



**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. 47/10**

**Date to Members: 03/12/10**

**Member's Deadline: 09/12/10 (5pm)**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Dates and Deadlines for Circulated Schedule**  
**During Christmas and New Year period 2010/2011**

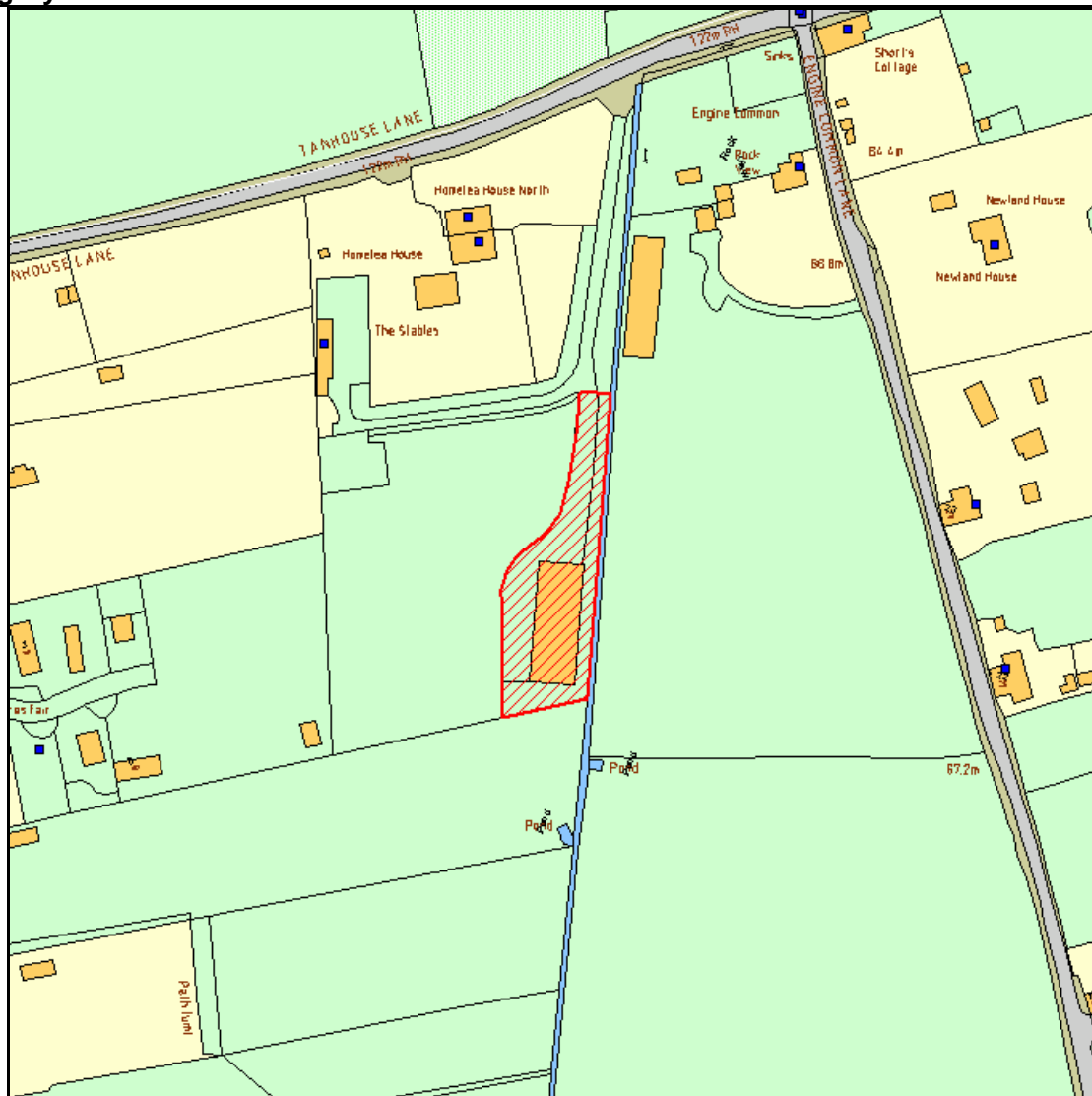
<b>Schedule Number</b>	<b>Date to Members 9am on</b>	<b>Members Deadline 5pm on</b>
49/10	Thursday 16 December 2010	Wednesday 22 December 2010
50/10	Wednesday 22 December 2010	Friday 31 December 2010
51/10	No Circulated Schedule production	No Circulated Schedule production
01/11	Friday 07 January 2011	Thursday 13 January 2011

# CIRCULATED SCHEDULE – 3 DECEMBER 2010

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK10/2586/F	Approve with Conditions	Building To The South Of Holmelea Tanhouse Lane Yate South Gloucestershire	Ladden Brook	Iron Acton Parish Council
2	PK10/2605/F	Approve with Conditions	91 Harescombe Yate South Gloucestershire BS37 8UD	Dodington	Dodington Parish Council
3	PK10/2631/F	Approve with Conditions	15 Woodstock Road Kingswood South Gloucestershire BS15 9UB	Woodstock	None
4	PK10/2746/F	Approve with Conditions	Land To Rear Of 31 Blackhorse Road Mangotsfield South Gloucestershire BS16 9BE	Rodway	Mangotsfield Rural Parish Council
5	PK10/2843/CLP	Approve with Conditions	7 Morley Close Soundwell South Gloucestershire BS16 4QE	Staple Hill	
6	PK10/2846/AD	Approve with Conditions	Homebase Ltd Aldermoor Way Longwell Green South Gloucestershire BS30 7TX	Longwell Green	Oldland Parish Council
7	PK10/2848/F	Approve with Conditions	Land Between 7 Norton Close And 1A Courtney Way Kingswood South Gloucestershire	Woodstock	None
8	PK10/2855/F	Approve with Conditions	7 Tower Road North Warmley South Gloucestershire BS30 8YE	Siston	Siston Parish Council
9	PK10/2864/RV	Approved Subject to	Former Sea Store Site Off Kennedy Way Yate South Gloucestershire BS37 4AA	Yate Central	Yate Town
10	PK10/2889/F	Approve with Conditions	22 Cleeve Lodge Road Downend South Gloucestershire BS16 6AG	Downend	Downend And Bromley Heath Parish Council
11	PK10/2992/F	Approve with Conditions	93 Quakers Road Downend South Gloucestershire	Downend	Downend And Bromley Heath Parish Council
12	PT10/2823/F	Approve with Conditions	Poplars Farm Pilning Street Pilning South Gloucestershire BS35 4HL	Severn	Olveston Parish Council
13	PT10/2834/EXT	Approve with Conditions	Briarland Gloucester Road Rudgeway South Gloucestershire BS35 3QH	Thornbury South And	Alveston Parish Council
14	PT10/3010/CLP	Approve with Conditions	29 Ferndale Road Filton South Gloucestershire BS7 0RP	Filton	Filton Town Council

**CIRCULATED SCHEDULE NO. 47/10 – 3 DECEMBER 2010**

<b>App No.:</b>	PK10/2586/F	<b>Applicant:</b>	Mr Peter Joes
<b>Site:</b>	Building To The South Of Holmelea Tanhouse Lane Yate South Gloucestershire	<b>Date Reg:</b>	30th September 2010
<b>Proposal:</b>	Change of use of building and land from stables and the keeping of horses to Light Industrial (Class B1) as defined in the Town and Country Planning (Use Classes Order) 1987 (as amended). (Retrospective). (Resubmission of PK10/1701/F).	<b>Parish:</b>	Iron Acton Parish Council
<b>Map Ref:</b>	369898 184963	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Minor	<b>Target Date:</b>	24th November 2010



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 and may lead to prosecution or civil proceedings.  
 100023410, 2008. N.T.S. PK10/2586/F

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

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

### **1. THE PROPOSAL**

- 1.1 The application relates to an existing building located within the wider grounds to the rear of Holmlea House, a large residential property to the south of Tanhouse Lane, near Iron Acton. The building lies at the end of a long driveway, which runs from Tanhouse Lane and along the eastern boundary of the site. The single-storey building has a simple utilitarian design, being constructed of blockwork walls, with a metal profiled sheet roof and a floor space of 530sq.m. The building was originally constructed as a stable with hay store and tack room but this use was never implemented; the building has instead been the subject of unauthorised B1 and B8 uses for a number of years. The adjoining land has planning permission for the keeping of horses.
- 1.2 It is proposed to change the use of the building for a B1 light industrial use. The existing access and parking facilities would be utilised; there are no proposals to alter the physical appearance of the building.
- 1.3 The thrust of PPG18 (Enforcing Planning Control) is that the submission of an application can avoid the need for formal enforcement action and can give the Council the opportunity to make the unauthorised uses acceptable by the imposition of planning conditions or by reducing the scale of development to an acceptable limit. In this case the applicant originally submitted an application PK10/1701/F for the continued use of the building for B2 and B8 uses. On officer advice however, the applicant very reasonably withdrew this application in response to concerns about the likely number and size of vehicles that would use the site. The current application relates to B1 light industrial uses only.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1 - Delivering Sustainable Development  
PPS4 - Planning for Sustainable Economic Development  
PPS7 - Sustainable Development in Rural Areas  
PPG13 - Transport  
PPG18 - Enforcing Planning Control

#### **2.2 Development Plans**

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

Policy 1 - Sustainable Development Objectives  
Policy 2 - Location of Development  
Policy 32 - Employment Sites in the Open Countryside

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

CS1 - High Quality Design

CS5 - Location of Development

South Gloucestershire Local Plan (Adopted) January 2006

D1 - Achieving Good Quality Design in New Development

L1 - Landscape Protection and Enhancement

L17 & L18 - The Water Environment

EP1 - Environmental Pollution

EP2 - Flood Risk and Development

GB1 - Green Belt

T7 - Cycle Parking

T8 - Parking Standards

T12 - Transportation Development Control Policy for New Development

E6 - Employment Development in the Countryside

E7 - Conversion and Re-Use of Rural Buildings

LC12 - Recreational Routes

### 2.3 Supplementary Planning Guidance

The South Gloucestershire Design Check List SPD – Adopted August 2007.

## 3. RELEVANT PLANNING HISTORY

- 3.1 P97/1484 - Use of land for the keeping of horses and alterations to existing structure to provide four stables, a hay store and tack room.  
Refused 1 July 1997 for the following reason:

*The proposed building by reason of its size, design and external appearance would constitute an undesirable intrusion into an area of open countryside to the detriment of the visual amenities of the locality contrary to Policy C7 of the approved Avon County Structure Plan and Policies N1 and N68 of the Northavon Local Plan (Deposit Draft).*

Appeal T/APP/P0119/A/97/286160/P7 was allowed 10 Dec 1997. The only conditions related to the 5 year time scale for implementation and restricting the use of the stable to private use only. The reason for the latter condition was to minimise the impact of the activity on the surroundings and the limited amount of land set aside for grazing.

The use granted on appeal was never implemented but the building remained in situ and has subsequently been used for unauthorised business purposes.

- 3.2 PK10/1701/F - Change of use of building and land from stables and the keeping of horses to general industrial (B2) and Storage (B8) as defined in the Town and Country Planning (Use Classes Order) 1987 (as amended).  
Retrospective.  
Withdrawn 10 Sept. 2010.

### Enforcement History

- 3.3 P87/1230/E - Unauthorised use of the land for the storage and parking of commercial motor vehicles, plant and machinery. The requirements of the notice were to cease the operation and return the land to agricultural use. It

was considered that the use was inappropriate in this rural area and conflicted with planning policies for the area. In addition, it was considered that there were highway problems associated with the use. The notice was issued on 22 August 1989. The notice was not appealed and therefore took effect at that date and remains extant.

- 3.4 P94/1028/E - The breach of planning control was the part erection of a building (now the subject of this current planning application) without the benefit of planning permission. At the time the building had not been substantially completed and therefore remained vulnerable to enforcement action. It was noted that the land was not being used for agricultural purposes and the structure could not be erected under agricultural permitted development rights. It was considered that the development adversely affected the visual amenities of the area, contrary to Policy C7 of the Avon County Structure Plan.

The requirements of this second Enforcement Notice were to demolish the building and remove its constituent parts from the land within 3 months of the notice, which took effect on 14 March 1995.

- 3.5 A subsequent appeal (see para. 3.1 above) established the retention of the building, the authorised use of the building and land, thus overriding the second notice.

- 3.6 The applicant took over and continued the unauthorised business use of the site in 1997. The site and building have since been used for commercial/industrial/storage B2/B8 purposes ever since, as follows:

- Building of armoured vehicles.
- Vehicle storage and transport – 5 employees.
- Building of camper vans by Danbury Motor Caravans – 10 employees. Use ceased in 2008.
- Storage and delivery of vehicles by Toogood International from 2008 – 8 employees. This company still lease the building but have now re-located to a site in Pucklechurch.

- 3.7 The effect of the first and extant Enforcement Notice (para.3.3 above) is that the applicant is unable to apply for a certificate of lawful use of the building and land for the uses described above.

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

- 4.1 Parish Council  
No response

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

Police Community Safety Officer  
No response



### Environmental Protection

No objection subject to conditions relating to hours of operation, size of vehicles, no working outside the building and external areas used for parking only.

### Technical Support - Drainage

Object - failure to indicate means of foul disposal.

### Sustainable Transport

No objection subject to conditions to restrict the size of vehicles using the site, no outside storage, prior submission of details of parking and manoeuvring areas.

