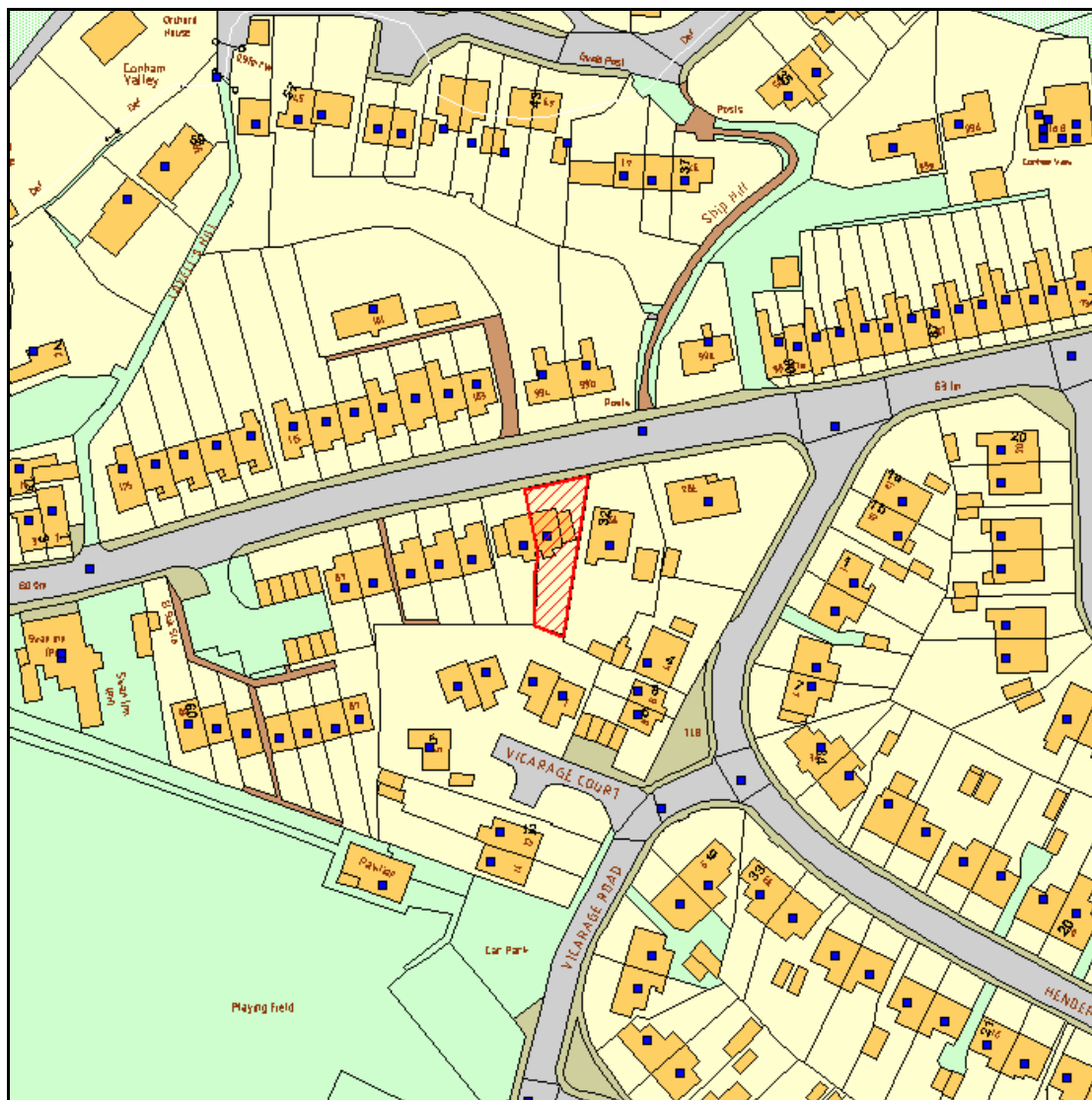
Tel. No. 01454 862217

REASONS FOR REFUSAL

1. The proposed rear dormer includes the alteration of a soil and vent pipe and as such the proposal does not comply with schedule 2, Part 1 Class B of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008.

CIRCULATED SCHEDULE NO. 15/10 – 23 APRIL 2010

App No.:	PK10/0548/F	Applicant:	Mr J Bell
Site:	34 Church Road Hanham Bristol South Gloucestershire BS15 3AL	Date Reg:	10th March 2010
Proposal:	Erection of first floor extension over existing garage to provide additional living accommodation.	Parish:	Hanham Parish Council
Map Ref:	363598 172265	Ward:	Hanham
Application Category:	Householder	Target Date:	4th May 2010



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100023410, 2008.

N.T.S.

PK10/0548/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a first floor extension above the existing garage at 34 Church Road, Hanham. The proposed extension would measure 3.6 metres wide by 6.7 metres in depth and would have an overall height to ridge of 7.4 metres.
- 1.2 The property is a two storey semi-detached dwelling and is located within a residential area of Hanham.
- 1.3 The plans also show the addition of a single storey rear extension, it should be noted that this aspect of the proposal falls within the provisions of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) Order 2008, and as such does not require planning permission.

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 PK05/3552/F Erection of single storey side extension to form enlarged garage.
Approved February 2006

4. CONSULTATION RESPONSES

- 4.1 Hanham Parish Council
No objections

Other Representations

4.2 Local Residents

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

- Whilst an objection was raised, permission was granted for the garage 3 years ago, this covers part of the kitchen window.
- The garage is very close to the kitchen and family room and it is felt an extension would be overbearing.
- Proposal would result in a negative effect on the amount of natural light to the kitchen, family room and bathroom.
- Kitchen is used a lot and to have the lights on all the time is not wanted.
- The single storey rear extension will reduce natural light and make the property feel very closed in.
- Concern that plants will not get enough light.
- The proposal will increase the size of the dwelling considerably.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design / Visual Amenity

The proposed extension is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. Concern has been raised that the proposal would increase the size of the dwelling considerably. It is considered that the side extension is of modest size in comparison to the bulk of the main dwelling and is suitably subservient to it. This is particularly the case given that the front elevation is set back from the main front elevation of the dwelling and the ridge height is set down approximately 500mm. The appearance of the resultant building is considered to be well proportioned and would remain in keeping with the scale of the surrounding dwellings. Furthermore, the proposed addition would incorporate materials to match those of the main dwelling, assisting the successful integration of the extension with the host dwelling. Overall, it is considered that the proposal would not be harmful to the character and appearance of the principal dwelling and street scene.

5.3 Residential Amenity

The proposed extension would be a first floor addition above the existing attached garage. The nearest neighbouring property, No. 32 Church Road is located to the east of the site, whilst this property is set at an angle to the application site, the side elevation of this property is adjacent to the existing garage and site of the proposed extension. No. 32 Church Road has two ground floor windows and one first floor window that face the application site.

The proposed extension would not follow the footprint of the existing garage, instead it is more uniform in design and would run parallel with the side elevation of the main dwelling. As such, at its closest point the extension would be 400mm away from the boundary with No. 32 Church Road and 2.7 metres away when measured from the front elevation of the proposal. The ground floor windows already face a 1.8 metre high closed board fence, as such, whilst it is accepted that the proposal would inevitably result in a small amount of additional overshadowing of these windows, it is considered that the fact that the outlook is already enclosed by the existing circumstances and given that the proposal is angled away from this property slightly, a refusal reason on overshadowing grounds could not be justified at appeal. Similarly the proposed extension would be located adjacent to the first floor side elevation window of No. 32 Church Road. The proposed extension would be located approximately 2.5 metres away from this window, furthermore given that the extension is angled away from this property and is set back from the front elevation of the dwelling with a lower ridge height it is not considered that the proposal would result in loss of outlook or overshadowing of this room to an extent to warrant the refusal of the application.

The proposal includes the addition of two new first floor windows one on the front elevation and one on the rear elevation. Given the location of these windows, it is not considered that the proposal would result in any significant increase in overlooking or loss of privacy over and above the levels of overlooking from the existing first floor windows.

5.4 Parking and Highway Implications

No changes are proposed to the existing garage and there is space to park several cars on the driveway. Therefore the parking provision would remain in compliance and within the Councils required parking standards. Further, with no objections from the Councils Transportation Officer the proposal is considered acceptable.

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 the concerns raised regarding the impact of the rear extension, it should be noted that this aspect of the proposal does not require planning permission and can be carried out under the provisions of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) Order 2008. Furthermore the proposed rear extension would be located over 2.5 metres away from No. 32 Church Road.

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 proposal would incorporate the use of materials to match the existing dwelling, as such it is considered that the proposal would respect the character and appearance of the principal dwelling and street scene in accordance with Policy D1. The proposal would not have any impact on neighbouring residential amenities in terms of overbearing impact or loss of privacy in accordance with Policy H4 and the resultant parking provision would remain in compliance with Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Kirstie Banks
Tel. No. 01454 865207