## **Other Representations**

### 4.3 Local Residents

7no. letters of objection have been received from local residents. The concerns raised are summarised as follows:

- Adverse impact on house values.
- Impact upon the quiet enjoyment of the rural area.
- Increased traffic volume on Tanhouse Lane.
- Land has not been used for agriculture.
- Large vehicles would be stored overnight.
- Dispute land ownership – blue line.
- Past unauthorised uses.
- Hours of use should be restricted.
- Not conserve or enhance the character or amenity of the landscape.
- Not a rural use.
- Adverse impact on highway safety.
- Tanhouse Lane is a cycle way and bridle path.
- Increased noise.
- Never used for keeping horses.
- Overlooking of neighbouring property from elevated driveway.
- Inadequate access.
- Erosion of grass verges in Tanhouse Lane.
- Increased noise and vibration from lorries passing Orchard Cottage.
- Poor junction at Tanhouse Lane and North Road.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The site lies in the open countryside on the outskirts of the village of Iron Acton. Policy EC6.2.c of PPG4 - Planning for Sustainable Economic Growth; states that in rural areas local planning authorities should support the conversion and re-use of appropriately located and suitably constructed existing buildings in the countryside (particularly those adjacent or closely related to towns or villages) for economic development. Policy E6 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 does not normally permit B1, B2 and B8 uses in the countryside except in the following situations:

A. Conversions or re-use of existing rural buildings.

B (On sites not in the Green Belt), extension or intensification of existing employment generating uses.

C. Development permitted by policies E4 and E7 to E11.

Development will only be permitted if it does not have an unacceptable impact on the environment, on residential amenity or in terms of traffic generation.

5.2 Officers consider that the appeal decision letter relating to P97/1484 (see para. 3.1 above) is a material consideration of significant weight. At para.9 of the decision letter, the Inspector states that:

*“In my view, the building is of a type, scale and finish, which is not untypical in the rural area.”*

The building was originally erected for use as a stable, hay store and tack room and given the Inspector’s comment and the fact that the building has not been altered since its erection; officers are satisfied that the proposal represents the re-use of a rural building; Criterion A of Policy E6 is therefore satisfied.

5.3 The site does not lie within the Green Belt and there are no proposals to extend the building in order to facilitate the proposed change of use. Notwithstanding the previous unauthorised uses of the building; the authorised use of the building as a stable, for private use, is not an employment generating use.

5.3 Local Plan Policy E7 however permits the conversion and re-use of existing buildings for employment uses, outside the existing urban areas and the boundaries of settlements, as defined on the proposals map provided that the following criteria are satisfied:

A. The buildings are of permanent construction and structurally sound and capable of conversion without major or complete reconstruction: and

B. The buildings are in-keeping with their surroundings in terms of character, form, bulk and overall design; and

C. Development, including any alterations, intensification or extensions, would not have a harmful effect on the character of the countryside or the amenities of the surrounding area.

5.4 The building was completed in 1997 and is structurally sound. The proposed change of use does not require any reconstruction. Officers consider that Criterion A is therefore satisfied.

5.5 In para. 9 of his Decision Letter the Inspector for the appeal against refusal of P97/1484 concluded that the building *“...would not unacceptably affect the character and appearance of the rural locality and would accord with the objectives of development plan policy.”* As the building has not been altered since its erection, officers consider that Criterion B is satisfied.

- 5.6 The outstanding issues relating to Policy E6 and criterion C of Policy E7 are discussed in the following paragraphs.
- 5.7 Transportation Issues  
Notwithstanding the previous unauthorised use of the site for B8 and B2 uses, which at times appear to have been quite intense; officers consider that the current proposal must be compared with the authorised use of the building as a stable and the potential size of vehicles and number of traffic movements associated with that use. It is estimated that the authorised use would create up to 16no. vehicular movements per day, which would undoubtedly include such vehicles as large horseboxes. In allowing the appeal against refusal of P97/1485 the inspector did not impose any conditions relating to the access and parking arrangements.
- 5.8 Officers consider that the proposed B1 use is likely to create up to 30 vehicular movements per day, which is probably much less than the amount of traffic previously associated with the unauthorised uses. The type of traffic associated with a B1 light industrial use however would consist of cars, vans and trucks with the very occasional larger vehicle. Officers are satisfied that the anticipated traffic likely to be generated by the B1 use can be accommodated without compromising road safety at this location, which includes the recreational route along Tanhouse Lane.
- 5.9 The unauthorised uses of the site were carried out over a 13-year period without any complaint to the Council, save for a recent complaint about articulated lorries using the site. Local residents have nevertheless expressed concerns that the proposed change of use would increase the number of HGV's at the site. In order to address this concern and to reduce the risk of larger HGV's having to access the site, it is recommended that a planning condition be imposed to limit the size of vehicles using the site to no more than 7.5 tonnes, which is comparable to a medium sized horsebox, which could use the site under the extant authorised use.
- 5.10 Officers are also mindful that if a B1 use is approved, up to 235sq.m. of the building could be used for B8 use under permitted development rights. In order therefore to discourage this use and to prevent an over-intensification of use of the site, it is also recommended that conditions be imposed to prevent any storage of goods/materials outside the building and to limit the number of vehicles parked at the site, outside the hours of working, to only 2no. These are conditions that the applicant has agreed to accept.
- 5.11 Subject to the conditions outlined above, as well as a condition to secure the prior submission and agreement of the parking and manoeuvring areas, there are no transportation objections to the proposal. The proposal therefore accords with Policies T8, T12, E6, E7 and LC12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.12 Landscape and Green Belt Issues  
The site lies in the open countryside just south of the Green Belt boundary located to the north of Tanhouse Lane. Policy L1 of the South Gloucestershire

Local Plan (Adopted) 6th Jan 2006 seeks to conserve and enhance the character, distinctiveness, quality and amenity of landscapes. Policy GB1 in relation to Green Belts states that any proposals for development within or conspicuous from the Green Belt, which would have an adverse impact on the visual amenity of the Green Belt, will not be permitted.

- 5.13 In assessing the character of the location, the Inspector for the earlier appeal noted at para. 6 of his decision letter, that the building and Homelea House, whilst located in the countryside, form part of a group of sporadic residential/commercial uses located along North Road, Tanhouse Lane and Engine Common Lane. Immediately to the west of the site is what appears to be showman's winter quarters with extensive external storage, a short distance to the south is a small industrial/depot complex and to the north-east is caravan storage.
- 5.14 The Inspector also noted in paras. 7 to 9 of his Decision Letter that the building, although having a large footprint had a low eaves (2.65m) and ridge (4.9m) height and views of the building were restricted to a few public vantage points. The Inspector concluded that the building was well screened and unobtrusive in the landscape and would not unacceptably affect the character and appearance of the rural locality.
- 5.15 The site is well screened from the Green Belt and as such is not conspicuous from it and would not adversely affect the visual amenity of the Green Belt. There are no proposals within the application, to remove any of the surrounding vegetation that screens the site.
- 5.16 Officers did however note during their site visit that a dilapidated portakabin was sited next to the building and an old incinerator and associated clutter was located to the rear of the site. These items were no doubt associated with the previous unauthorised uses of the site. Officers consider these items to have an adverse impact on the visual amenity of the area. The applicant has however agreed to a condition to secure the removal of these items and this together with the controls on outside storage and overnight parking of vehicles would ensure that the visual amenity of the landscape is preserved. Subject to these conditions, officers are satisfied that the scheme accords with Policies E6, E7(C), D1, L1 and GB1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of the South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010.
- 5.17 Impact Upon Residential Amenity  
Holmlea House is a large residential property, which has been sub-divided into two dwellings i.e. Holmlea House North and Holmlea House to the south. To the west of Holmlea House is a building from which an engineering company operates. Other residential properties lie further afield to the east and west.
- 5.18 Holmlea House is the nearest property to the application site but even this property is a good 90m from the building the subject of this application. Despite the fact that the unauthorised uses continued unabated on this site for 13 years, there were no complaints to the Council about noise disturbance. The proposed hours of working are Mon – Fri 08:00hrs to 18:00hrs, Sat 0800hrs to

13:00hrs with no working on Sundays and Bank Holidays; these hours would be controlled by condition. The proposed use of the building is for B1 light industrial only and given the proposed conditions to control the size of vehicles, outside storage and overnight parking, officers do not consider that the proposal would have a significant adverse impact in terms of noise and disturbance for neighbouring occupiers. The site is well enclosed by high vegetation on the boundaries and there would therefore be no significant issues of overlooking and loss of privacy. The proposal therefore accords with Policy E6 and E7 (C).

#### 5.19 Drainage and Environmental Issues

The proposal has been the subject of prior consultation with the Council's Environmental Health Officer and subject to the conditions outlined above there are no objections on environmental grounds. The Council's Drainage Engineer originally raised concerns about the lack of information regarding the disposal of foul waste. The applicant has since confirmed that an existing Cess Pit is to be utilised. The existing surface water drainage system would also be utilised. Any illegal disposal of trade effluent would be a matter for The Environment Agency to control. The proposal therefore accords with Policies E6, L17 & L18, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

#### 5.20 Other Concerns Raised

Any disputes over land ownership are civil matters to be resolved between the individual parties, rather than by planning control. Adverse impact on house values is not considered material to the determination of planning applications.

## 6. CONCLUSION

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

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

a. The proposal is not considered to adversely impact upon the visual amenity of the nearby Green Belt in accordance with Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006, the adopted 'Development in the Green Belt' - Supplementary Planning Document; and PPG2 - 'Green Belts'.

b. The proposed development would preserve the character and appearance of the landscape and countryside in general, taking account of materials, design, siting, height, scale and proposed activities of the development in accordance with Policies D1, GB1, L1, E6 and E7(C) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of the South Gloucestershire Core Strategy Pre Submission Publication Draft March 2010.

- c. The development by reason of its scale, appearance, siting and use will not prejudice any residential amenity in accordance with Policies E6 and E7(C) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- d. The development will not result in unacceptable levels of traffic generation and the scheme provides safe access and on site car parking so as not to prejudice highway in safety in accordance with Policies E6 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- e. The development will have no adverse environmental or drainage implications in accordance with Policies EP1, EP2, L17, L18 and E6 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- f. The proposal has been considered in relation to its impact on the nearby recreational route in accordance with Policy LC12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- g. The proposal would utilise an existing rural building of sound construction and provide employment opportunities in the countryside in accordance with Policies E6 and E7 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2007 and PPS 4 - Planning for Sustainable Economic Growth.
- 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 conditions listed on the Decision Notice.

**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. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 08.00hrs - 18.00hrs Mon to Fri, 08.00hrs - 13.00hrs Sat; nor at any time on Sunday or Bank Holidays.

Reason 1

To protect the residential amenities of neighbouring occupiers in accordance with Policies E6 and EC7(C) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

Reason 2

To protect the character of the countryside and amenity of the area and nearby Green Belt in accordance with Policies D1, L1, GB1, E6, E7(C) and LC12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of the South Gloucestershire Core Strategy Pre Submission Publication Draft March 2010.

Reason 3

To prevent an over-intensification of the use of the site in the interests of highway safety in accordance with Policies T12 and E6 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

3. No vehicles over 7.5 tonnes including Public Service Vehicles shall deliver to or operate out of the site the subject of this planning consent.

Reason 1

To protect the residential amenities of neighbouring occupiers in accordance with Policies E6 and EC7(C) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

Reason 2

To prevent an over-intensification of the use of the site in the interests of highway safety in accordance with Policies T12 and E6 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

Reason 3

To protect the character of the countryside and amenity of the area and nearby Green Belt in accordance with Policies D1, L1, GB1, E6, E7(C) and LC12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of the South Gloucestershire Core Strategy Pre Submission Publication Draft March 2010.

4. No outside storage of materials/goods/waste or plant shall take place at the premises.

Reason 1

To protect the residential amenities of neighbouring occupiers in accordance with Policies E6 and EC7(C) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

Reason 2

To prevent an over-intensification of the use of the site in the interests of highway safety in accordance with Policies T12 and E6 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

### Reason 3

To protect the character of the countryside and amenity of the area and nearby Green Belt in accordance with Policies D1, L1, GB1, E6, E7(C) and LC12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of the South Gloucestershire Core Strategy Pre Submission Publication Draft March 2010.

5. Prior to the first use of the building hereby approved, details of the proposed parking and manouevring areas shall be submitted to and approved in writing by the Local Planning Authority. The parking and manouevring areas shall be implemented in full accordance with the details so approved and before the first use of the building for the purposes hereby approved.

### Reason

To ensure the satisfactory provision of vehicle parking and turning facilities to serve the approved development and in the interests of highway safety in accordance with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

6. No more than 2no. vehicles shall be parked on the site outside of the approved hours of working.

### Reason 1

To protect the residential amenities of neighbouring occupiers in accordance with Policies E6 and EC7(C) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

### Reason 2

To prevent an over-intensification of the use of the site in the interests of highway safety in accordance with Policies T12 and E6 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

### Reason 3

To protect the character of the countryside and amenity of the area and nearby Green Belt in accordance with Policies D1, L1, GB1, E6, E7(C) and LC12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of the South Gloucestershire Core Strategy Pre Submission Publication Draft March 2010.

7. Prior to the first use of the site for the purposes hereby approved, the existing portacabin, incinerator and associated clutter, shall be permanently removed from the site and the land made good.

### Reason 1

To protect the residential amenities of neighbouring occupiers in accordance with Policies E6 and EC7(C) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

### Reason 2

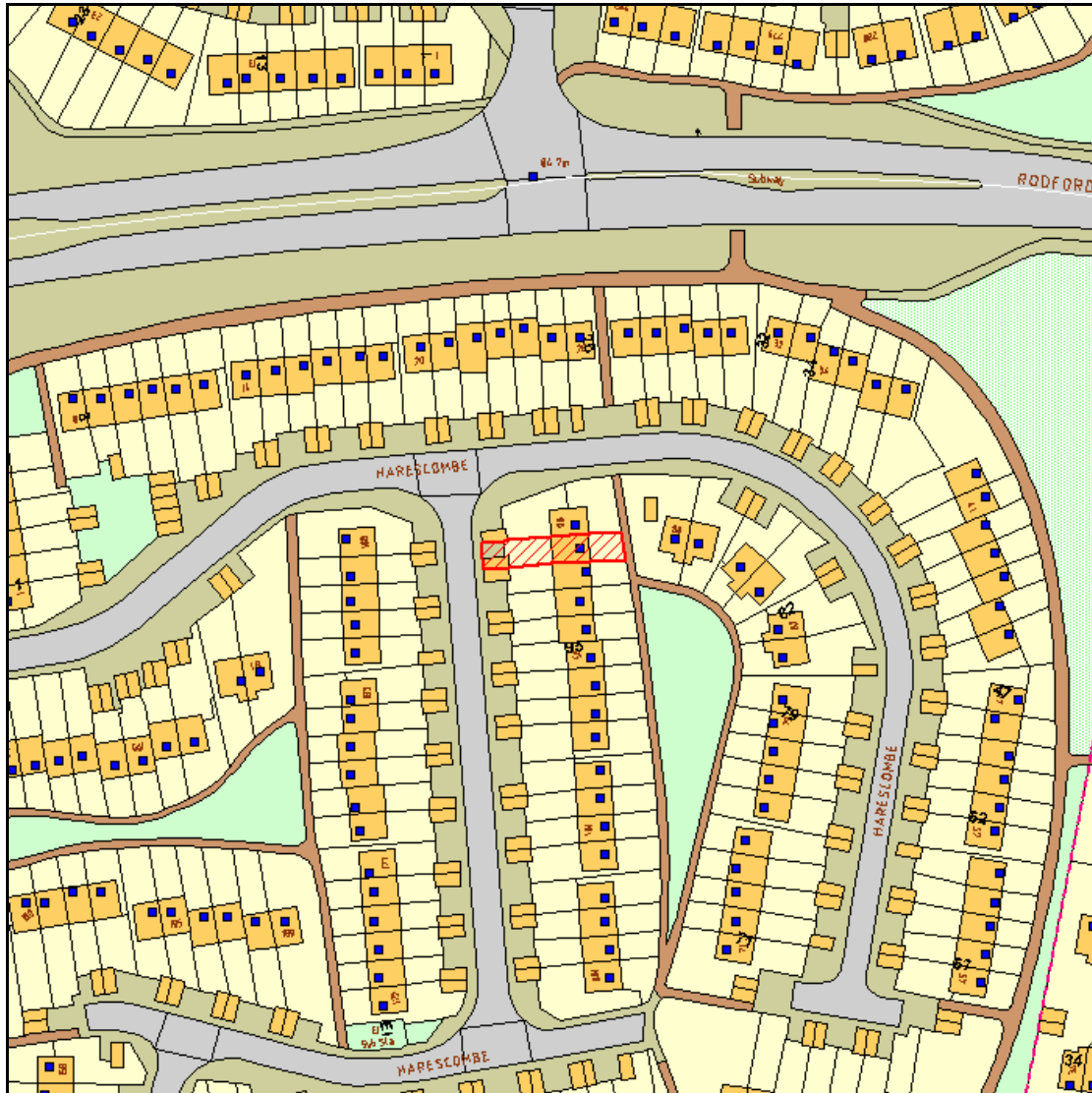
To protect the character of the countryside and amenity of the area and nearby Green Belt in accordance with Policies D1, L1, GB1, E6, E7(C) and LC12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of the South Gloucestershire Core Strategy Pre Submission Publication Draft March 2010.



# ITEM 2

## CIRCULATED SCHEDULE NO. 47/10 – 3 DECEMBER 2010

<b>App No.:</b> PK10/2605/F	<b>Applicant:</b> Mr Glyn Lane
<b>Site:</b> 91 Harescombe Yate Bristol South Gloucestershire BS37 8UD	<b>Date Reg:</b> 28th October 2010
<b>Proposal:</b> Erection of rear conservatory.	<b>Parish:</b> Dodington Parish Council
<b>Map Ref:</b> 371452 181338	<b>Ward:</b> Dodington
<b>Application Category:</b> Householder	<b>Target Date:</b> 22nd December 2010



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100023410, 2008.

**N.T.S.**

**PK10/2605/F**

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

The following report has been recommended for submission to the Circulated Schedule following an objection being received from a local resident.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of a single storey conservatory to the rear of the dwellinghouse. The proposed conservatory would measure 5.3` metres wide by 3.3 metres in depth and achieve a maximum height of 2.6 metres.
- 1.2 The application site relates to a two-storey dwellinghouse, part of a terrace of Radburn style properties. The property is located within the established residential settlement of Yate.
- 1.3 On the day of the site visit it was noted by the officer that construction had begun with brick walls reaching a height of 0.75 metres from ground level in preparation for the fenestration and panels above.

### **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 Extensions 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 P96/1374                                  Erection of front porch  
Approved                                    15<sup>th</sup> April 1996

### **4. CONSULTATION RESPONSES**

4.1 Dodington Parish Council  
None received

## **Other Representations**

### **4.2 Local Residents**

One objection has been received by a neighbour at no. 92 Harescombe. The objection has been summarised by the planning officer as follows:

- he believes extensions could only extend 3 metres from the main dwellinghouse
- given an existing extension on the adjoining neighbours at no. 93 Harescombe, it would make the outlook from his property narrow
- he suggests reducing the size of the proposed extension to 2.5 metres

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 allows for development providing it is in keeping with the character of the area and satisfies several criteria relating to design, scale, highway and the impact upon visual and residential amenity being met. Policy D1 of the Local Plan requires all new development to be well-designed, and along with other factors, respect and enhance the character, distinctiveness and amenity of both the site and the locality.

### **5.2 Design and Visual Amenity**

The proposed conservatory has a lean-to roof, meets appropriate standards of design and is considered to reflect the character of the main dwelling house and surrounding properties. A number of neighbouring dwellings have rear conservatories and extensions which vary in both size and design.

The proposed materials of the conservatory will be of good quality and the bricks used will match those of the existing dwelling. As such it is considered that the proposal accords with the criteria of Policy D1.

### **5.3 Residential Amenity**

Concerns have been raised by a neighbour regarding the size of the proposed conservatory and the potential for narrowing the outlook from his property.

A variety of conservatories and rear extensions can be seen in the terrace extending by different amounts into their respective gardens. The proposed conservatory will extend into the garden of no. 91 Harescombe by 3.3 metres. It will be positioned in-between two existing rear extensions of no. 90 and no. 92 Harescombe. Both of these have solid brick walls adjacent to the application site while the proposed conservatory will have solid panels in its sides with transparent glazing in the wall facing the garden. The proposal would furthermore be screened on both sides by an existing 1.8 metre high wall / fence. At the rear, the property is bounded by the rear of the garage and a garden shed partially obscures views into the garden from the carport and road.

The objector feels that the proposed conservatory would narrow the outlook from his property. This implies issues of overbearing. The proposed conservatory would extend approximately 0.7 metres beyond the objector's own conservatory but be screened somewhat by an existing 1.8 metre high wall / fence. Whilst it is accepted that it may slightly affect the outlook of no. 92 Harescombe, given the modest depth and height of the proposed conservatory, its size is not considered to be of sufficient concern to warrant the refusal of the application.

By means of the low eaves and pitch height in combination with the existing wall / fence it is not considered that the proposal would result in any significant harm over and above the current boundary treatment. It is judged that the development will be of a size suitable to the character of its surroundings and as such it is not considered that a refusal reason based on loss of outlook could be substantiated or justified at appeal. .

It is also deemed by virtue of the above that there would be no issues of inter-visibility or loss of privacy. Further, there are no concerns relating to loss of daylight/sunlight and sufficient garden space will remain to serve the property. The impact on residential amenity is subsequently deemed acceptable.

## **6. CONCLUSION**

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

The proposed conservatory is considered to be in-keeping with the overall character of the dwelling and surrounding area in terms of its scale, design and the materials used. Furthermore, the existing level of residential amenity afforded to neighbouring properties is protected. As such the proposal accords with Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted ) 2007.

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

## **7. RECOMMENDATION**

- 7.1 That the application be **APPROVED** subject to the conditions attached to the decision notice.

**Contact Officer: Anne Joseph**

## **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. 47/10 – 3 DECEMBER 2010**

<b>App No.:</b>	PK10/2631/F	<b>Applicant:</b>	Mr R Howell
<b>Site:</b>	15 Woodstock Road Kingswood South Gloucestershire BS15 9UB	<b>Date Reg:</b>	15th October 2010
<b>Proposal:</b>	Erection of 1 no. detached bungalow with new access and associated works (Amendment to previously approved scheme PK09/0720/F).	<b>Parish:</b>	None
<b>Map Ref:</b>	365749 173657	<b>Ward:</b>	Woodstock
<b>Application Category:</b>	Minor	<b>Target Date:</b>	9th December 2010



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 100023410, 2008. **N.T.S.** **PK10/2631/F**

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

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

### **1. THE PROPOSAL**

1.1 This application seeks a number of proposed amendments to planning permission PK09/720F that relates to the erection of 1 no. Split-level chalet bungalow with associated works. The approved dwelling has been erected and the following proposed amendments already undertaken:

- Increase in ridge height of dwelling by approximately 300mm. Agent confirmed this is due to structural requirements although the general ground level has been reduced by 450mm to compensate this.
- Reduction in height and change in design of front dormer window
- Increase the pitch height of front gable to allow headroom for a small ensuite bathroom in roof space.
- Insertion of gable window to bedroom 2.

1.2 Those objections raised by the local residents do not relate to any of the above-proposed amendments, but that of a boundary wall that has been erected around the front and side of the site. This wall was not approved under PK09/09702/F. Objections are raised on the grounds that the wall by reason of its design will not allow for 2 cars to be parked on site as required under Condition 06 of Pk09/0702/F and in turn will result in on street parking. Condition 06 of PK09/0720/F reads as follows:

#### Condition 06

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

1.3 Planning permission is required for the wall, but has not been applied for as part of this current planning application and the Planning Officer has determined this current planning application based solely on the proposed amendments as listed above. The applicant and agent have been made aware of the above and have agreed to address the issue of the wall and car parking separate to this application, with a further planning application. The acceptability of the wall will be assessed in terms of visual amenity and transportation grounds. A meeting has already been arranged between the applicant and the Council's Highway officer to assess if there are any highway implications as result of the new boundary wall.

1.4 The application site relates to previous garden land within the built up residential area of Kingwood.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPG1 General Policy and Principles  
PPS3 Housing
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
  - D1 Design
  - H2 Residential Development within the Existing Urban Area
  - H4 Development within Existing residential Curtilages
  - T12 Transportation Issues
  - L1 Landscape
- 2.3 Core Strategy Pre-Submission Draft March 2010  
CS1 High Quality Design
- 2.4 Supplementary Planning Guidance  
Design checklist

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PK09/0702/F      Erection of split level bungalow  
Approved September 2009
- 3.2 PK09/0026/F      Erection of split level bungalow  
Refused Feb. 2009 on grounds at impact on visual amenity  
and residential amenity impact.
- 3.3 PK03/1482/F      1 Split level bungalow  
Refused Sept. 2003 and dismissed at appeal April 2004
- 3.4 K202/1            Erection of 4ft fence  
Approval (1975)
- 3.5 K202              Erection of 6ft fence  
Refused Dec. 1974

## **4. CONSULTATION RESPONSES**

- 4.1 Parish/Town Council  
Not covered
- 4.2 Other Consultees  
  
Environmental Protection  
No objection subject to comments relating to hours of operation.



## **Other Representations**

### 4.3 Local Residents

3 letters of objections have been received raising the following planning objections, which have been summarised by the Planning Officer as follows:

- On site car parking provision for 2 cars as required under planning approval PK09/0702/F cannot be provided for by reason of boundary wall. This will lead to cars being parked on the road causing an obstruction to vehicles entering and leaving the close
- Submitted landscaping plan shows conflicting information

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The application site is located within the established residential area of Kingswood and relates to residential domestic curtilage. Policy H4 & H2 of the South Gloucestershire Local Plan supports the principle of new residential development subject to a number of criteria being satisfied.

5.2 The principle of residential development has already been established through the granting of planning permission PK09/0720/F on this site for the erection of a dwelling and associated works. That permission has been implemented. This current application before the Council seeks planning permission for a number of amendments to that approved permission that have already been carried out. Notwithstanding this the Planning Officer has to consider the acceptability of those proposed changes in line with the relevant development plan policies.

5.3 As the principle of residential development has already been established on this site and indeed implemented, the Planning Officer will not revisit this. The main issues for consideration relate to those proposed changes as listed above and their acceptability in terms of residential and visual amenity and any other relevant planning policy considerations.

5.4 There have been material changes in planning policy since the approval of PK09/0720/F i.e. emerging Core Strategy. Policy CS1 relates to design and seeks to ensure high quality standards of design.

### 5.5 Visual Amenity

The key planning issues regarding the previous applications on this site for a dwelling related to the scale of the development in terms of height and footprint and in turn its impact on the visual amenities of the street scene.

5.6 It is considered that the proposed changes to the external appearance of the approved dwelling in particular the increase in height of the building by 0.33m and increase in pitch height of the front gable would not detract from the character of the dwelling or the visual amenities of the immediate street screen and are therefore considered acceptable.

5.7 Existing Residential Amenity

One of the key planning issues regarding the previous applications related to the scale of the development in terms of height and its impact on neighbouring occupiers. It is considered that the proposed changes and in particular the increase in height of the dwelling by 0.33m would not have an unacceptable impact on those neighbouring occupiers sited opposite or at the side i.e. no.6-8 Woodstock Close. The agent has confirmed that the general levels of the site was reduced by 0.45m to compensate the increase in height.