CONDITIONS

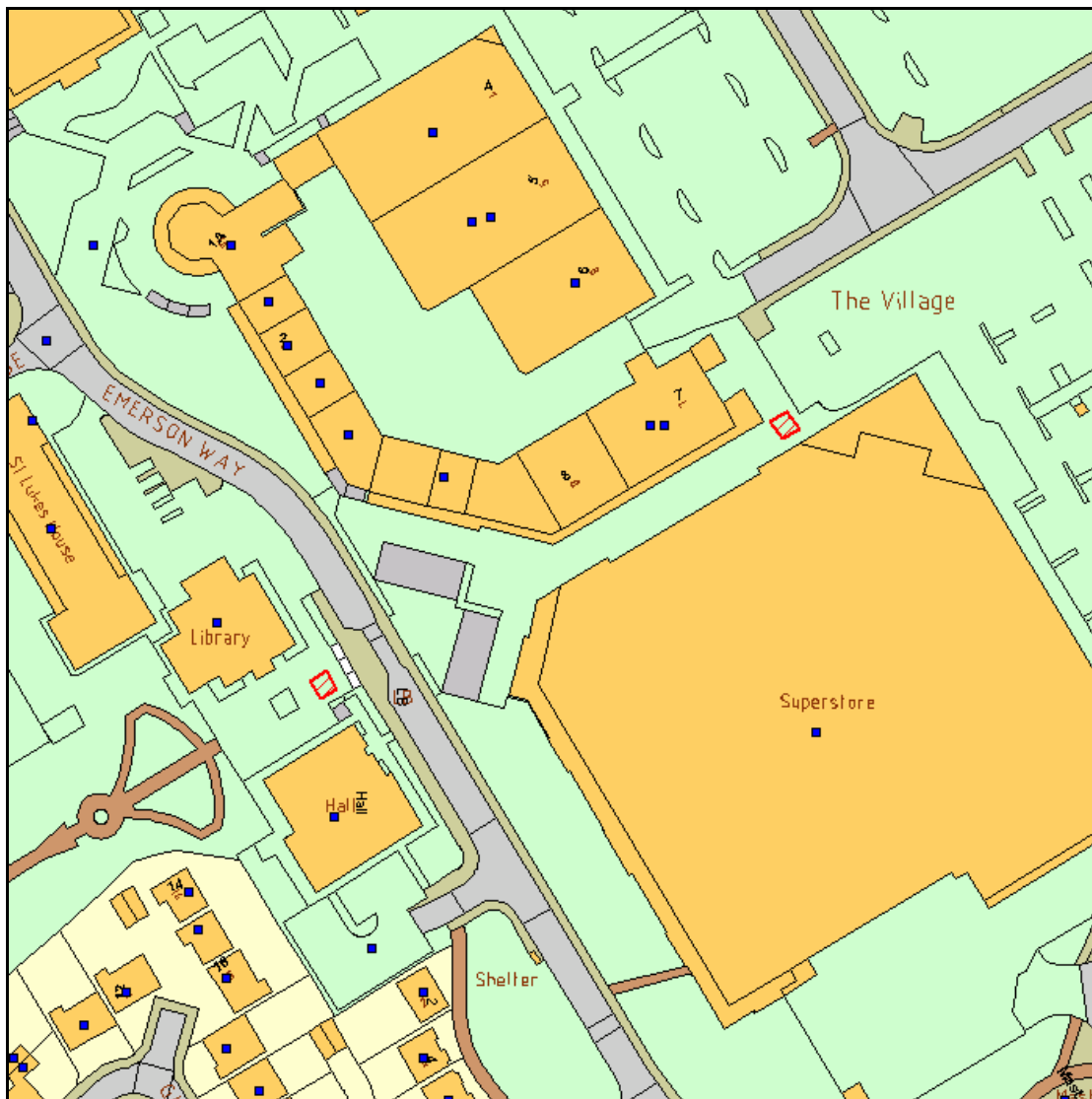
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 15/10 – 23 APRIL 2010

App No.:	PK10/0549/R3F	Applicant:	South Gloucestershire Council And Sainsburys Supermarket Ltd
Site:	Sainsbury's Supermarket Emerson Way Emersons Green Bristol South Gloucestershire	Date Reg:	11th March 2010
Proposal:	Erection of two pieces of Public Art in Emersons Green Town Centre.	Parish:	Mangotsfield Rural Parish Council
Map Ref:	367336 177075	Ward:	Emersons Green
Application Category:	Minor	Target Date:	4th May 2010



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 100023410, 2008. **N.T.S.** **PK10/0549/R3F**

INTRODUCTION

This application appears on the Circulated Schedule because it has been submitted by South Gloucestershire Council in conjunction with Sainsbury's Supermarket. Furthermore concerns have been raised by local residents and the Parish Council, which are contrary to officer recommendations.

1. THE PROPOSAL

- 1.1 It is proposed to erect two pieces of Public Art within the Emersons Green Town Centre. One piece would be located outside the Library between an existing Oak Tree and pedestrian crossing. The second piece would be located at the top of the Mall, adjacent to the entrance to Sainsbury's Store. The sculptures would be set in concrete foundations and constructed of steel and treated to ensure they do not rust.
- 1.2 The proposed public art would be jointly funded by the Local Authority and Sainsbury's (through a S106 requirement at the Local Planning Authorities request).

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 - Delivering Sustainable Development
- 2.2 Development Plans

The South Gloucestershire Core Strategy Pre-Submission Draft March 2010
Policy CS1 - High Quality Design

South Gloucestershire Local Plan (Adopted) January 2006
D1 - Design
LC13 - Public Art
T12 - Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Check List (SPD) Adopted 23 Aug 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 PK09/0596/F - Erection of extension to existing supermarket.
Approved 19 June 2009

4. CONSULTATION RESPONSES

- 4.1 Mangotsfield Rural Parish Council
The Parish Council are concerned that the sculptures are too low and may cause injury. Recommend that they be placed on plinths so that the lowest point of the curves are 2 metres high.
- 4.2 Other Consultees

The Public Arts Officer

This application is a joint application with South Glos. Council and has been developed by the Libraries and Arts section, with public consultation and a watching brief with the planning officer completing the S106 Agreement relating to public art for the recent Sainsbury's Supermarket development at Emersons Green. The application is supported and the artist's statement issued with the application gives a clear picture of the process and rationale in developing the sculpture.

Other Representations

4.3 Local Residents

2no. responses were received, one of which was an objection. The issues raised are summarised as follows:

- The proposed art work by the Library would detract from the setting of the existing Oak tree, cluttering the space.
- It would cause an obstruction outside the Library, raising health and safety issues.
- The artwork would be subject to vandalism, resulting in the need for maintenance.
- As the sculptures appear to erupt from the ground a cracked effect should be introduced to the concrete/paving directly at the base to enhance this sense of explosion.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, seeks good quality designs for new development and this is supported by Policy CS1 of the South Gloucestershire Core Strategy Pre-Submission Draft March 2010. Question 38 of the SG Design Check List asks 'Where a development makes a contribution to Public Art, do the proposals form an integral part of the public realm?'

5.2 The smaller of the two pieces would be 1.7m – 2.0m high and located outside Sainsbury's, whilst the larger piece at 3.2m high would be located next to the Library. The footprint for each piece would be no greater than 1200mm x 1200mm. The pieces are intended to represent 'The Fountain of Knowledge' and are intended to act as way-markers, highlighting the presence of the Library.

5.3 The design of the sculptures has been the subject of consultation by the Artists jointly appointed by the South Gloucestershire Council and Sainsbury's Supermarkets Ltd, and staff at the Library.

5.4 In response to the various concerns raised (see 4.3 above), the applicant has responded as follows:

The issue of health and safety was carefully considered in the design, scale and siting of the pieces. The proposed piece outside the Library is designed so

- that the lowest point of the 'curves or loops' are a minimum of 2.1m above the ground, allowing sufficient room for pedestrians and cyclists to pass underneath. The piece outside Sainsbury's is much lower and it would not be possible for people to walk under the 'curves or loops'. As such the piece would pose no greater risk to health and safety as any other piece of street furniture. Raising the pieces on plinths, as suggested, would detract from the design concept of the Fountain of Knowledge emerging from the ground. The suggested cracked concrete effect at the base was dismissed as a potential trip hazard.
- 5.5 With regard to the siting of the piece outside the Library; this was given careful thought, as the purpose of the artwork is to provide a form of way-marking advertising the location of the library in the Town Centre. The scale of the piece is such that it becomes visible as one walks down the Mall. The artwork would not intrude into the canopy or root zone of the nearby Oak tree. The tree would remain the dominant feature of the space.
- 5.6 In determining the location of the artwork all constraints, including underground services, the Oak tree, accessibility to the existing facilities (Library, park, post box etc.) as well as general pedestrian flows and new cycle path route, were taken into account. Highways officers have raised no objections in respect of the position of the artwork in relation to the cycle path. The final choice of location for this piece was taken after consultation with SGC Highways and Street Care, ensuring there was no conflict with the proposed cycle path.
- 5.7 The artwork has been specifically designed to be as robust and vandal proof as possible and would be fabricated from 5mm thick steel plate and anchored in place so that it cannot be moved. An anti-graffiti coated finish can be applied to minimise maintenance requirements.
- 5.8 Having considered all of the above, officers conclude that the proposed artwork would satisfy the commissioning brief and make a positive contribution to the visual interest of the Town Centre. The pieces would be located to affectively create mini-landmarks which aid place making and raise the profile of the Library within the Town Centre.
- 5.9 Notwithstanding the subjective nature of contemporary and modern art forms, officers are satisfied that the proposal would not look out of place within this modern Town Centre and as such, the proposed design, scale and form would be in accordance with the requirements of Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006; Policy CS1 of the South Gloucestershire Core Strategy Pre-Submission Draft March 2010 and South Gloucestershire Design Check List SPD Aug 2007.
- 5.10 Design and Access Statement
The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.
- 5.11 Use of Energy and Sustainability
None

5.12 Improvements Achieved to the Scheme

None

5.13 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That planning permission be GRANTED subject to the following conditions:

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

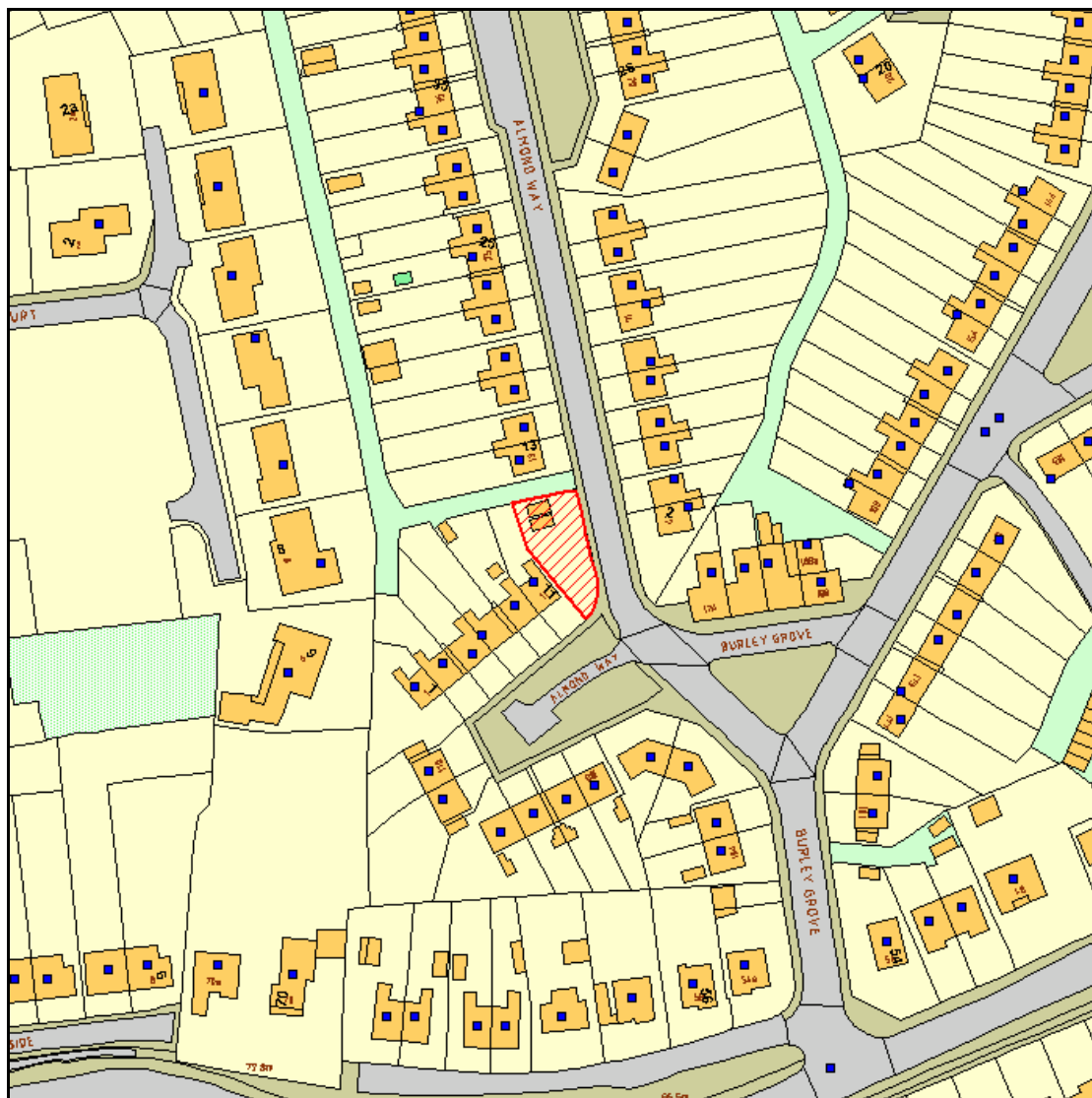
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 15/10 – 23 APRIL 2010

App No.:	PK10/0552/F	Applicant:	Burleigh Homes
Site:	Land Adjacent To 11 Almond Way Mangotsfield Bristol South Gloucestershire BS16 5QL	Date Reg:	16th March 2010
Proposal:	Erection of 1no. 3 bedroom detached dwelling with associated works.	Parish:	None
Map Ref:	365838 176027	Ward:	Rodway
Application Category:	Minor	Target Date:	6th May 2010



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 100023410, 2008. **N.T.S.** **PK10/0552/F**

INTRODUCTION

This application has been referred to the Circulated Schedule due to the receipt of local resident's objection.

1. THE PROPOSAL

- 1.1 The site is adjacent to a two-storey end of terraced dwelling house within a residential area of Mangotsfield. The applicant seeks planning permission to erect a two-storey detached dwelling to the side of No. 11 Almond Way.
- 1.2 The applicant submitted a revised drawing to increase the number of parking spaces from two to three and to widen the vehicular access.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Core Strategy Pre-Submission Draft March 2010
CS1 High Quality Design

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

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

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

- 2.3 Supplementary Planning Guidance
Design Checklist

3. RELEVANT PLANNING HISTORY

- 3.1 P95/4401 Erection of 1 no. bedroom dwelling (outline)
Refused 22.09.95
- 3.2 PK09/0316/F Erection of 1 no. attached dwelling with associated works.
Replacement of flat roof with pitched roof over store on existing dwelling
Approved 15.04.09

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
The site is not located within a parished area.
- 4.2 Wessex Water

There is a public foul sewer and a public surface water sewer crossing the site. The applicant is advised to contact Wessex Water to ensure the existing infrastructure crossing the site will be protected.

4.3 Community Services (Drainage)

No objection subject to sustainable drainage system will be in place.

4.4 Environmental Protection

No objection

Other Representations

4.5 Local Residents

One letter has been received, raising concerns that building vehicles would block the access to a private drive. In addition, the road is narrow and on a hill. Concerns are also raised regarding the noise and dust that would result from the development.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

A previous planning application PK09/0316/F was approved for the erection of 1 no. attached dwelling with associated works. It is therefore considered that there is no objection in principle to the proposed residential development within the site, which remains supported by current and emerging planning policy.

Government advice contained in PPS3 – ‘Housing’ supports a more efficient and sustainable use of land in the urban area, with the provision of more intensive housing development in and around existing centres and close to public transport nodes.

The proposal falls to be determined under Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits the residential development proposed within residential curtilage, subject to the following criteria:

- A. Respect the massing, scale, proportions, materials and overall design and character of the existing property and the character of the street scene and surrounding area, and
- B. Would not prejudice the amenity of nearby occupiers, and
- C. Would not prejudice highway safety or the retention of an acceptable level of parking provision, and an acceptable level of parking provision is provided for any new separately occupied dwellings,
- D. Would not prejudice the retention of adequate provide amenity space, and adequate private amenity space is provided for any new separately occupied dwelling.

5.2 Density

Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and like PPS3 seeks to avoid development, which makes inefficient use of land. PPS3 (para.47) indicates that a national

indicative minimum density of 30 dwellings per hectare should be used and whilst not prescribing any maximum figure the PPS encourages the highest density that can be achieved within the various local considerations that need to be taken into account.

The proposed density of the scheme would be approximately 37 dwellings per hectare. Officers are satisfied that having regard to the site's constraints, the proposal represents the most efficient use of the land. The proposal therefore accords with Government guidelines and in terms of its density alone the development is not considered to be an overdevelopment of the site.

5.3 Scale and Design

The proposal is to erect a detached two-storey dwelling to the side of No.11 Almond Way. The new dwelling is designed to replicate the gable end of No. 13 Almond Way. It would be constructed of brick and render to match the existing terrace complete with brick quoins in the rendered walls at first floor level and the roof will have double roman tiles. The house would be slightly higher than No. 11 Almond Way, but would be significantly lower than No. 13 Almond Way due to the steeply rising ground.

Officers therefore considered that the proposal would respect the scale and design of the surrounding properties, and would not appear as an incongruous element in the street scene. There would be a reasonable amount of open space retained within the front and rear gardens. The proposal does not therefore represent an overdevelopment of the site.

5.4 Landscape

There is an existing low boundary wall along the front and side boundary. Officers consider that the existing boundary wall needs to be retained in order to maintain the open aspect of the site. The submitted drawing shows that the existing low boundary wall and hedges would be retained. Officers therefore consider that the proposal is acceptable.

5.5 Transportation

The site currently has off-street vehicular parking for four vehicles. The applicant submitted a revised drawing, which shows that three parking spaces will be provided within the site. The vehicle access would also be widened to allow independent access by all vehicles entering and exiting the site.

Policy T8 of the SGLP states that a maximum of two spaces for a three-bed dwelling and 1.5 for a two bed dwelling is required. It is considered that the level of parking proposed for this development is acceptable.

Subject to an appropriate condition, there is no transportation objection to this proposal.

5.6 Impact upon Residential Amenity

The proposed dwelling would be on a corner plot, and the new boundary fence would be approximately one metre away from an existing kitchen window of No. 11 Almond Way. Nevertheless, the property has an open-plan kitchen and

there is an opening at the rear elevation. Officers therefore consider that the proposal would not cause significant overbearing affect on the existing property, No. 11 Almond Way.

The front elevation of the new dwelling would be overlooking Almond Way, and other habitable windows would be overlooking the front garden, and there is no habitable window on the first floor of the north west elevation. It is therefore considered that the proposal would not cause significant loss of privacy upon the neighbouring properties.

Adequate amenity space would be retained in the remaining garden to serve both existing and proposed dwelling. Officers therefore conclude that that the proposal would not have an adverse impact upon residential amenity.

5.7 Environmental Issues

A local resident is concerned about the disturbance and dust caused by the proposal and the construction vehicles. Whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase as well as some dust, this would be on a temporary basis only and can be adequately mitigated for by imposing a condition to limit the hours of construction. There are therefore no objections on environmental grounds. Any anti-social behaviour, e.g. blocking of a neighbour's driveway, is not considered a material planning consideration with regard to the determination of this application.

5.8 Affordable Housing

The proposal is for 1no. dwelling only, which is below the Council's threshold (15) for affordable housing provision.

5.9 Education Service

The proposal is for 1no. dwelling only, which is below the Council's threshold (5) for contributions to the Education Service.

5.10 Community Services

The proposal is for 1no. dwelling only, which is below the Council's threshold (10) for contributions to Community Services.

5.11 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.

5.12 Use of Energy and Sustainability

The proposal would meet the latest building regulations, and the site is situated within a sustainable area where the site is close to local shops and bus stop.

5.13 Improvements Achieved to the Scheme

None required.

5.14 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. The materials to be used in the construction of the external surface of the new dwelling hereby permitted shall match those used in the existing building, No. 11 Almond Way.

Reason

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

3. The hours of working on site during the period of construction shall be restricted to Mondays to Fridays 07.30 - 18.00 and Saturdays 08.00 - 13.00 and no working shall

take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenity of neighbouring occupiers, and to accord with Policy H2 and H4 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 D1, H4 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Core Strategy Pre-Submission March 2010.

5. The existing low boundary wall enclosing the front and the side boundary of the site shall be retained.

Reason

To protect the character and appearance of the area to accord with Policies D1, H4 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Core Strategy Pre-Submission March 2010.

6. The proposed parking spaces hereby approved 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 hereby approved and be satisfactorily maintained as such.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies L17/L18 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Core Strategy Pre-Submission Draft March 2010.