5.8 Permission is also sought for what is considered a small first floor window in the eastern elevation of the property. This window will serve a bedroom. It is considered as views from this window will be restricted toward the rear of those gardens belonging to no. 15, 13 and 11 Woodstock Close, that a window in this location would not have an unacceptable impact of existing levels of privacy.

5.9 Transportation Issues

As addressed under paragraph 1.3 and 1.4 those concerns relating to car parking as a result of the erected wall will be dealt with as part of a separate planning application and will be assessed accordingly.

## 6. CONCLUSION

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

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

- a) The proposed amendments have been designed to positively enhance the character and appearance of the dwelling and area taking account of materials, design, siting, height and scale of the development-Policies D1 and H2
- b) The proposed amendments have taken account of neighbouring residential amenities and through careful design, the proposal will not materially harm the amenities of neighbouring properties by reason of loss of privacy or overbearing impact-Policy H2

## 7. RECOMMENDATION

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

**Background Papers**

**PK10/2631/F**

**Contact Officer: Tracey Price**

**CONDITIONS**

1. No windows other than those shown on the plans hereby approved shall be inserted at any time in the eastern (side) elevation of the property.

Reason

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

2. Prior to the occupation of the dwelling the 1.80m high fence shown on the drawings hereby approved shall be erected and retained thereafter.

Reason

To protect the amenity of neighbouring occupiers and future occupiers of the development and to accord with Policies H2 and H4 of the South Gloucestershire

3. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order (Amendment) (No.2) (England) Order 2008 no development as specified in Part 1 (Classes A, B, D, E,) 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 protect the amenity of neighbouring occupiers and to accord with Policies H2 and H4 of the South Gloucestershire Local Plan.

4. The development shall be carried out in accordance with those drainage details submitted in relation to condition 05 of planning permission PK09/0720/F and agreed by the Council on the 26th August 2010.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with Policy EP1 of the South Gloucestershire Local Plan.

5. The off-street parking facilities for all vehicles 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 Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

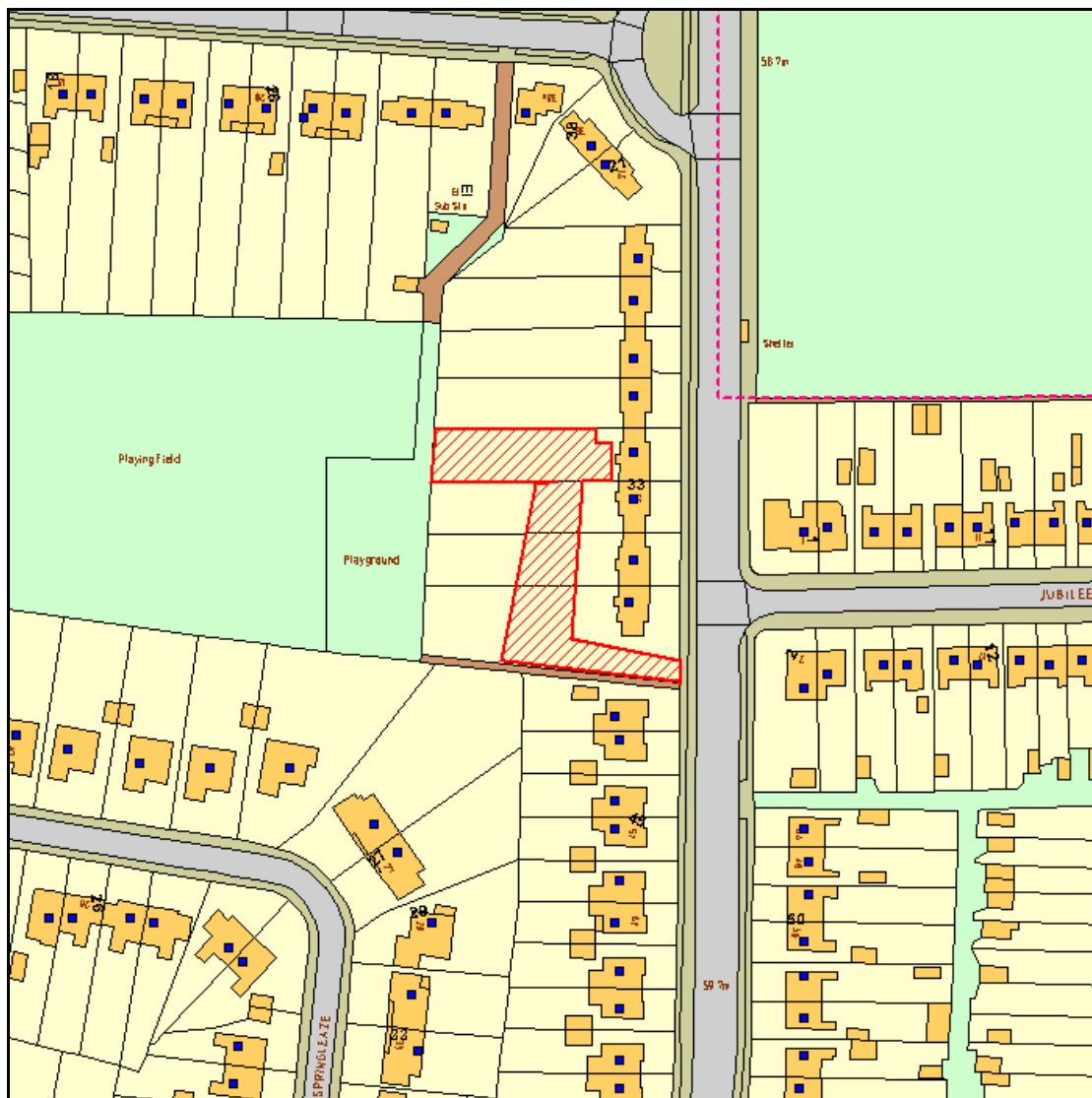
6. The development shall be carried out in accordance with the soft landscaping details as shown on dwg.1518-22.

Reason

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

**CIRCULATED SCHEDULE NO. 47/10 – 3 DECEMBER 2010**

<b>App No.:</b>	PK10/2746/F	<b>Applicant:</b>	Mr J Garner
<b>Site:</b>	Land To Rear Of 31 Blackhorse Road Mangotsfield South Gloucestershire BS16 9BE	<b>Date Reg:</b>	22nd October 2010
<b>Proposal:</b>	Erection of 2no. semi detached dwellings with access and associated works (Resubmission of PK10/0061/F)	<b>Parish:</b>	Mangotsfield Rural Parish Council
<b>Map Ref:</b>	366358 177093	<b>Ward:</b>	Rodway
<b>Application Category:</b>	Minor	<b>Target Date:</b>	16th December 2010



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 100023410, 2008. **N.T.S.** **PK10/2746/F**

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

This application appears on the circulated schedule due to the receipt of one letter of objection from the parish council and also an objection from two local councillors.

### **1. THE PROPOSAL**

- 1.1 The application is seeking full planning permission for the construction of a pair of semi-detached properties on land to the rear of 31 Blackhorse Road. Each of the proposed dwellings is to have two bedrooms and a garden to the rear. The pair of properties will be mirror images of one another and will have half dormer windows to the front and rear elevations.
- 1.2 A previous planning application was submitted under reference PK10/0061/F to erect the same two dwellings on the site. This application was refused by the Council on 11<sup>th</sup> March 2010. The reason for refusal was given as follows:  
*The proposed development includes inadequate turning facilities within the site which would lead to large service and delivery vehicles having to reverse long distances. Given that the driveway is shared by pedestrians, cyclists and vehicles, vehicles reversing for 40 metres towards a corner with limited visibility will lead to increased highway safety hazards that is contrary to the requirements of Policies T12, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.*  
The applicant subsequently appealed the decision and the appeal was also dismissed. This application has been submitted in an attempt to overcome the previous refusal reason.
- 1.3 The only difference between this application and the application considered against reference number PK10/0061/F is an amendment to the red line to enable a turning head to be provided.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPS3 Housing

2.2 Development Plans

Core Strategy – Pre-Submission Publication Draft

- CS1 Design  
CS5 Location of Development

South Gloucestershire Local Plan (Adopted) January 2006

- D1 Design  
T7 Cycle Parking  
T8 Parking Standards  
T12 Transportation Development Control  
H4 Development within Existing Residential Curtilages  
H2 Development within the Urban Area

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist Adopted August 2007

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

- 3.1 PK10/0061/F          Erection of 2 no. semi-detached dwellings with access and associated works.  
Refused March 2010
- 3.2 PK09/5397/F          Erection of 2 no. semi-detached dwellings with access and associated works.  
Approved November 2009
- 3.3 PK06/1842/F          Erection of 5 no. dwellings, construction of new access and associated works.  
Approved at appeal February 2007 – this development is currently under construction
- 3.4 PK05/3610/F          Erection of 5 dwellings, construction of new access and associated works.  
Withdrawn February 2005

### 4. **CONSULTATION RESPONSES**

- 4.1 Mangotsfield Rural Parish Council  
Recommend refusal of the scheme as it is thought to be over development of the site and the turning head is not of sufficient size for transport and access needs.
- 4.2 Cllr Seagar and Cllr Millward  
Objects to the application on the basis that this is an ongoing project that if not stopped will continue all the way along the back gardens and will be forever encroaching on the neighbours. There is an ever increasing fire hazard. No support for the building of homes on green spaces or in back gardens.
- 4.3 Environmental Protection  
No Objection

#### **Other Representations**

- 4.4 Local Residents  
None received

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

- 5.1 Principle of Development  
The South Gloucestershire Local Plan (Adopted) identifies the site as being within the established urban area. Policy H2 of the adopted local plan identifies that the principle of erecting new dwellings in the urban area is acceptable

subject to compliance with 5 criteria. Policy H4 of the adopted local plan permits the erection of new dwellings within existing residential curtilages providing a number of criteria are satisfied. Policy T12 also identifies factors relating to parking, access and highway safety that must be taken into consideration.

PPS3 was reissued on 9th June 2010 to reflect concerns regarding the redevelopment of neighbourhoods, loss of Green Space and the impact upon local character. The changes involve the exclusion of private residential gardens from the definition of previously land and the removal of the national indicative density target of 30 dwellings per hectare. The existing policies in the local plan (H2, H4 and D1) already require that proposals are assessed for their impact upon the character of the area and that proposals make efficient use of land. The revisions to PPS3 were therefore taken into consideration when the previous inspector made his decision in relation to the last application.

Policy H4 identifies that residential development within existing residential curtilages will be permitted providing the development complies with the following criteria:

5.2 **A. Respects the massing, scale, proportions, materials and overall design and character of the existing property and the character of the street scene and surrounding area;**

This application is to effectively extend an existing row of backland properties – the first five of which were approved at appeal and the second two approved by the local planning authority. The two dwellings subject of this application are identical in design to those approved on the adjacent site under application number PK06/1842/F. The design of the two proposed dwellings subject of this application takes its lead from the seven dwellings already approved and will integrate fully with them. The proposed two dwellings utilise the half dormer windows and the same materials to ensure uniformity across the two sites.

5.3 In the determination of the original permission for the five dwellings, the inspector noted that the proposed dwellings would differ from the predominant house type in the area. However, the replication of the existing house design is neither practicable nor desirable. Whilst the proposed new dwellings are different from the predominant house type in the area, they will match the existing seven dwellings under construction and the design is therefore considered to be acceptable.

5.4 Whilst it is accepted that locally councillors are concerned about the ongoing development and questions over ‘where it will stop’, this has not been raised as a concern by the previous planning inspectors and was not added as a refusals reason on the previous decision notice. It would therefore be unreasonable to refuse the application on this basis now given that it was not raised as an objection in application PK10/0061/F

5.5 **B. Would not prejudice the amenities of nearby occupiers;**

The distance between the front windows in the proposed new dwellings and the rear windows in the existing dwelling would be slightly over 25 metres and at this distance there are no concerns of intervisibility or loss of privacy. As with



the previously approved applications, it is accepted that there will be some additional overlooking of the rear garden of No 29 Blackhorse Road, but with the common boundary being a minimum distance of 14 metres from this property, it is not considered to be unacceptable. In order to protect existing levels of amenity, a condition will be attached to ensure that the first floor landing windows in the side elevation of each property are fitted with obscure glazing and permanently fixed in a closed position.

**5.6 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 dwelling;**

Vehicular access to the new dwellings would be via the private drive which also serves the existing development of seven dwellings recently erected.

5.7 The access driveway has a width of 5.5 metres along half of its length – it is this width past the front of the row of five terraced dwellings. After this point it reduces to only 4.5 metres in width before widening out again to 5.8 metres. The significant difference between this application and that previously refused is that this application now includes a turning head.

5.8 In paragraph 9 of the inspectors decision notice, the inspector confirms his only reason for refusing the appeal; The issue raised by the inspector is whether larger vehicles, for example delivering goods or providing emergency services, or additional cars, entering the site when the dedicated parking spaces are occupied, would find it impossible to turn around at the head of the service road where no additional turning area is proposed. Auto tracking diagrams have now been submitted to demonstrate that the turning head is of suitable size and dimensions to accommodate both a 7.5 tonne delivery lorry and also emergency vehicles. Subject to a condition to ensure that this turning head is implemented, it is therefore considered that the previous refusal reason as upheld by the inspector has been suitably overcome.

**5.9 D. Would not prejudice the retention of adequate private amenity space, and adequate private amenity space is provided for any new separately occupied dwelling.**

It is considered that sufficient amenity space will be provided to serve both the existing and proposed dwellings. The existing dwelling No. 31 would retain a large garden area with a depth of 13.5 metres although admittedly it would have an 'L' shape. The two proposed dwellings would have only very small gardens. However, given that the dwellings are to have two bedrooms only, it is considered unlikely that large families will occupy the units. It is therefore considered that the gardens are sufficient to cater for the couples or small families that are likely to occupy the units. Consideration must also be given to the fact that the gardens back onto a playground and playing field where additional play can occur. As such it is considered that sufficient garden sufficient garden space both existing and proposed dwellings.