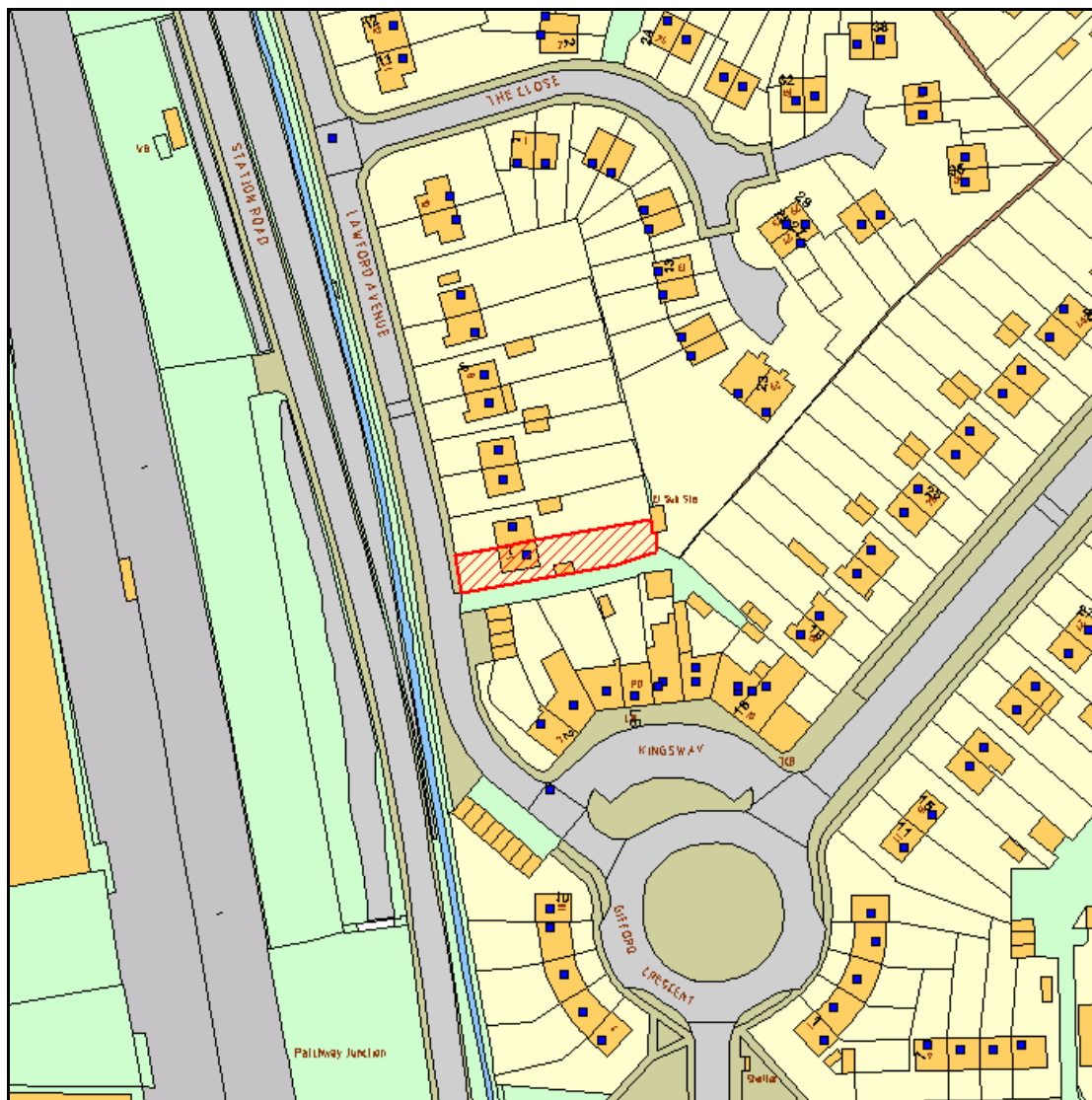
7. The proposed parking spaces shall be provided prior to the occupation of the new dwelling hereby permitted.

Reason

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

CIRCULATED SCHEDULE NO. 15/10 – 23 APRIL 2010

App No.:	PT10/0205/F	Applicant:	Mr V Cunningham
Site:	1 Lawford Avenue Little Stoke Bristol South Gloucestershire BS34 6JR	Date Reg:	4th February 2010
Proposal:	Conversion of existing dwelling and two storey side extension to form 2 no. self contained flats with associated works.	Parish:	Stoke Gifford Parish Council
Map Ref:	361218 180699	Ward:	Stoke Gifford
Application Category:	Minor	Target Date:	29th March 2010



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100023410, 2008.

N.T.S.

PT10/0205/F

INTRODUCTION

This application appears on the Circulated Schedule following the receipt of representations from Stoke Gifford Parish Council and a local resident that were contrary to the case officers recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the conversion of the existing dwelling in to 2no. two bedroom flats. To facilitate these works the development would include a two-storey side extension.
- 1.2 The application site relates to a semi-detached dwelling and its associated curtilage. The site is situated within a well established residential area of Little Stoke, and lies within the Bristol north fringe urban area.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1: Delivering Sustainable Development
- PPS3: Housing
- PPG13: Transport

2.2 Development Plans

Joint Replacement Structure Plan (Adopted) September 2002: Saved Policies

- Policy 1: Sustainable Development Objectives
- Policy 2: Location of Development
- Policy 33: Housing Provision and Distribution

South Gloucestershire Local Plan (Adopted) January 2006

- D1: Achieving Good Quality Design in Development
- T12: Transportation Development Control
- H2: Proposals for Residential Development within Defined Settlement Boundaries
- H5: Residential Conversions, Houses in Multiple Occupation and Re-use of Buildings for Residential Purposes

2.3 Emerging Development Plans

South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010

- CS15: Distribution of Housing
- CS16: Housing Density
- CS17: Housing Diversity
- CS25: Communities of the North Fringe of Bristol Urban Area

2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

3.1 None.

4. CONSULTATION RESPONSES

4.1 Stoke Gifford Parish Council

Objection. On the grounds of parking and potential damage to infrastructure outside the boundary of the property.

4.2 Sustainable Transportation

No objection.

4.3 Local Residents

One letter has been received from a local resident. They have raised concerns with regard to the potential loss of privacy from the top floor flat in terms of views into their garden and lounge.

5. ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission for the conversion of the existing semi-detached dwelling in to 2no. two bedroom flats, and the erection of a two storey side extension. The main issues to consider in the assessment of this application are: -

- a) Is principle of the proposed development acceptable?
- b) Does the proposed development deliver an efficient use of land?
- c) Does the proposed development respect the character and appearance of the existing dwelling?
- d) Does the proposed development prejudice the amenities of nearby occupiers?
- e) Does the proposed development have acceptable transportation effects?

5.2 Principle of Development

Policy H5 of the South Gloucestershire Local Plan allows for the conversion of existing residential properties into smaller units of self contained residential accommodation; providing that they: -

- A. Would not prejudice the character of the surrounding area; and
- B. Would not prejudice the amenities of the nearby occupiers; and
- C. Would identify an acceptable level of off-street parking; and
- D. Would provide adequate amenity space; and

- E. (In the case of building not previously used for residential purposes) the property is located within the existing urban area and the boundaries of settlements, as defined on the proposal maps.
- 5.4 Moreover, Policy H4 of the South Gloucestershire Local Plan allows for the extension of existing dwellings, providing that they would respect the character and appearance of the existing dwelling, and would not prejudice the residential amenity of nearby occupiers.
- 5.5 As the proposed development would relate to an existing dwelling within the Bristol north fringe urban area, it is considered that the principle of the proposed conversion and the extension would be acceptable.
- 5.6 Efficient Use of Land
PPS3 sets out that a key consideration for planning is using land efficiently. In order to deliver this objective, Policy H2 of the adopted Local Plan requires new residential development to have the maximum density compatible with the site, its location, its accessibility, and its surroundings is achieved. The expectation is that all developments will achieve a minimum density of 30 dwellings per hectare (dph) and that higher densities will be achieved where local circumstances permit. Moreover Policy CS17 of the emerging Core Strategy advocates that the Council should seek a minimum density of 40 dph in new housing developments within South Gloucestershire.
- 5.7 The proposed development would achieve a density of 67 dph. It is considered that this demonstrates that the proposal would achieve a more efficient use of land. On this basis, it is concluded that the proposal is compliant with PPS3 and the adopted local plan.
- 5.8 Design
The proposed conversion would be facilitated through the erection of a two storey side extension. This proposal would be set back and down in relation to the main dwelling, and the width of the proposal would be proportionate. On this basis, it is considered that this aspect of the development would respect the character and appearance of the existing dwelling. The proposal would therefore accord with policies D1, H4, and H5 of the adopted local plan.
- 5.9 In terms of living conditions of the proposed flats. It is considered that the size of the accommodation would be sufficient for the health and well-being of the occupiers. Moreover, the applicant has shown that the rear garden would be divided horizontally to provide two separate areas of private amenity space. The rear amenity space would be accessed from the side access lane. It is considered that this arrangement would provide both units with an area private amenity space for basic outdoor needs. It is therefore considered that the proposal would accord with policies D1 and H5 of the adopted local plan.
- 5.10 Residential Amenity
It is acknowledged that a nearby residential occupier has raised concerns to the potential for inter-visibility between the top floor flat and their property. Notwithstanding these representations, it should be noted that the line of sight to the dwellings at the rear of the application site would be approximately 58

metres. It is therefore considered that this distance would mitigate any material overbearing effect or loss privacy.

5.11 The proposed development would afford some oblique views into the amenity space of the neighbouring residential properties. Nevertheless these would not be materially different to those expected within well-established residential areas.

5.12 Transportation

It is acknowledged that the Parish Council have raised concerns with regard to parking. The Council Highways Engineer has assessed the proposed development and was satisfied with the level of on-site parking (1 space per flat). It was noted that the tandem parking arrangement was not desirable for a shared property, nevertheless the Engineer was satisfied that the local road network could accommodate a slight increase in on-street parking if required. On this basis it is considered that the proposed development would not result in an unacceptable transportation effects, and therefore would accord with policies H5 and T12 of the adopted local plan.

5.13 Other Matters

It is noted that the Parish Council have raised concerns with regards to potential damage to infrastructure outside the boundary of the property. Notwithstanding these comments, it is considered that the proposal would be unlikely to give rise damage to highway immediately adjacent to the application site. Nevertheless if the development did result in damage this would be covered by separate Highways legislation and would not fall within the remit of the Local Planning authority.

5.14 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.

5.15 Use of Energy and Sustainability

To be built to Building Regulation standards.

5.16 Improvements Achieved to the Scheme

None.

5.17 Section 106 Requirements

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

6. CONCLUSION

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

- a) The proposed residential conversion would take place within an existing dwelling and within the Bristol north fringe urban area. It is considered that this is an appropriate area for such a residential development. It is therefore considered that the principle of the proposed development would accord with PPS3 and policies H2, H4, and H5 of the South Gloucestershire Local Plan (adopted) January 2006.
- b) The density of the proposed development would equate to 67 dwellings per hectare. It is considered that this represents the most efficient use of land that is compatible with the site and its surrounds. The proposed development would therefore accord with PPS3 and policies H2 and H5 of the South Gloucestershire Local Plan (adopted) January 2006.
- c) The design of the proposed development has been fully assessed. It is considered that the development respects the character and appearance of the existing dwelling. The proposed development would therefore accord with policies D1, H2, H4, and H5 of the South Gloucestershire Local Plan (adopted) January 2006.
- d) The impact of the proposed development on nearby properties has been fully assessed. It is considered that the siting and layout of proposal would not result in a material loss of privacy or an overbearing effect. The proposed development would therefore accord with Policy H2, H4, and H5 of the South Gloucestershire Local Plan (adopted) January 2006.
- e) The impact of the proposed development in terms of transportation has been fully assessed. It is considered that proposal would have satisfactory access and parking arrangements. The proposed development would therefore accord with Policy T8 and T12 of the South Gloucestershire Local Plan (adopted) January 2006.

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

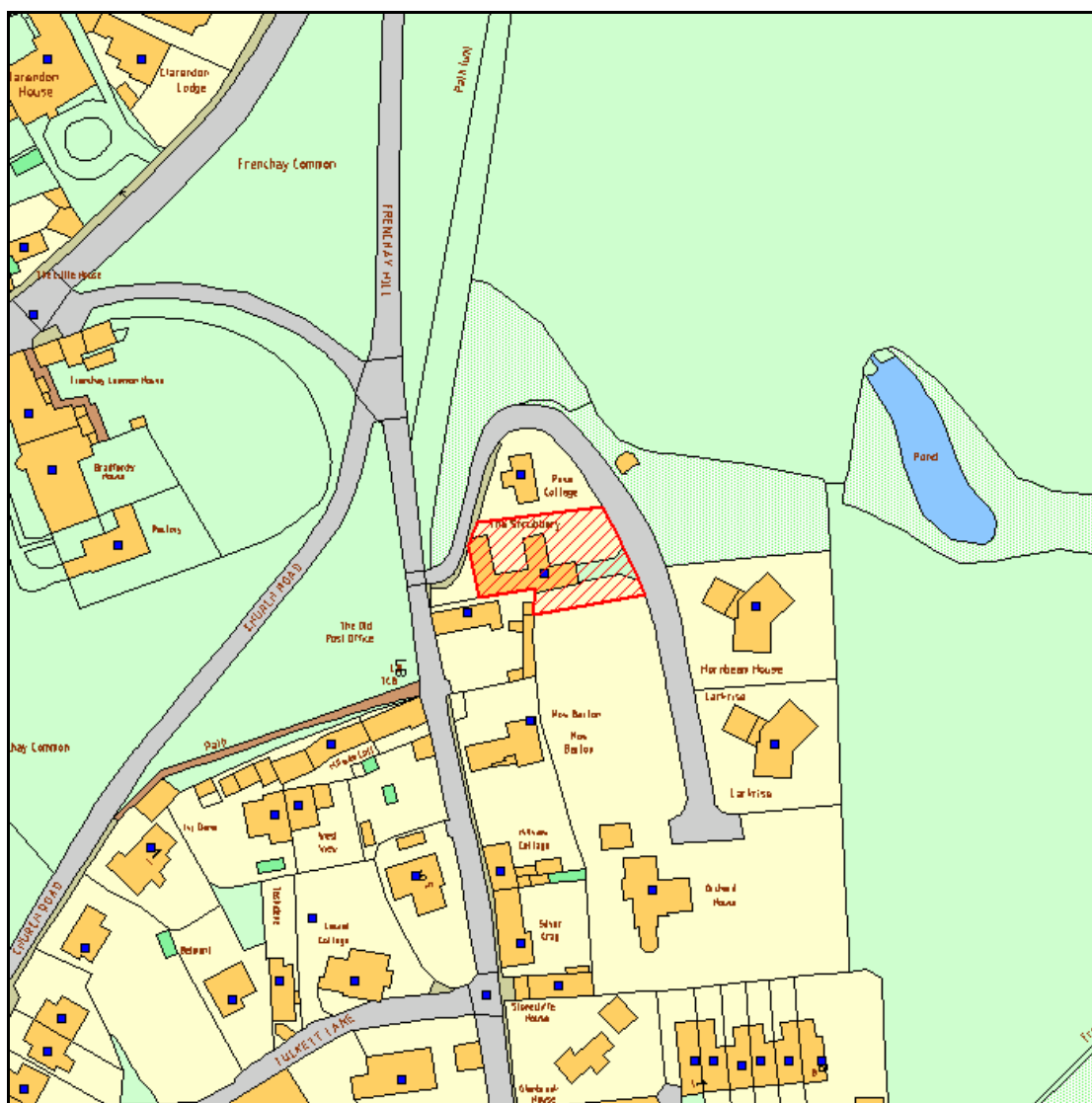
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 15/10 – 23 APRIL 2010

App No.:	PT10/0436/F	Applicant:	Mr G Grant
Site:	The Shrubby Frenchay Hill Frenchay Bristol South Gloucestershire	Date Reg:	9th March 2010
Proposal:	Erection of two storey and single storey side extension to form additional living accommodation. Erection of front porch.	Parish:	Winterbourne Parish Council
Map Ref:	364129 177531	Ward:	Frenchay And Stoke Park
Application Category:	Householder	Target Date:	30th April 2010



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100023410, 2008.

N.T.S.

PT10/0436/F

INTRODUCTION

This application appears on the Circulated Schedule List because the Parish Council and a neighbouring occupier have objected.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a two-storey and single storey side extension to form additional living accommodation and the erection of a front porch.
- 1.2 The application site comprises a large two-storey dwellinghouse situated on the eastern side of Frenchay Hill within the Frenchay Conservation Area and defined settlement boundary.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS5 Planning for the Historic Environment
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Residential Development within Existing Residential Curtilages
L12 Conservation Areas
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)
The Frenchay Conservation Area SPD
Emerging Policy Core Strategy
- 2.4 Emerging Policy
South Gloucestershire Core Strategy Pre Submission Publication Draft March 2010

3. RECENT PLANNING HISTORY

- 3.1 PT04/0132/F, construction of new vehicle and pedestrian access, refusal, 16/02/04.
- 3.2 PT04/1256/F, construction of new vehicular and pedestrian access (re-submission of PT04/0132/F), refusal, 18/05/04.
- 3.3 PT03/2823/F, erection of detached four bedroom dwelling and detached garage, refusal, 10/10/03.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
Objection – There is a large garden to the left of this property, to develop on the right hand side (the north of the property) would be a significant detriment to

the neighbouring properties. The Conservation Officer has advised that the plan be refused. This property has already been extended prior to this application, the scale and design of this extension would detract from the character and appearance of the Conservation Area. Site visit required.

Other Representations

4.3 Local Residents

One letter of objection has been received from a neighbouring occupier. The neighbouring occupier highlights the following concerns on the correspondence:

- Reduction in daylight;
- Overbearing impact of the extension on the neighbouring building;
- Privacy/inter-visibility issues;
- Harmful impact on the character of the Conservation Area.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning Policy D1 applies to all types of development and requires that a good standard of design is achieved. Planning Policy H4 allows for the principle of residential extensions within existing curtilages subject to design, residential amenity and transportation considerations. Policy L12 only allows for development within or affecting a Conservation Area where it would preserve or enhance the character of the Conservation Area.

5.2 Design/Visual Amenity and Impact on the Conservation Area

This application seeks planning permission for the erection of a two-storey side extension to provide additional living accommodation. The property is situated on the eastern side of Frenchay Hill and is accessed via a private road, which slopes downhill and serves 4no. other properties. Consequently, the property is not prominent from Frenchay Hill, but is open to views from the Tuckett field and public footpaths to the east. The property comprises a relatively modern exterior, however, part of the dwelling is considered to be remnants of former 19th century stables, which occupied the site.

5.3 The extension would be located behind the main dwellinghouse within a rear courtyard formed by the surrounding single storey part of the host dwelling. The original plans demonstrated that the extension would measure approximately 9.5 metres in length, overlapping the existing building by approximately 3.9 metres and with a projecting single storey extension at the end. There were concerns however, that the scale and bulk of the proposed extension would have a harmful impact on the character of the existing dwelling. In addition the extension would have extended close to the boundary of the neighbouring Rose Cottage and it was considered that this loss of space would have been harmful to the visual amenity of the streetscene and Conservation Area. A neighbouring occupier also raised these concerns. In addition, the roof design and pitch of the porch and single storey extension was considered to be out of keeping with the existing dwelling. Consequently, amended plans were

requested and have been received, which have reduced the width of the extensions and amended the roof design and pitch of the single storey extension and porch. The revised plans demonstrate significantly narrower extensions, which would appear less bulky and would retain the spacing between the neighbouring property. The applicant has also adopted a subservient design approach, whereby the extension would be set back approximately 4.2 metres from the front elevation of the dwelling and the ridge height set down approximately 0.2 metres lower than the existing ridge height. The plans also demonstrate a door in the front of the porch instead of the window, which is considered to be an improvement. The Conservation Officer requested that the proposed windows be at the very least, traditional timber painted symmetrical casement windows (flush with the frame with no glazing bars or top lights) for all the new windows and this will be conditioned.

Given the above, it is considered that on balance, the proposal would not have an adverse impact on the character of the host dwelling and would preserve the setting of the surrounding Conservation Area.

5.4 Residential Amenity

The neighbouring property has a small rear garden area, which is already somewhat enclosed to the rear by an escarpment. The original proposal would have resulted in the two-storey part of the extension being approximately 1 metre from the neighbouring boundary for 4 metres, which it is considered, would have had an oppressive and overbearing impact on the private amenity space of the neighbouring property. In addition, the neighbouring property is located directly north of the neighbouring dwelling, therefore, the extension adjacent to the boundary, would have resulted in some loss of light to the neighbouring property. Amended plans were therefore, requested to move the extension further away from the neighbouring boundary. Amended plans have been received, which have moved the extension approximately 3.1 metres from the neighbouring boundary. This is considered to be a sufficient distance to ensure that the extension would not be adversely overbearing on the occupiers of the neighbouring property. The hipped roof would also help to reduce the overall impact of the extension. The neighbouring occupiers objected on the basis that there would be a direct line of site between the first floor window proposed in the eastern elevation of the extension and the existing south facing window in the neighbouring property. However, the proposed window would not directly face the neighbouring window and the reduction in the width of the extension would increase the level of separation between the windows. As such, it is considered that the proposal would not have a significant adverse impact in terms of loss of privacy.

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 will comply with building regulation specifications.

5.7 Improvements Achieved to the Scheme

Reduction in the scale and bulk of the extension and alterations to the roof design and pitch of the porch and single storey extensions.