## **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 applicant, through the provision of a turning head and the submission of auto tracking diagrams to demonstrate the appropriateness of the turning head, has demonstrated how the previous refusal reason attached to PK10/0061/F has been overcome. The design of the proposed dwellings is considered to be entirely appropriate and integrate fully with the dwellings recently erected on the adjacent site. Sufficient private amenity space will be provided to meet the needs of both the existing and proposed dwellings and existing levels of residential amenity will be protected.
- 6.3 The recommendation to approve permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

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

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

## **CONDITIONS**

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

Reason

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

2. No dwelling shall be occupied until the parking and turning areas have been laid out on the site exactly in accordance with plan 2114/3 received by the Council on 21st October 2010. The whole of the access road must be constructed to adoptable standards to the full and final satisfaction of the Council.

The access road must have a permeable bound surface and must be satisfactorily maintained as such at all times thereafter. The cycle stores as shown on the submitted plans must be provided prior to the occupation of either dwelling hereby approved.

Reason

To ensure an adequate level of parking provision within the site and to ensure that the site is easily accessible to all vehicles. Also to ensure that water from the access driveway does not run off onto the public highway and to accord with the requirements of Policies T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatments shall be completed before the dwellings are occupied. Development shall be carried out in accordance with the approved details.

Reason

In the interests of good design and also to ensure that an adequate degree of privacy is afforded to the existing and proposed dwellings in order to comply with the requirements of Policies D1, H4 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006

4. The landing windows at first floor in the side elevation of both of the proposed dwellings must be fitted with obscure glazing and permanently fixed in a closed position.

Reason

To protect the amenity of the neighbouring dwellings and to accord with the requirements of Policies H4, D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. 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, D, and , or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

In light of the small plot sizes to enable the Council to consider the impact on any proposed extension on the character of the dwelling, the level of garden space provided, and the amenity of the neighbouring dwellings and to accord with the requirements of Policy H4 of the Adopted Local Plan.

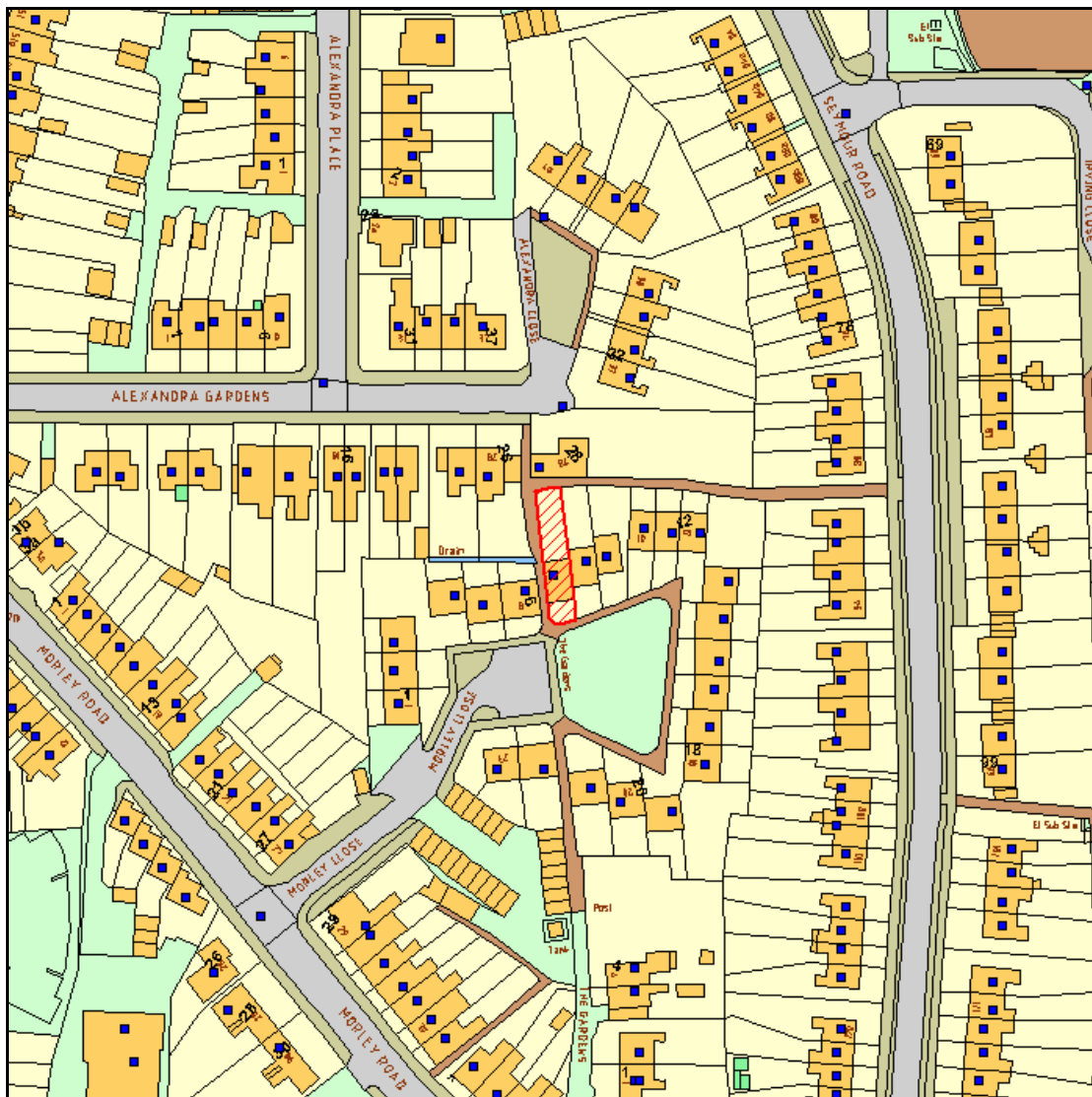
6. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems SUDS and confirmation of hydrological conditions e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 47/10 – 3 DECEMBER 2010**

<b>App No.:</b>	PK10/2843/CLP	<b>Applicant:</b>	Mr A Ellis
<b>Site:</b>	7 Morley Close Soundwell South Gloucestershire BS16 4QE	<b>Date Reg:</b>	27th October 2010
<b>Proposal:</b>	Application for Certificate of Lawfulness for the proposed erection of a rear conservatory.	<b>Parish:</b>	
<b>Map Ref:</b>	364977 175554	<b>Ward:</b>	Staple Hill
<b>Application Category:</b>	Householder	<b>Target Date:</b>	15th December 2010



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 100023410, 2008. **N.T.S.** **PK10/2843/CLP**

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

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 rear conservatory at 7 Morley Close, Soundwell. The application property is a two storey end terrace dwelling. The property is located within the defined 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 A, of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008

The submission is not a planning application thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful 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 PK04/0195/F                      Erection of single storey front extension to form additional living accommodation.  
Approved February 2004

### **4. CONSULTATION RESPONSES**

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

#### **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, Class A of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

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

#### **Class A.1**

- (a) As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**  
The property has a moderate sized rear garden, consequently the proposed extension would not exceed 50% of the total area of the curtilage.
- (b) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**  
The maximum height of the proposed rear conservatory would be 3.5 metres, in comparison the main dwelling has a height to ridge of 6.4 metres. As such the proposal meets this criterion.
- (c) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**  
The proposed rear conservatory would have a height to eaves of 2.5 metres, significantly lower than the main house eaves height.
- (d) The enlarged part of the dwellinghouse would extend beyond a wall which—**  
**(i) fronts a highway, and**  
**(ii) forms either the principal elevation or a side elevation of the original dwellinghouse;**  
The proposed conservatory would be to the rear of the dwelling.
- (e) The enlarged part of the dwellinghouse would have a single storey and—**  
**(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**  
**(ii) exceed 4 metres in height;**

The host dwelling is an end terrace property. The proposed single storey rear conservatory would measure 3 metres in depth and would have a maximum height to ridge of 3.5 metres, in accordance with this criterion.

- (f) **The enlarged part of the dwellinghouse would have more than one storey and -**
- (i) **extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**
  - (ii) **be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;**
- The proposal is single storey.
- (g) **The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;**
- The proposed rear extension would be located within 2 metres of a boundary of the property and the height to eaves is less than 3 metres. As such the proposal meets this criterion.
- (h) **The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would:**
- (i) **Exceed 4 metres in height,**
  - (ii) **Have more than one storey, or**
  - (iii) **Have a width greater than half the width of the original dwelling house.**
- The proposed conservatory is to the rear of the dwelling.
- (i) **It would consist of or include—**
- (i) **The construction or provision of a veranda, balcony or raised platform,**
  - (ii) **The installation, alteration or replacement of a microwave antenna,**
  - (iii) **The installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**
  - (iv) **An alteration to any part of the roof of the dwellinghouse.**
- The proposal does not include any of the above and consequently meets this criterion.

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

#### **Conditions**

- (a) **The materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**
- The proposal is for a conservatory.
- (b) **Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be—**

- (i) **obscure-glazed, and**
- (ii) **non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and**

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

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

The proposal is single storey.

## 5.2 Conclusion

The proposal in terms of scale and location meets the criteria set out in Class A, of the General Permitted Development Order, as such the proposal complies with schedule 2, Part 1 Class A 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;

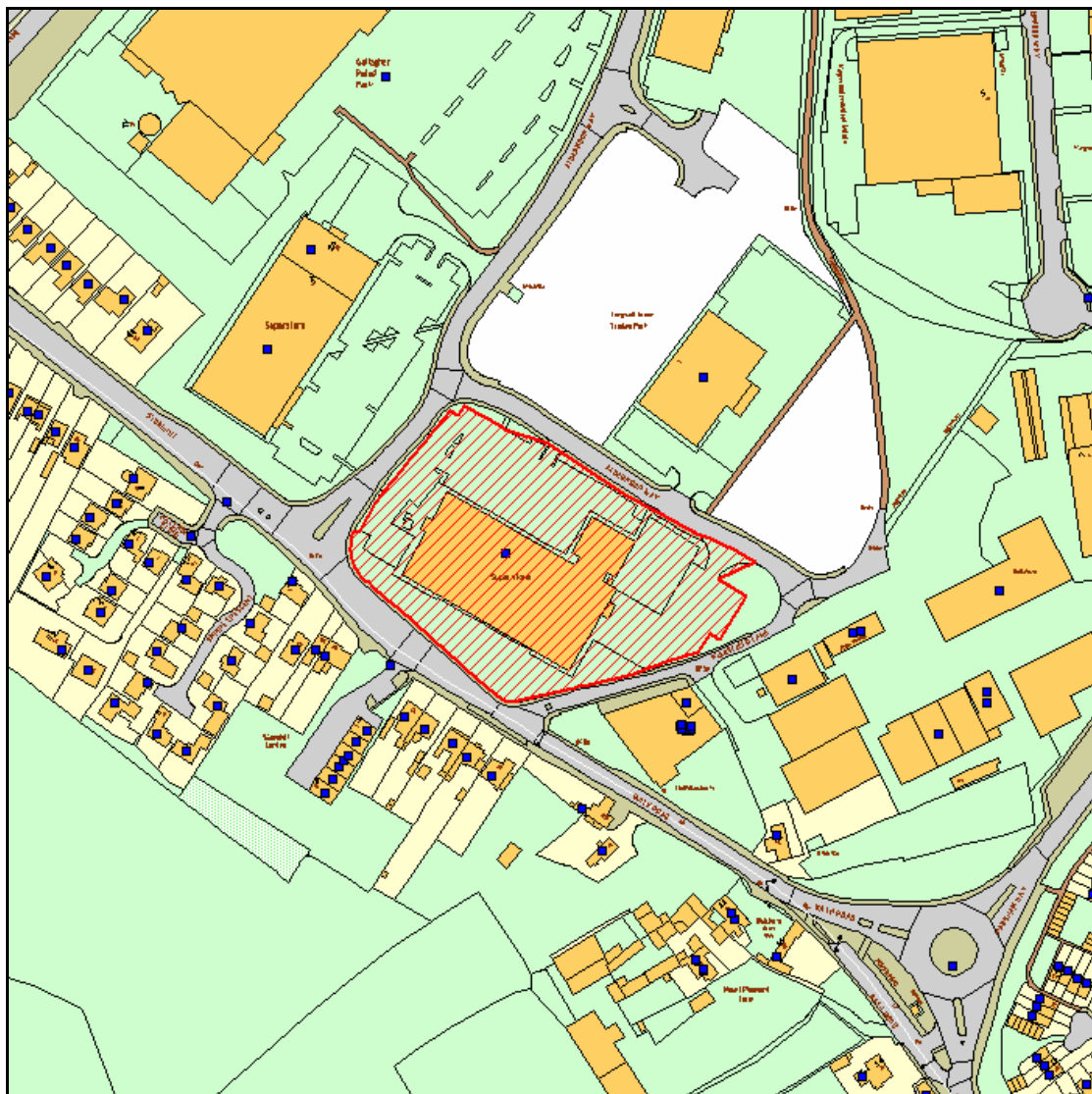
The proposed conservatory in terms of scale and location meets the criteria set out in schedule 2, Part 1, Class A, of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008

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



**CIRCULATED SCHEDULE NO. 47/10 – 3 DECEMBER 2010**

<b>App No.:</b>	PK10/2846/ADV	<b>Applicant:</b>	Homebase
<b>Site:</b>	Homebase Ltd Alder Moor Way Longwell Green South Gloucestershire	<b>Date Reg:</b>	26th October 2010
<b>Proposal:</b>	Display of 2no. internally illuminated fascia signs, 1no. internally illuminated totem sign, 1no. non-illuminated fascia sign and 4no. non-illuminated pole signs.	<b>Parish:</b>	Oldland Parish Council
<b>Map Ref:</b>	365329 171638	<b>Ward:</b>	Longwell Green
<b>Application Category:</b>	Minor	<b>Target Date:</b>	16th December 2010



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

This application appears on the Circulated Schedule following an objection being received from Hanham Abbots Parish Council.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks advertisement consent for the display of 2 no. internally illuminated fascia signs, 1 no, internally illuminated totem sign, 1 no. non-illuminated fascia sign and 4 no. non-illuminated pole signs. The application site is situated on a corner plot in the established Gallagher Commercial Park in Longwell Green. The signs will be located in the car park, on the building and on the grass verge adjacent to the building currently occupied by Homebase Ltd.
- 1.2 During the course of the application the applicant amended the location of the 1 no. internally illuminated totem sign. Revised plans were received showing these details and the necessary re-consultation carried out.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS 1 Delivering Sustainable Development  
PPG 19 Outdoor Advertisement Control
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development

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

- 3.1 The site has many historic applications. The most recent relevant application is detailed below as:
- |          |   |
|----------|---|
| P95/4628 | Display of 3 internally illuminated fascia signs to replace 4 existing externally illuminated fascia signs.<br>Display of 4 internally illuminated signs. |
| APPROVED | 5 <sup>th</sup> February 1996   |

### **4. CONSULTATION RESPONSES**

- 4.1 Oldland Parish Council  
No comments

Hanham Abbots Parish Council

The Parish Council has expressed concerns regarding light pollution from the internally illuminated signs which could have a detrimental effect on the area.