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 amended plans received demonstrate that the extensions would be sympathetic to the character of the dwellinghouse and surrounding Conservation Area in terms of scale, massing and design – Policies D1, H4 and L12 of the South Gloucestershire Local Plan (adopted) January 2006 and the Design Checklist and Frenchay Conservation Area SPDs.
- It is considered that the amended plans received sufficiently address the Officers concerns as well as concerns expressed by the neighbouring occupiers. It is considered therefore, that the extension would not have an adverse impact on the residential amenity of the neighbouring occupiers through loss of privacy or natural light – Policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.

7. RECOMMENDATION

7.1 Planning Permission is GRANTED subject to the following conditions.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

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

Reason

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

2. Notwithstanding the information submitted, prior to the commencement of the development, further details shall be submitted to the Local Planning Authority for approval in respect of the windows in the proposed extension. For the avoidance of doubt the windows should be traditional timber painted symmetrical casement windows and flush with the frame with no glazing bars or top lights. The proposed development shall be carried out in accordance with the agreed details.

Reason

To preserve the character and appearance of the Frenchay Conservation Area and to accord with Policies D1, H4 and L12 of the South Gloucestershire Local Plan (adopted) January 2006.

CIRCULATED SCHEDULE NO. 15/10 – 23 APRIL 2010

App No.:	PT10/0519/CLP	Applicant:	Dr J Rees-Lee
Site:	Wayside 9 The Green Stoke Gifford Bristol South Gloucestershire	Date Reg:	22nd March 2010
Proposal:	Certificate of lawfulness for the proposed use of an existing garage for use as a garage and office (Class C3)	Parish:	Stoke Gifford Parish Council
Map Ref:	362337 179750	Ward:	Stoke Gifford
Application Category:	Minor	Target Date:	13th May 2010



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INTRODUCTION

This application appears on the Circulated Schedule, as it is an application for a Certificate of Lawfulness for a Proposed Development.

1. DESCRIPTION OF DEVELOPMENT

- 1.1 The applicant is seeking a formal decision as to whether a proposal to use part of an existing outbuilding within the residential curtilage of 'Wayside' 9 The Green, Stoke Gifford for use as an office by the occupants of the host dwelling, is lawful. This is based on the assertion that the proposal does not require planning permission, as the proposal would constitute 'permitted development'.
- 1.2 The rear outbuilding is currently in use as a garage and for storage of household items. No external alterations are proposed, a partition wall would be inserted within the garage to separate the new office that would be approximately 3 m in width and 3.42 m in length.

The site lies within the existing urban area of Stoke Gifford.

2. POLICY CONTEXT

2.1 National Guidance

Planning Permission: A Guide for Business (ODPM) 1998
Town and Country Planning (General Procedures) Order 1995 Article 24
Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Schedule 2, Part 1, Class E. (referred to in this report as GPDO 2008)

3. RELEVANT PLANNING HISTORY

No relevant history.

4. CONSULTATION RESPONSES

4.1 Stoke Gifford Parish Council

No objection raised.

4.2 Other Consultees

None.

Other Representations

4.3 Local Residents

No response.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Site plan, existing and proposed plans and elevations drawing. Received 18th March 2010.

6. EVALUATION

The application for a Certificate of Lawfulness is purely an evidential test. The test of evidence to be applied is whether the case has been shown on the balance of probability. As such the applicant needs to provide precise and unambiguous evidence. As has been set out already the case made here is that the rear outbuilding currently in use as a garage would be divided by an internal partition and half of the building used as an office for the occupants of 'Wayside' 9 The Green to work from home. Therefore, the applicant claims that this proposed use would be incidental to the enjoyment of the dwellinghouse and thus not require an application for full planning permission. Accordingly, if this case is made successfully there is no consideration of planning merit nor an opportunity for planning conditions. The development is simply lawful or not lawful according to the evidence.

Schedule 2, Part 1, Class E of the GPDO 2008 states that planning permission will not be required for the provision within the curtilage of the dwellinghouse of 'any building or enclosure...required for a purpose incidental to the enjoyment of the dwellinghouse as such'. The applicant (Dr Rees-Lee) has stated that the proposed 'office' will be used by Dr Rees-Lee and her husband (Mr Rees-Lee) for doing paperwork outside of working hours. Both Dr Rees-Lee and Mr Rees-Lee have full time jobs and require the office space for storage of books and for private study and paperwork. The use would not result in any additional visitors to the premises, disturb neighbours, or impact upon the overall character of the dwelling. The use is considered to be incidental to the enjoyment of the dwellinghouse and therefore does not require a full planning application.

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

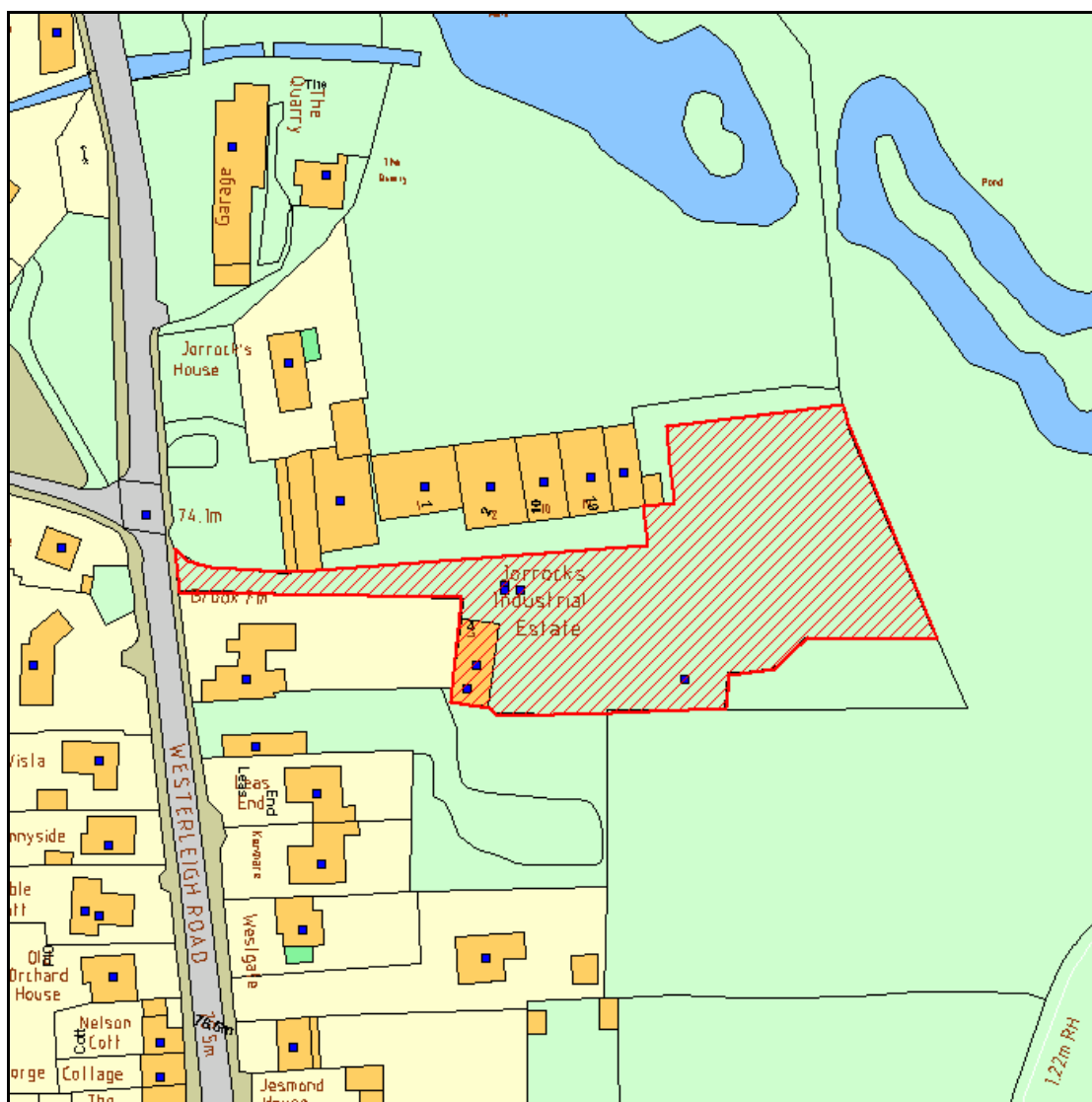
7. RECOMMENDATION

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

Contact Officer: William Collins
Tel. No. 01454 863819

CIRCULATED SCHEDULE NO. 15/10 – 23 APRIL 2010

App No.:	PT10/0577/F	Applicant:	Euro Taxis Ltd
Site:	Euro Taxis (bristol) Ltd Jorrocks Estate Westerleigh Road Westerleigh Bristol South Gloucestershire	Date Reg:	16th March 2010
Proposal:	Erection of vehicle maintenance and office building with parking and associated works (Resubmission of PT09/5690/F)	Parish:	Westerleigh Parish Council
Map Ref:	370036 179927	Ward:	Westerleigh
Application Category:	Minor	Target Date:	6th May 2010



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INTRODUCTION

The 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 vehicle maintenance and office building with associated vehicle parking.
- 1.2 The application relates to the Euro Taxi (Bristol) Ltd site within Jorrocks Yard, Westerleigh. The site lies within the Westerleigh settlement boundary that is washed over by the Green Belt.
- 1.3 The application forms a resubmission of PT09/5960/F that was withdrawn earlier this year to allow the submission of further information.