They also indicate that should the application be approved a condition should be put in place for timers to switch the signs off at set times every evening.

#### 4.2 Other Consultees

Sustainable Transport  
No comments received

#### **Other Representations**

#### 4.3 Local Residents None received

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

#### 5.1 Principle of Development

As outlined in PPG19, the display of outdoor advertisements can only be controlled in the interests of amenity and public safety. Accordingly the display of advertisements will be assessed with regard to their effect on the appearance of the building and visual amenity in the immediate neighbourhood. The proposal should not prejudice public safety.

#### 5.2 Visual Amenity

For the purpose of this report the proposed signage can be separated into illuminated and non-illuminated. The application site relates to the grounds and building housing Homesbase Ltd., a large flat roofed commercial building located within an established commercial park in Longwell Green. The store is situated on a corner plot facing another large hardware store, Wickes, to the west, a site off Aldermoor Way screened by hoardings to the north and a number of residential properties to the south. The residential properties face onto a busy main road.

#### Non-illuminated signage

The proposed non-illuminated signage comprises 1 no. fascia sign and 4 no. pole signs indicated by letters D-H on the plans. The fascia sign (labelled D) will advertise the garden centre of Homebase and will up-date existing signage which has fallen into disrepair. Equally, the other no. 4 pole signs (labelled E-H) comprise directional signs into and within the store. These signs replace signs of similar size but with an updated logo.

The colour and size of these non-illuminated signs are considered appropriate for the character of the area and will not have an adverse effect on the visual amenity of the immediate vicinity in which they are to be displayed.

#### Illuminated signage

The proposal seeks permission for 3 no. internally illuminated signs (labelled A-C on the plans). Two of which (signs A and B) are to be located on the building itself and the third (sign C) will be a free-standing totem sign located on the grass verge adjacent to the A431, Stonehill Road.

Of the signs to be attached to the building, sign A is to replace an existing sign of similar size above the entrance to the store facing Aldermoor Way and Wickes. This sign is currently lit by 4 no. external spot lights. The proposed sign is an updated version of the existing sign, but to be lit internally, and therefore is not considered to have an adverse effect on the immediate neighbourhood.

The second sign to be attached to the building (sign B) will overlook Stonehill Road. An existing non-illuminated sign will be removed and due to the growth of trees and shrubs on the boundary of the site the internally illuminated sign will be re-positioned slightly higher than the current sign. It will be visible from the highway. All illuminated signs will have a 600cdm<sup>2</sup> illumination. The positioning of the sign and the degree of illumination is not judged to have a harmful effect on the visual amenity and character of the area given its location overlooking a busy main road already lit by street lighting.

The internally illuminated totem sign (labelled C) will be located adjacent to Stonehill Road. During the application the position of the sign has been moved further away from traffic lights on the junction of Stonehill Road and Aldermoor Way. The proposed sign is of a size and height similar to that of other free standing signage in the area. A non-illuminated sign advertising Wickes store can be seen from Stonehill Road. The colour of the proposed sign comprises mainly a white background with green detailing and is considered not to be visually intrusive given the commercial nature of the area. In this respect the sign would not have an adverse effect on the visual amenity of the area.

Hanham Abbot Council has expressed concerns regarding light pollution. The store is situated on a busy main road directly outside two sets of traffic lights and the road is lined with street lights. The Parish Council have indicated that should the application be approved a condition should be put in place for timers to switch the signs off at set times every evening. This is not considered to be necessary given the proposed illuminated signs would be lit with an illumination of 600cdm<sup>2</sup> and given the positioning of the illuminated signage. Furthermore, given that historically the existing illuminated signage on this building is operated with no time restriction, this existing acceptable situation will continue. It is therefore, deemed that the proposed illuminated signs will not have a demonstrable or additional negative effect on the character and appearance of the area. The signage is considered acceptable in these terms.

## 5.2 Public Safety

### Non-illuminated signage

The non-illuminated pole signs (E-H) are considered to be of appropriate heights replacing as they do existing signs of the same size and in the same location. Similarly the non-illuminated sign (D) to be placed on the building advertising the garden centre also replaces existing signage of similar colour and size. It is not considered that these proposed signs would be distracting or confusing to passing vehicles or pedestrians. No objection has been raised by the Sustainable Transport Team and it is not considered that these signs would be detrimental to highway or public safety.

### Illuminated signage

The proposed signage to be attached to the building (signs A and B) are considered to be of an appropriate height and sufficiently set back off the main road as to not be confusing to motorists, nor to present any detrimental safety issues to them or pedestrians.

Given the location of the store on the corner of a busy road and directly outside 2 no. sets of traffic lights the internally illuminated totem sign (C) is considered not to be overly confusing to motorists or pedestrians. The position of this totem sign has been moved slightly further away from the corner and the traffic lights. The impact on the residential properties across the road from the application site will be negligible due to Stonehill Road being a busy, well used main road with street lighting and traffic lights already in place. The Council's Sustainable Transport Team have raised no objection to the proposal and thus it is considered that the sign would not be detrimental to either highway or public safety.

## **6. CONCLUSION**

- 6.1 In accordance with Section 220 of the Town and Country Planning Act 1990 and Regulation 4 of the Advertisement Regulations 1992, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

## **7. RECOMMENDATION**

- 7.1 That advertisement consent be **GRANTED**.

**Contact Officer: Anne Joseph**  
**Tel. No. 01454 863788**

**CIRCULATED SCHEDULE NO. 47/10 – 3 DECEMBER 2010**

<b>App No.:</b>	PK10/2848/F	<b>Applicant:</b>	Mr And Mrs B.K And D.E Reynolds
<b>Site:</b>	Land Between 7 Norton Close And 1A Courtney Way Kingswood Bristol South Gloucestershire BS15 9UP	<b>Date Reg:</b>	26th October 2010
<b>Proposal:</b>	Erection of 2no. detached bungalows with access and associated works. (Resubmission of PK10/2259/F).	<b>Parish:</b>	None
<b>Map Ref:</b>	365945 173315	<b>Ward:</b>	Woodstock
<b>Application Category:</b>	Minor	<b>Target Date:</b>	16th December 2010



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## 1. THE PROPOSAL

- 1.1 The application site is situated within a predominantly residential Kingswood suburb. The site is bounded by residential development on three sides and abuts Westons Way to the west. The site forms part of the rear garden of 1a Courtney Way and 7 Norton Close, both in the ownership of the applicant, and comprises a single track access between nos 1a and 1 Courtney Way connecting the site to the highway, a hardstanding area and detached garage. The site is situated at a significantly lower ground level (1.5m) than Westons Way to the west and slopes down from west to east.

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

- 1.2 The application proposes full planning permission for erection of 2no. detached bungalows with access and associated works. (Resubmission of PK10/2259/F).

## 2. POLICY CONTEXT

### 2.1 National Guidance

PPS1 Delivering Sustainable Development  
PPS3 Housing  
PPG13 Transport

### 2.2 Development Plans

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

D1 Design  
H2 Residential Development within the Urban Area  
H4 Development within Existing Residential Curtilages  
T8 Parking Standard  
T12 Transportation Development Control Policy

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

CS1 High Quality Design  
CS8 Improving Accessibility  
CS17 Housing Diversity

### 2.3 Supplementary Planning Guidance/Documents

South Gloucestershire Design Checklist – August 2007

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

- 3.1 P76/4491                      Erection of double domestic garage, construction of a new vehicular access (details following outline) (Previous ID: K752/1AP)  
Approved 19.10.1976
- 3.2 P76/4109                      Erection of a double domestic garage, construction of a new vehicular access (Outline) (Previous ID: K752/1)  
Approved 15.04.1976
- 3.3 P86/4777                      Re-terracing of land from single to double terrace (Previous ID: K752/10)  
Approved 19.01.1987
- 3.4 P91/4202                      Erection of 1 no. detached dwelling (no.1a) (Previous ID: K752/14)  
Refused 29.07.1991
- 3.5 P92/4070                      Erection of 1no. 4 bed detached dwelling (outline). (Previous ID: K752/16)  
Approved 13.04.1992
- 3.6 P93/4230                      Erection of 1 no. dwelling house (no.1a) (Reserved Matters to outline approval K752/16) (Previous ID: K752/16AP)  
Approved 21.07.1993
- 3.7 P99/4672                      Retention of operating base for lorry  
Approved 23.09.1999

### **4. CONSULTATION RESPONSES**

#### **4.1 Consultees [including internal consultees of the Council]**

Sustainable Transport –	No objection, subject to conditions
Environmental Protection –	No objection, informative to be attached to decision notice

#### **Other Representations**

#### **4.3 Local Residents**

4 letters received from the occupiers of 1, 5, 7 and 9 Courtney Way raising the following concerns:

Garden grabbing; overbearing development; out of context with its surroundings; loss of privacy to the rear garden and rear elevation of nos.1, 5



and 7; the existing access is never used; the access track is used only for storage of commercial vehicles; Increased noise, disturbance and fumes from the additional vehicles using the site and access next to side and rear boundaries of no.1, 24hrs a day; access is dangerous close to a junction; risk to pedestrians; the development would result in the two vans parking on the road which would add to highway safety issues; rear garden of no.1 would be vulnerable to cars and construction vehicles; any street lighting on the access track would be harmful; noise disturbance from cars and people living in the houses; disturbance and debris from construction.

## 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. PPS3 has recently been re-issued 9<sup>th</sup> June 2010 to reflect concerns regarding the redevelopment of neighbourhoods, loss of Green Space and the impact upon local character. The changes involve the exclusion of private residential gardens from the definition of previously developed land and the removal of the national indicative minimum density target of 30 dwellings per hectare.

Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for extensions to existing dwellings and erection of new dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity. Policy H2 is also relevant which support in principle conversion of buildings to provide residential uses and policies T8 and T12 relate to parking standards and highway safety respectively.

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

### 5.2 Character and appearance

Policy D1 of the Local Plan requires all new development to be well-designed. The site is situated behind the houses fronting Courtney Way and would be visible only through the access between no.1a and no.1. The site is screened from views from Westons Way by a thick row of conifers on the west boundary of the site abutting Westons Way. Additionally, the site is situated 1.5-2m lower than Westons Way and as such the proposed dwellings would be well screened from views from Westons Way. The site is therefore considered not to be visually prominent.

The proposal would provide two detached two bed bungalows to be constructed from roughcast render with double Roman style roof tiles. The design and materials would be of good quality in keeping with the character of the existing dwelling and would respect the character distinctiveness and amenity of the surrounding area. As such it is considered that the design of the proposal accords with the criteria of Policy D1.

The proposed dwellings would be situated in a position behind the main street frontage on Courtney Way, in a backland location. Additionally, local residents have indicated that the land forming the application site is made up of former back gardens of houses on Courtney Way and Norton Close to the north. As indicated above the site would be well screened from public views with the dwellings situated at the end of a long (23m+) track. Due to its location, it would be difficult to justify that the backland location of the site would in itself be harmful to the character of the area.

The Government through advice in PPS3 supports a more efficient and sustainable use of land in the urban area. The site is situated close to public transport links and walking distance to local facilities. The site and development proposed are therefore considered to be sustainable in line with this advice. The amendments to PPS3 with the exclusion of private residential gardens from the definition of previously developed land were introduced in order to preserve the character of residential areas within urban contexts. In this case the land although formally gardens, has been developed and is now occupied by a large garage, is in the main laid to hardstanding and has an authorised use as an operating base for a lorry. The importance of the application site as a contributor to the local character and distinctiveness has therefore been eroded over time through business vehicle storage use and development. As such it is considered that sufficient weight cannot be afforded to 'garden grabbing' as a material consideration to demonstrate harm in this respect.

### 5.3 Residential amenity

The site is situated on a slope from west down to east. The front elevations of the two dwellings would face towards the rear boundaries and rear elevations of nos 1-7 Courtney Way at a distance of 8m to boundary and 13m to rear elevation. The two units would be single storey only. 1.8m high closed boarded fencing runs along the rear boundaries of nos.1-7. The front windows of unit 2 would not be sufficiently high for there to be a viewpoint over the fencing. Unit 2 would be situated at a higher ground level due to the gradient of the site. The single front bedroom window to unit 1 would be situated at a higher level (2m above ground level), however the window would be situated 16m from the rear elevation of no.1. Considering the distance and height of the window it is considered that the overlooking of the rear elevations and gardens of nos 1-7 would not be significant. The dwellings would be situated more than 20m from the rear elevations of the dwellings fronting Norton Close. Considering all of the above the proposed development would not prejudice to the amenity of neighbouring occupiers in terms of loss of daylight/sunlight, overshadowing or overbearing/bulky development.