2. POLICY CONTEXT

2.1 National Guidance

PPS1: Delivering Sustainable Development
PPG2: Green Belt
PPS4: Planning for Sustainable Economic Growth
PPS7: Sustainable Development in Rural Areas
PPG13: Transport
PPG18: Enforcing Planning Control
PPG24: Planning and Noise

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development
GB1: Development within the Green Belt
E3: Criteria for Assessing Proposals for Employment Development
L1: Landscape Protection and Enhancement
L18: The Water Environment
EP1: Environmental Pollution
EP4: Noise Sensitive Development
T8: Parking Standards
T12: Transportation Development Control Policy for New Development

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

CS1: High Quality Design
CS8: Improving Accessibility
CS34: Rural Areas

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 There is a long and convoluted planning history relating to Jorrocks Yard; the most recent applications include:
- 3.2 P98/1310: Use of land for taxi/ coach business. Refused: 9 October 1998
- 3.3 P98/1512/E: Use of land for sui generis use comprising a coach, bus and taxi base including use as a taxi control office. Refused: 3 April 1998 Appeal Dismissed: 3 April 2000
- 3.4 P99/1504/CL: Certificate of Lawfulness for existing use of land as a haulage depot. Withdrawn: 29 July 1999
- 3.5 P99/1585: Use of land for taxi and coach business. Withdrawn: 26 August 1999
- 3.6 PT00/0397/F: Erection of buildings for classes B1/ B2/ B8 uses; use of land for stationing of vehicles; landscaping works. Permitted: 22 May 2001
- 3.7 PT09/5960/F: Erection of vehicle maintenance and office building with parking and associated works. Withdrawn: 5 January 2010

4. CONSULTATION RESPONSES

- 4.1 Westerleigh Parish Council
No objection
- 4.2 Other Consultees
Highways DC: no objection

Other Representations

- 4.3 Summary of Local Residents Comments:
Five letters received expressing the following concerns:
 - o The boundary hedge does not extend far enough westwards along the southern boundary;
 - o The movement of 12 double-decker vehicles further east behind the proposed screening is welcomed;
 - o It is assumed that the proposal would allow removal of lorry bodies, bus carcasses and other scrap presently to the south and east of the new planting;
 - o The application specifies a far greater number of vehicles to be accommodated on site than was the case of the previous application;
 - o There is a concern regarding increased traffic through the village;
 - o Residents are concerned by toxic fumes emitted from the vehicles, particularly during cold weather conditions;

- o The parking of double-deck vehicles should be accommodated away from the western perimeter of the site easing problems of toxic fumes and lessening the overall impact on the surrounding countryside;
- o The boundary of the site should be permanently defined and contained within the boundary of the application site;
- o The current site is over crowded, there is no more room to house a huge building and more buses causing more fumes and noise for local people;
- o The company often starts the buses at least one hour before they leave waking residents before 6am;
- o An environmental impact report has not been done;
- o The local road is already overused by buses- the Councils move to Yate will also further increase traffic;
- o The proposed landscaping scheme is inadequate with a key part of the perimeter not screened and with all the planting deciduous thus not allowing any screening during the winter. The landscape bund should also be wider with a maintenance plan for at least 10 years;
- o There seems to be no stipulated working hours;
- o There are outstanding enforcement notices on site;
- o The site is already an eyesore, a large building will make it worse;
- o There is a concern that more buses will encroach onto the fields behind (the proposed building will reduce the existing parking area);
- o A transport assessment has not been included with the application;
- o The large two-storey building bears no relationship with its rural context- the existing agricultural buildings have a relatively low impact on the landscape;
- o The site is adjoined by residential dwellings and the Grade II listed Brook Farm;
- o The proposal will be prominent when viewed from Short Hill, Kings Hill and the various footpaths leading into the village;
- o It is typical of a prefabricated unit found on an industrial estate;
- o It will compound the problem of vehicle parking along the southern boundary;
- o A legal agreement should be imposed to ensure retention/ maintenance of the planting;
- o Boundary treatments should be designed in consultation with the neighbouring residents.

4.4 Further, concerns have been expressed in respect of the site being occupied overnight with the hope that the proposal would negate this security need and avoid having vehicles running all night.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

- Planning policy E3 advises that proposals for employment development within the existing urban areas and settlement boundaries including extensions, conversions and the reuse of existing buildings will be permitted provided that:
- o Development would not have an unacceptable environmental effect; and
 - o Adequate provision is made for service and delivery requirements and development would not give rise to unacceptable levels of vehicular traffic, especially heavy goods vehicles, or on street parking to the detriment of the amenities of the surrounding area and highway safety; and
 - o Development would not prejudice residential amenity; and
 - o The character of the area or settlement is not adversely affected; and
 - o The maximum density compatible with the site location, accessibility and its surroundings is achieved; and
 - o (In the case of travel intensive B1 office development), the site is well served by public transport.
- 5.2 Further, this policy advises that within the settlement boundaries that are washed over by the Green Belt, proposals for employment development will be restricted to infilling, extensions and the conversion and reuse of existing buildings.
- 5.3 Planning policy GB1 advises that within the Green Belt, permission will only be granted for new buildings where for:
- o Agriculture and forestry;
 - o Essential facilities for outdoor sport and recreation and for other uses that preserve the openness of the Green Belt and which do not conflict with the purposes of including land within it;
 - o Cemeteries;
 - o Limited extension, alteration or replacement of existing dwellings provided the works do not comprise a disproportionate addition over and above the size of the original dwelling;
 - o Limited infilling within the boundaries of settlements.
- 5.4 Policy L1 advises that in considering new development proposals, the character, distinctiveness, quality and amenity of the landscape should be conserved and enhanced.
- 5.5 Planning policy T12 allows for the principle of new development (in terms of transportation) provided that it (considered here most relevant):
- o Provides adequate, safe, convenient, attractive and secure access and facilities for pedestrians, cyclists and people with disabilities; and
 - o Provides safe access capable of accommodating the motorised traffic generated by the proposal; and
 - o Would not create or unacceptably exacerbate traffic congestion, or have an unacceptable effect on road, pedestrian and cyclist safety; and

- o Would not generate traffic that would unacceptably affect residential amenity or other environmentally sensitive areas in terms of noise, vibration and air quality.
- 5.6 Site History
The application site is subject to an extensive planning and enforcement history; of particular relevance to this application is PT00/0397/F that was granted planning permission on May 22nd 2001. This allowed the erection of a new building for B1/ B2/ B8 uses and allowed use of the associated land for parking and the stationing of vehicles. This building has not been erected but the permission is considered to have been implemented given that the footings were laid (with the Councils Building Control department holding a record of these works) and with the associated land having been used for vehicle parking.
- 5.7 At this time, the approved structure would have comprised an industrial style steel framed structure with a block work ground floor and metalled first floor and roof. The build would have measured 18m in depth, 20m in width and some 7.5m in height. It would have stood adjacent to the north flank boundary of the site in alignment with the existing industrial buildings serving Jorrocks yard. The approved site plan showed vehicle parking within the remainder of the site with a central vehicle turning circle.
- 5.8 At the time of this application, the Officer report noted that the site comprised a number of structures scattered around the site in a haphazard fashion with various permitted or established uses. Further, HGV's and taxi's associated with the business were parking on site. The report drew attention to the position of the site within the Green Belt but reasoned that this application provided an opportunity to ameliorate the then current situation in terms of visual amenity by the removal of various buildings and structures and the imposition of landscaping conditions. As such, whilst the proposal was not considered to be strictly compliant with Green Belt policy, it was considered that the opportunity to improve the visual amenity of the site and the uncontrolled encroachment did comply with the reasons for including land within the Green Belt. Further, it was also noted that it was proposed to remove near the same amount of floor space as would be created.
- 5.9 Permission was granted with this subject to a number of conditions. These ensured removal of fifteen existing buildings and structures on site within one month of the approved building being brought into use. A comprehensive scheme of landscaping was also conditioned with the approved taxi and public service vehicle parking use restricted to Euro Taxis Ltd.
- 5.10 Details Submitted in Support of the Application
This application seeks permission for a larger building albeit with this in the same position as that previously approved. In support of the proposal, it is cited that Euro Taxis are one of the main providers of public transport facilities in South Gloucestershire and have been operating from this site for many years. During this time, they have been 'robustly exploring' various options to find a suitable single site to consolidate their operations but without success.

However, Euro Taxis have recently acquired the freehold to Jorrocks Yard thus this is considered to provide the opportunity to invest in the site and improve these commercial facilities.

- 5.11 The proposal would allow a new office/ maintenance building that would form a redesign of that permitted as part of the aforementioned planning permission. The building is larger than that previously approved for which the following justification is provided:
- o The company works throughout South Gloucestershire aiding one of the key objectives of South Gloucestershire Council; namely to provide sustainable communities (with a key element comprising sustainable transport);
 - o The firm presently operate across two sites with a site at Fishponds used for the servicing of all larger vehicles;
 - o The building would be positioned adjacent to the existing industrial development in the same position as that previously approved. Whilst it would be slightly larger it is considered that this would not have a material impact upon the openness of the Green Belt;
 - o The proposal would allow the car park to be laid out in an improved manner to improve its efficiency.

5.12 Analysis: Design/ Visual Amenity

This current proposal would provide a similar industrial style unit to that previously approved albeit with a larger floor area; this would measure 29.3m in width and 17.9m in depth (albeit with two forward projecting corners to the new structure). As before, it would stand adjacent to the north flank boundary of the site alongside the existing industrial units that align this boundary. It would be encompassed by a dual pitched roof measuring 6m in height at eaves level and with a ridgeline of 7.8m. Accommodation would largely provide for vehicle maintenance and servicing albeit with a subservient level of office facilities to the west side of the building (with accommodation on two levels).

- 5.13 In response, pre-application discussions have sought to reduce the size of the building to that previously approved. Nevertheless, it is understood that the intended operational requirements (servicing single and double-decker vehicles) dictates the length and height of the building that would be larger than that previously permitted. To this extent, pre-application discussions also sought to remove the forward projecting 'wings' either side of the build but this is necessary to accommodate the larger vehicles.

- 5.14 In view of the above, given the extant planning permission and with the height of the building no higher than that of any existing buildings within Jorrocks Yard, on balance the proposal is considered to be acceptable with any associated refusal reason unlikely to prove sustainable. This is having regard also to the landscaping buffer that would be introduced as part of this proposal with this helping to offset the visual impact of the build; these details were not included as part of the previous application.

- 5.15 The proposal would also allow the reorganisation of the external parking area in an attempt to improve the visual amenity of the site. This would allow the

- introduction of a permanent surface to the application site in lieu of the existing unmade potholed surface that currently characterises the unkempt appearance of these premises.
- 5.16 In the event that planning permission is granted, it is recommended that planning conditions be attached in respect of the proposed new surface material, the organisation of parked vehicles, a restriction on the storing of damaged/ scrap vehicles which currently litter the site and removal of the existing single-storey temporary structures that stand at the far end of the application site and which provide staff/ office accommodation.
- 5.17 Impact on the Openness of the Green Belt
Planning policy GB1 allows for limited infilling within the Green Belt where in a settlement boundary. In this instance, the application site falls within the Westerleigh settlement boundary with the proposal to align with the existing line of development within Jorrocks Yard. On this basis, the build is considered to comprise infill development and thus is considered to be compliant with planning policy GB1. Further, to this extent, it is noted that the principle of this development has already been accepted in Green Belt terms with the proposal considered not to have a significantly greater material impact than the approved structure. For these reasons, it is considered that there can be no reasonable objection to the proposal on this basis.
- 5.18 Wider Landscape Impact
The application site is visible within the broader landscape when viewed from Westerleigh Hill but remains generally hidden when viewed from other directions by existing vegetation and buildings. In this regard, the proposed landscaping would in time, assist with the assimilating the site into the landscape especially from the direction of Westerleigh Hill. Nonetheless, given the size of the parked vehicles and the buildings on site, it is considered that a minimum height to the proposed hedgerow should be required by condition on the event that permission is granted.
- 5.19 Further, it is considered that an additional landscaping condition should be attached in respect of the south west corner of the site where the proposed landscaping falls short of the Brook Farm boundary; this is particularly significant given that this break in the proposed landscaping would at present, open up views from the neighbouring properties (fronting Westerleigh Road). Having regard to the landscaping shown, the proposed trees are all native/ semi-native species and would be of a suitable scale to provide the appropriate level of mitigation. A further landscape condition should be also be attached in the event that planning permission is granted in respect of a landscape maintenance programme; it is considered reasonable to condition this to cover 10 years given the prominent edge of settlement position of the application site and given the fact that the proposed landscaping would take time to establish itself.
- 5.20 For the above reasons, there is no associated objection to this current proposal.

5.21 Residential Amenity

Neighbouring dwellings generally sit at an appreciable distance from the application site whilst views of the proposal would in time, be obscured from view by the landscaping proposed. On this basis, (with this distance also helping to reduce any noise impact from the proposal) and given the improvements proposed to the external parking area, it is considered that the current proposal would provide an opportunity to enhance the visual appearance of the site and thus aid neighbouring residential amenity. On this basis, it is not considered that any significant adverse impact in residential amenity would be caused.

5.22 Having regard to the further concerns raised, some relate to previous problems and breeches of planning control and the fear that the current proposal would allow a further escalation of these concerns. In response, such would not relate specifically to this current proposal and as stated, if permitted it is considered that this proposal would provide the opportunity to improve the site and its appearance. In this regard, it should also be noted that the site boundaries would prevent any further intensification of the site use with any development beyond the settlement boundary unacceptable in Green Belt terms. It is though considered appropriate to add a planning condition in respect of the proposed hours for the operation of any machinery to help safeguard the residential amenities of these neighbouring occupiers. A condition should also be attached in respect of running vehicles to avoid vehicles being left idle at unsociable hours. (This can be controlled by other legislation outside of the planning process but it is also considered appropriate to add this condition to any new planning permission given the position of neighbouring dwellings.)

5.23 Further, it is considered appropriate to add a condition that would supplement the new planting to ensure that it would not all be deciduous; comments received from the Councils Landscape Officer do though suggest that the width of this landscaping buffer would be appropriate.

5.24 Highway Safety

This planning application is not significantly different in highway terms to planning permission PT00/0397/F. The maintenance element of the build should enable vehicles to be serviced on-site reducing the trips to remote garages. This reduction in vehicle movement needs to be offset against an expected increase in staff based at the site. On this basis, highway officer comments anticipate a slight increase in vehicle movements but it is considered that the existing site access can accommodate this. Further, it is considered unlikely that there would be any material impact on the adjoining highway network whilst the revised parking arrangements are considered to make the most efficient use of the land available. On this basis, there is no highway objection to this current proposal.

5.25 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.

5.26 Section 106 Requirements

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

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.
- 6.3 The recommendation to grant permission is for the following reason:
 1. The principle and positioning of the proposal is considered to be acceptable in design/ visual amenity terms. The proposal would therefore accord with Planning Policies D1 (Achieving Good Quality Design in New Development), L1 (Landscape Protection and Enhancement) and E3 (Criteria for Assessing Employment Proposals for Employment Development within the Urban Area and the Defined Settlement Boundaries) of the South Gloucestershire Local Plan (Adopted) January 2006.
 2. The application site lies within the settlement boundary (that is washed over by the Green Belt) and would help improve the visual amenity of the existing site. The proposal is therefore considered to accord with Planning Policies L1 (Landscape Protection and Enhancement), GB1 (Development within the Green Belt) E3 (Criteria for Assessing Employment Proposals for Employment Development within the Urban Area and the Defined Settlement Boundaries) of the South Gloucestershire Local Plan (Adopted) January 2006.
 3. The proposal would not cause any significant adverse impact in residential amenity. The proposal is therefore considered to accord with Planning Policy E3 (Criteria for Assessing Employment Proposals for Employment Development within the Urban Area and the Defined Settlement Boundaries) of the South Gloucestershire Local Plan (Adopted) January 2006.
 4. The proposal is considered to be acceptable in highway safety terms and compliant with Planning Policy T12 (Transportation Development Control

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 and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

3. No machinery shall be operated (either internally or externally) outside the hours of 08.00- 18.00 Monday to Friday and 08.30- 12.00 on Saturdays.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Planning Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the commencement of development, additional details in respect of the scheme of landscaping (to include the omitted section along the southern flank boundary and non-deciduous planting around the site), including times of planting and areas of hardsurfacing (to include permanent marking of the vehicle parking area) 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 Planning Policies D1, L1, E3 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To protect the character and appearance of the area to accord with Planning Policies D1, L1, E3 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. 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 building is occupied. Development shall be carried out in accordance with the approved details.

Reason

To protect the character and appearance of the area to accord with Planning Policies D1, L1, E3 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Prior to the commencement of development a schedule of landscape maintenance for a minimum period of 10 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason

To protect the character and appearance of the area to accord with Planning Policies D1, L1, E3 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. 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.

9. There shall be no outside storage of lorry bodies or scrap vehicles.

Reason

In the interests of visual amenity and to accord with Planning Policies D1, E3 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. Within one month of the occupation of the building hereby approved, the existing portacabins shall be removed from site.

Reason

In the interests of visual amenity and to accord with Planning Policies D1, E3 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. Prior to the commencement of development details of any floodlighting and external illuminations, including measures to control light spillage, shall be submitted to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

In the interests of visual amenity and to accord with Planning Policies D1, E3 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. No vehicles shall be left running on site between the hours of 21.00- 06.30.

Reason

In the interests of residential amenity and to accord with Planning Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

13. The boundary hedge hereby approved shall be grown to and maintained at a minimum height of 2.5m.

Reason

In the interests of visual amenity and to accord with Planning Policies L1 and E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 15/10 – 13 MAY 2010

App No.:	PT10/0615/F	Applicant:	Mr K Watson
Site:	29 Ashford Road Patchway Bristol South Gloucestershire BS34 5DX	Date Reg:	17th March 2010
Proposal:	Erection of two storey side extension to form additional living accommodation. Erection of front porch.	Parish:	Patchway Town Council
Map Ref:	360363 181361	Ward:	Patchway
Application Category:	Householder	Target Date:	12th May 2010



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 100023410, 2008. **N.T.S.** **PT10/0615/F**

INTRODUCTION

This application appears on the Circulated Schedule given the letter of objection that has been received from a neighbouring resident.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for a two-storey side extension that would provide a dining room/ study on the ground floor with a WC and two bedrooms above.
- 1.2 The application site comprises a two-storey semi-detached mansard style dwelling on the south side of Ashford Road, Patchway.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development

H4: Development within Residential Curtilages

T12: Transportation Development Control Policy for New Development

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

CS1: High Quality Design

CS17: Housing Diversity

Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

3. RECENT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Patchway Town Council
No comments received

- 4.2 Other Consultees
No comments received

Other Representations

- 4.3 Summary of Local Residents Comments
One letter received expressing the following concerns:

- o The proposal will include windows that overlook the neighbouring garden and the back of the property behind;
- o The writers are already overlooked by this property and feel that adding more windows would further reduce their privacy.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

5.2 Design/ Visual Amenity

The application relates to a two-storey semi-detached mansard style dwelling on the south side of Ashford Road Patchway; it is noted that surrounding dwellings appear of similar design.

5.3 The application seeks planning permission for a two-storey side extension that would provide a dining room/ study and WC on the ground floor with two new bedrooms above. The build would extend to the east side of the dwelling and replace a lean-to. It would extend the existing profile of the dwelling continuing the front and rear walls of the host property as well as the existing ridgeline. The build would though incorporate a stepped flank wall to its east side to reflect the tapered flank site boundary.

5.4 The proposal would measure 3.3m in width at the front projecting a further 0.9m at the rear (by virtue of the stepped boundary wall). The first floor mansard roof structure would though overhang the stepped ground floor.

5.5 In response, it is noted that the proposal would not adopt a subservient appearance to the existing dwelling thus this would imbalance this pair of semi-detached dwellings (with the attached unit not similarly extended). Nevertheless, given the mansard design of the dwelling, a subservient appearance would be more difficult to achieve whilst nevertheless, it is not considered that any associated refusal reason would prove sustainable; this is also in view of a similar extension to a nearby property. As such, there is no objection to the proposal on design/ visual amenity grounds.

5.6 Residential Amenity

The neighbouring dwelling to the east side of the application site sits apart from the host dwelling to the far side of footpath and orientated north-westwards in view of the turn in the road. This allows a greater level of separation between these dwellings with this neighbouring property also positioned to the far side of its associated lean-to. As such, and with no side facing windows shown, it is not considered that any significant adverse impact in residential amenity would be caused.

5.7 All other neighbouring dwellings stand at an appreciable distance from the site of the proposal. On this basis, it is again not considered that any significant adverse impact in residential amenity would be caused. In this regard, having regard to the comments received, views from the front and rear windows would

cause no new issues of overlooking with no properties directly in front of the application site and with those behind separated by the twin rear gardens serving both the host and neighbouring dwellings. Tree screening within the applicants rear garden also further restricts views between these dwellings.

5.8 Highway Safety

There is sufficient space to the front of the property for car parking. On this basis, it is considered that there can be no reasonable transportation objection to the proposal.

5.9 Design and Access Statement

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

5.10 Section 106 Requirements

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

6. CONCLUSION

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

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

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

1. The proposal would appear in keeping with the design of the host property and the surrounding dwellings. On this basis, the proposal is considered to accord with Planning Policies D1 (Achieving Good Quality Design in New Development) and H4 (Development within Residential Curtilages) of the South Gloucestershire Local Plan (Adopted) January 2006.
2. The proposal would not cause any significant adverse impact in residential amenity. The proposal is therefore considered to accord with Planning Policy H4 (Development within Residential Curtilages) of the South Gloucestershire Local Plan (Adopted) January 2006.
3. The proposal is considered to be acceptable in highway safety terms and would therefore accord with Planning Policy T12 (Transportation

Development Control Policy) of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

7.1 Planning Permission is **GRANTED** 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. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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