Local residents raised concern that the proposal would result in additional activity at the rear of the dwellings on Courtney Way and the side and rear of no.1. The site has been used for vehicle storage and has consent as operating base for a lorry. As such it is considered that the proposal would result in no significant activity (noise, disturbance etc.) above that of the existing and authorised activity related to the site.

#### 5.4 Highway safety

The applicant proposes a parking space for the existing dwelling. Additionally, two parking spaces are also to be provided for each new dwelling on the site. The proposed provision for the development complies with the Council's parking standard. It is further proposed to provide a turning area on the site and this would assist vehicles to enter and leave the new site access in forward gear in safety. The access is existing, is used by cars and has consent for use by a lorry. As such it is considered that the proposal would result in no undue pressure for on street parking and would result in no material harm in the interest of highway safety.

### 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report. A summary of reasons for granting planning permission in accordance with article 22 of the town and country planning (general development procedure) order 1995 (as amended) is given below.
- a) Due to their scale and position in relation to the adjacent dwellings, the proposed dwellings are considered not to give rise to a material loss of amenity to the adjacent occupiers. The development therefore accords to Policy H2, H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
  - b) It has been assessed that the proposed dwellings have been designed to respect and maintain the massing, scale, proportions, materials and overall design and character of the street scene and surrounding area. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.
  - c) The proposal would provide adequate visibility at the access onto Courtney Way and adequate off street parking within the site. The proposal is therefore considered to be acceptable in highway safety terms in accord with Policy T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

## 7. RECOMMENDATION

7.1 Consent is GRANTED subject to the conditions below:

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

### CONDITIONS

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

Reason

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

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

Reason

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

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

Reason

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

4. No windows other than those shown on the plans hereby approved shall be inserted at any time in the South elevation of the dwellings hereby permitted.

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

# ITEM 8

## CIRCULATED SCHEDULE NO. 47/10 – 3 DECEMBER 2010

<b>App No.:</b>	PK10/2855/F	<b>Applicant:</b>	Mr C Phillamore
<b>Site:</b>	7 Tower Road North Warmley South Gloucestershire BS30 8YE	<b>Date Reg:</b>	26th October 2010
<b>Proposal:</b>	Erection of single storey rear extension to provide additional living accommodation.	<b>Parish:</b>	Siston Parish Council
<b>Map Ref:</b>	366954 173497	<b>Ward:</b>	Siston
<b>Application Category:</b>	Householder	<b>Target Date:</b>	17th December 2010



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

The following report has been recommended for submission to the Circulated Schedule following an objection being received from a local resident.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of a single storey rear extension to provide additional living accommodation. The extension would measure 4 metres in depth, 1.8 metres wide and achieve a height of 2.5 metres. The property is a two storey end of terrace cottage situated within the established residential area of Warmley.
- 1.2 It has been noted that the residential curtilage on the submitted plans is inaccurate. The neighbour at no. 5 Tower Road North has stipulated that part of the garden indicated on the submitted plans as belonging to no. 7 Tower Road North is in fact under his ownership. This was confirmed by the applicant as being correct and the boundary shown on the plans as being out of date.
- 1.3 Revised curtilage plans were requested and received from the agent showing the correct boundary to the property.

### **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 Extensions 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 Siston Parish Council  
None received

## **Other Representations**

### 4.2 Local Residents

At time of writing the report one comment received from neighbour at no. 5 Tower Road North stating that he had no objection to the proposed development but that the residential curtilage to the side of the application site was incorrect and that he owned part of the site.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policies D1 and H4 of the South Gloucestershire Local Plan allows for development providing it is in keeping with the character of the area and satisfies several criteria relating to design, scale, highway and impact upon visual and residential amenities being met.

### 5.2 Design and Visual Amenity

The proposed rear single storey extension will fill in a gap between the existing kitchen of the application site and the wall of the neighbour's extension at no. 9 Tower Road North. The proposed extension will be rendered to match the existing cottage walls and the windows will match the current fenestration at the rear of the property. The flat roof will match the roof of the existing extension and of the neighbouring cottage at no. 9 Tower Road North. It is therefore considered that the proposed development is in keeping with the character of the property and that of the surrounding area. As such it is considered that the proposal accords with Policy D1 of the South Gloucestershire Local Plan (adopted) 2006.

### 5.3 Residential Amenity

The proposed extension will follow the building line made by the existing single storey kitchen which extends out from the main dwelling into the rear garden. The windows/doors will overlook a small rear access path for the terrace of cottages and a fenced off area of overgrown garden not owned by the applicant. The proposed development is screened on all sides by 1.8 metre high fences and mature trees and shrubs enclosing this piece of unused land. The garden associated with the application site is located to the west side of the cottage, accessed by a communal path. With regards to the concerns raised by the neighbouring resident, amended plans showing the correct curtilage indicate the proposed extension would not have an effect on the neighbouring property of no. 5 Tower Road North. It is therefore, judged that the proposed extension will not have any overbearing or overshadowing impact on the neighbouring properties.

It is considered that there are no issues of inter-visibility or loss of privacy to neighbouring dwellings. Further, there are no concerns relating to loss of daylight/sunlight and sufficient garden space will remain to serve the property. Therefore the impact on residential amenity is subsequently deemed acceptable.



## 6. CONCLUSION

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

The proposed development is considered to be in keeping with the character of the dwellinghouse and the surrounding area in terms of its scale, design and materials used. Furthermore, it is deemed that the existing level of amenity afforded to the neighbouring properties is protected. As such the proposal accords with Policies D1 and H4 of the South Gloucestershire Local Plan (adopted) 2006.

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

## 7. RECOMMENDATION

- 7.1 That the application be **APPROVED** subject to the conditions listed on the decision notice.

**Contact Officer: Anne Joseph**  
**Tel. No. 01454 863788**

## CONDITIONS

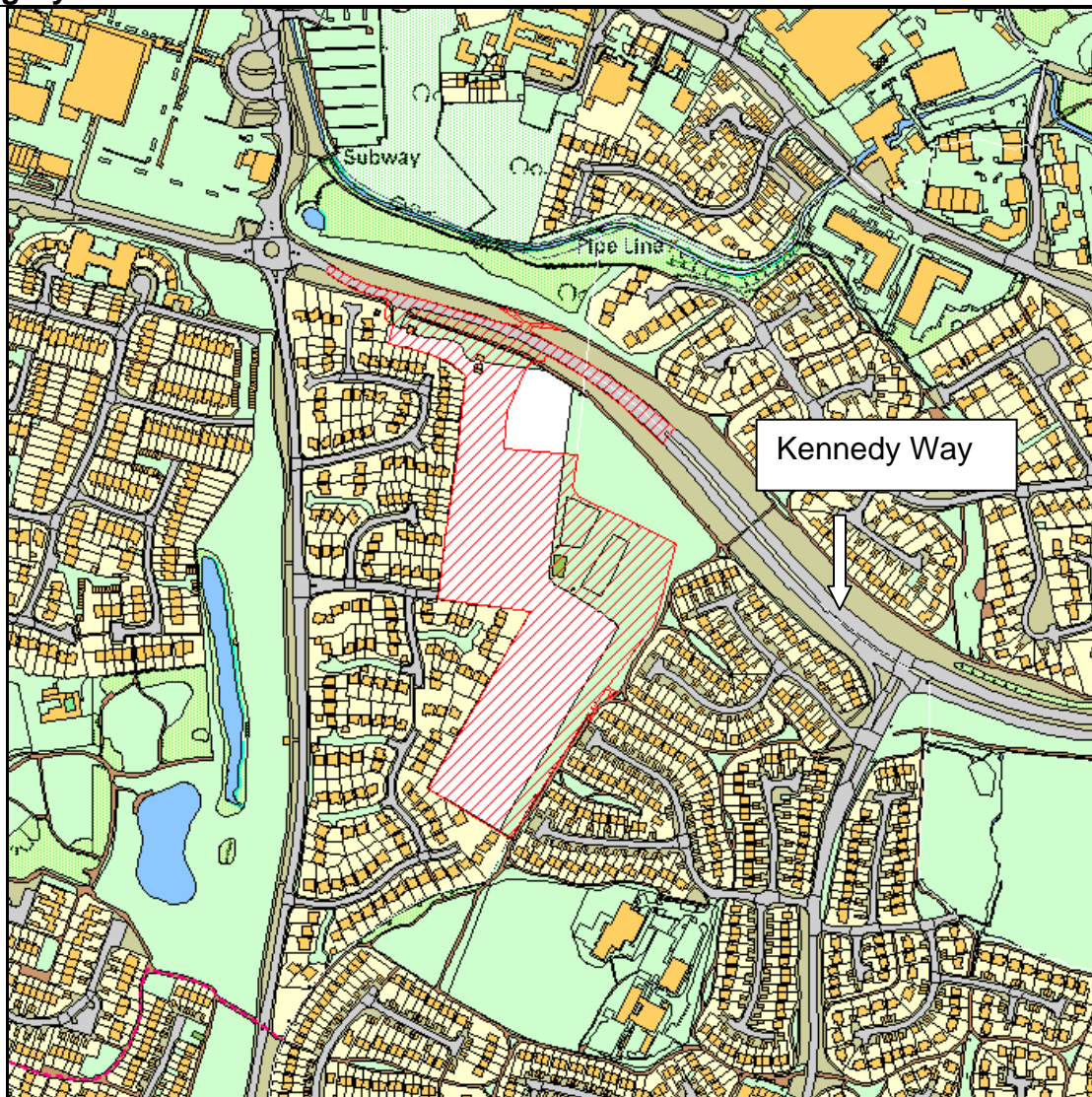
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

**CIRCULATED SCHEDULE NO. 47/10 – 3 DECEMBER 2010**

<b>App No.:</b>	PK10/2864/RVC	<b>Applicant:</b>	Mr Philip Court Taylor Wimpey
<b>Site:</b>	Former Sea Store Site Off Kennedy Way Yate South Gloucestershire	<b>Date Reg:</b>	27th October 2010
<b>Proposal:</b>	Variation of condition 2 attached to PK09/1388/F dated 27/09/2010 to allow the open market housing only to be constructed to Code for Sustainable Homes (CfSH) Level 2 instead of Level 3. The affordable housing units will remain at CfSH Level 3.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	371305 182387	<b>Ward:</b>	Yate Central
<b>Application Category:</b>	Minor	<b>Target Date:</b>	20th December 2010



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

This application is referred to the Circulated Schedule following objections to the proposal being received from Sodbury and Yate Town Councils and local residents.

### **1. THE PROPOSAL**

1.1 This application seeks permission to vary an existing condition relating to a requirement for a Code for Sustainable Homes assessment for the proposed residential units that were approved as part of the residential redevelopment of the former Sea Store Depot site located off Kennedy Way, Yate. The condition (condition 2) was originally imposed by virtue of planning permission PK09/1388/F dated 27th September 2010.

1.2 The condition proposed to be varied states:

*No development shall take place until the Local Planning Authority has been provided with, and has approved In writing, a Pre-Assessment of the development carried out by a BRE Licensed Code for Sustainable Homes (CSH) Assessor, proving CSH Level 3 achievement for each dwelling. Each residential unit shall then be subject to a post completion check by the BRE Licensed CSH Assessor (after the Design Stage Report) has been carried out and an Interim certificate obtained) and a final Code Certificate of compliance for each dwelling shall be submitted to, and confirmed In writing by, the local planning authority prior to the first occupation of the dwelling or building to which the certificate relates.*

*Reason: To ensure development minimises the use of energy and natural resources as required by PPS1 and Its supplement Planning and Climate Change, SGLP Policy D1, the South Gloucestershire Design Checklist and the draft RSS for the South West of England.*

1.3 The proposed variation to condition 2 would see a distinction drawn the building standard for the open market and affordable housing, as the requirement for the open market housing to meet Code for Sustainable Homes Level 3 would change to Level 2 but the affordable housing units would remain at Level 3.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1 Delivering Sustainable Development  
Supplement to PPS1 - Planning and Climate Change

Circular 11/95 - The Use of Conditions In Planning Permissions.

#### **2.2 Development Plans**

Joint Replacement Structure Plan: Saved Policies  
Policy 1 Sustainable Development

2.3 Other Material Considerations

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

Policy CS1 High Quality Design

Regional Spatial Strategy for the South West

Policy G Sustainable Construction

On 6 July 2010, the Secretary of State for Communities and Local Government sought to formally revoke all of England's Regional Strategies pursuant to Section 79(6) of the Local Democracy, Economic Development and Construction Act 2009.

However, following a successful legal challenge, the Secretary of State's decision of 6 July 2010 has been quashed. The Secretary of State has not sought leave to appeal. Accordingly, Regional Strategies are reinstated and adopted Regional Strategies form part of the development plan, and planning decisions should be made in accordance with them unless material considerations indicate otherwise. It should be noted however that the RSS for the South West has not been adopted and therefore the weight to be attached to Policy G is commensurate with the stage reached in the process to adoption. However the Secretary of State has already restated the Government's commitment to the abolition of Regional Strategies through the Localism and Decentralisation Bill that is expected to be in place by the end of 2011. In addition, the Government's Chief Planner has written to all local planning authorities and the Planning Inspectorate stating that they should regard the intention to rapidly abolish regional strategies as a material consideration in any decisions they are currently taking.

2.4 Supplementary Planning Guidance  
Design Checklist (Adopted)

**3. RELEVANT PLANNING HISTORY**

- 3.1 PK09/1388/F - Proposed erection of 228 residential units and associated work at land at the former Sea Stores depot, Kennedy Way, Yate. Approved 27th September 2010.

**4. CONSULTATION RESPONSES**

4.1 Yate Town Council

Objection due to the adverse environmental impact and the minimal increase in cost will not be great enough to stop people obtaining a mortgage.

4.2 Sodbury Town Council

Objection to the proposal on the grounds that the Town Council felt that the housing should be of the same quality throughout the development and all of the houses should be of the highest sustainable standard.

## **Other Representations**

### 4.3 Local Residents

3no. consultation responses were received from local residents that objected to the principle of the residential scheme approved with particular reference to the scale of the approved units and considered loss of privacy through overlooking.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Section 73 of the Town and Country Planning Act 1990 allows applications to be made for planning permission without complying with the conditions application to a previous submission. In considering such applications the Local Planning Authority can only consider the question of the condition subject to which planning permission should be granted. Moreover, advice contained within Circular 11/95 states that a condition should not be retained unless there are sound and clear-cut reasons for doing so.

5.2 Permission is sought to vary Condition 2 attached to planning consent PK09/1388/F to allow the open market housing to achieve Code for Sustainable Homes Level 2 rather than Level 3 with the affordable housing units remaining at Level 3.

5.3 The applicant's justification for this proposal is that due to the decline of the housing market and its sales values, after undertaking a financial appraisal in conjunction with Council, the proposed residential development of the Sea Stores site has an agreed viability gap of £2.7 million.

5.4 To help address the economic viability of the approved scheme, Officers have considered a number of changes to the agreed S106 agreement that will be subject to a separate Deed of Variation application to be presented to Members in due course.

5.5 It has been independently agreed that reducing the Code for Sustainable Homes requirement from Level 3 to Level 2 for the open market housing would save approximately £180,000 in construction costs and taking into account recent changes to the Building Regulations would have limited impact upon the sustainability principles of the development

5.6 Members should be aware that The Code for Sustainable Homes assessment comprises of 9 different design categories. These are:

- (1) energy/CO2
- (2) water
- (3) minerals
- (4) surface water run-off
- (5) waste
- (6) pollution
- (7) health and well-being
- (8) management

(9) ecology

- 5.7 Since October 2010, the requirement for all developments to meet Code Level 3 compliance for categories 1 and 2 (energy/CO2 and water) has become mandatory through revisions to Building Regulations Part G “Sanitation, Hot Water Safety And Water Efficiency” and Part L “Conservation Of Fuel And Power In New Dwellings”. The proposed change to the condition would therefore have no implications upon these 2 critical elements of the Code.
- 5.8 The proposed change to the condition would therefore only impact design categories 3 to 9, although design category 4 would be controlled through a sustainable drainage condition on the original permission that would not be affected by the proposal. It can also be noted that the requirements of the remaining design criteria would still exceed current building regulations thus helping to minimising the environmental impact of the development.
- 5.9 Notwithstanding the limited impacts resulting from the change in practise, in considering the policy position of such a proposal, the voluntary nature of the Code for Sustainable Homes is considered to be the primary consideration and recent appeal decisions have supported this. Members will be aware of the appeal decision for the Park Farm, Frampton Cotterrell development, where in approving the development the Planning Inspector rejected the Council’s request to impose a condition to require Level 3 compliance on the grounds that while there may be legal requirements for the affordable housing to be designed to meet Level 3, there was no national requirement for general market homes to do so and nor was there a policy requirement contained within the development plan for the area. It was subsequently concluded that the imposition of such a condition would be unreasonably onerous and prescriptive.
- 5.10 Moreover, the guidance set out within the PPS1 Supplement is also relevant, as under paragraph 42 it states that new development should be expected to *“comply with adopted DPD policies on local requirements for decentralised energy supply for sustainable buildings, unless it can be demonstrated by the applicant having regard to the type of development involved and its design, that it is not feasible or viable”*.
- 5.11 The above guidance raises two main considerations for Members; the first being that although the Council has an adopted SPD which sets out a Level 3 requirement, as acknowledged by the Inspector in the consideration of the above cited appeal, the Council does not have an adopted DPD policy on sustainable buildings which requires a Code for Sustainable Homes Assessment to be controlled. The second issue is that by undertaking a comprehensive viability assessment, the applicant has demonstrated that Code for Sustainable Homes Level 3 is not viable in the current economic climate.
- 5.12 Consultation Responses  
The issue regarding the potential impact on mortgage costs is noted, however the affordability for the purchaser is a matter for the market and is not a planning consideration.

5.13 With regard to the concerns of the local residents, these relate to the wider scheme and were addressed in the main report for the full planning application that appeared on the Circulated Schedule No.09/10 in March 2010. Furthermore, as noted in paragraph 5.1 of this report, such matters are not to be considered as part of this application that seeks to vary one specific condition only.

## **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 Officers maintain the position that new development should achieve the highest possible level of sustainable construction. However, regard has to be had to the viability constraints of the development; the need to maintain a supply of both market and affordable housing need and critically taking into account the limited impact of reducing the Code for Sustainable Homes Level to 2 for the open market housing, approval of the proposed scheme is considered to be compliant with the provisions of national guidance in the form of the PPS1 Supplement in that the applicant has demonstrated that the highest viable construction standard is being achieved.

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 Planning permission to be GRANTED subject to the remaining conditions as set out on planning application PK09/1388/F.

**Contact Officer: Mr R Nicholson**  
**Tel. No. 01454 863536**

## **CONDITIONS**

1. No development shall take place until the Local Planning Authority has been provided with, and has approved in writing, a Pre-Assessment of the development carried out by a BRE Licensed Code for Sustainable Homes (CSH) Assessor, proving CSH Level 3 achievement for each of the affordable housing units and CSH Level 2 for the open market housing. Each residential unit shall then be subject to a post completion check by the BRE Licensed CSH Assessor (after the Design Stage Report) has been carried out and an interim certificate obtained) and a final Code Certificate of compliance for each dwelling shall be submitted to, and confirmed in writing by, the local planning authority prior to the first occupation of the dwelling or building to which the certificate relates.

Reason

To ensure the development minimises the use of energy and natural resources as required by PPS1 and its supplement Planning and Climate Change, SGLP Policy D1, the South Gloucestershire Design Checklist.

2. No development shall take place until a renewable energy scheme for the development hereby approved has been submitted to and approved in writing by the local planning authority. The renewable energy scheme must achieve a minimum 10% CO2 reduction from the target emission rate as defined by Part L 1 9(a) of the Building Regulations current at the time of construction and by reason of energy efficiency improvements and/or on site energy production from renewable energy sources.

Reason

To ensure the development minimises the use of energy and natural resources as required by PPS1 and its supplement Planning and Climate Change, SGLP Policy D1, the South Gloucestershire Design Checklist and the draft RSS for the South West of England.

3. Notwithstanding the details shown on the submitted elevations, revised drawings showing a re-designed frontage to Kennedy Way that more appropriately reflects its prominent position and function in the street scene and wider context, as advocated by the submitted Design and Access Statement, should be submitted to and approved in writing by the local planning authority prior to the commencement of the relevant part of the development. Development shall be carried out in accordance with the approved details.

Reason

In order to ensure the highest design standards are achieved in accordance with PPS1, PPS3, adopted SG Local Plan policy D1(A) and D1(C), and the South Gloucestershire Design Checklist SPD.

5. Samples of all proposed materials shall be submitted to and approved in writing by the local planning authority prior to the commencement of the relevant part of the development. Development shall be carried out in accordance with the approved details.

Reason

In order to ensure the highest design standards are achieved in accordance with PPS1, PPS3, adopted SG Local Plan policy D1(A) and D1(C), and the South Gloucestershire Design Checklist SPD.

6. The travel plan shall be implemented within 6 months of 80% occupation. Details of the appointed person responsible for the Travel Plan must be provided to the council within that timeframe.

Reason



To encourage means of transportation other than the private car, to accord with Policies T10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Notwithstanding the landscape details submitted. prior to the commencement of development full details of both hard and soft landscaping works shall be submitted in writing to the Local Planning Authority for approval and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts including the proposed emergency access and the means of vehicular control; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines indicating lines, manholes). The soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and implementation programme. Development shall be carried out in accordance with the approved details.

Reason

To protect the character and appearance of the area to accord with Policies H4/D1/L1/E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies H2 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. Prior to the commencement of development, surface drainage proposals incorporating Sustainable Urban Drainage Systems (SUDS) and confirmation of hydrological conditions within the development shall be submitted to and shall be the subject of the approval in writing of the local planning authority. Development shall then 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 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006

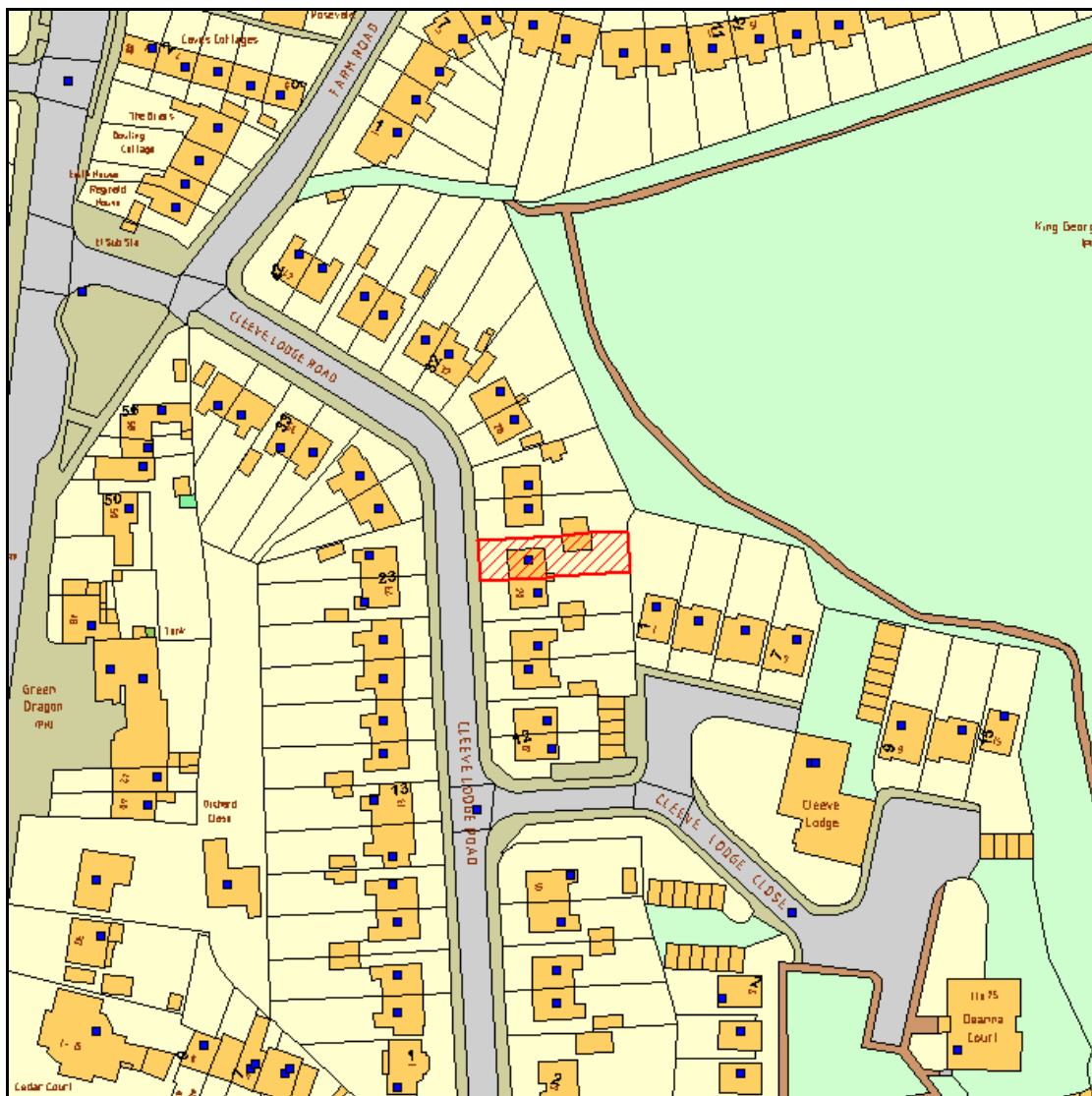
10. The construction of storage facilities for oils, fuels, fertilisers or chemicals shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority (LPA) before the development is commenced.

#### Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies L17, L18 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006. NOTE: Any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001"). Measures should also to be taken to ensure the above regulations are complied with during construction of the development.

**CIRCULATED SCHEDULE NO. 47/10 – 3 DECEMBER 2010**

<b>App No.:</b>	PK10/2889/F	<b>Applicant:</b>	Mr Ashley Marshall
<b>Site:</b>	22 Cleeve Lodge Road Downend South Gloucestershire BS16 6AG	<b>Date Reg:</b>	28th October 2010
<b>Proposal:</b>	Erection of two storey side and single storey rear extensions and front canopy to form integral garage and additional living accommodation.	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	365296 176966	<b>Ward:</b>	Downend
<b>Application Category:</b>	Householder	<b>Target Date:</b>	20th December 2010



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

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking full planning permission for the erection of a two storey side and single storey rear extension at 22 Cleeve Lodge Road. The proposed extension would measure 2.5 metres wide by a maximum of 10.8 metres in depth and would have a maximum overall height to ridge of 8.4 metres.
- 1.2 The property is a two storey semi-detached dwelling and is located within a residential area of Oldland Common.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 Development Plans  
D1 Achieving Good Quality Design in New Development  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
T8 Parking Standards
- South Gloucestershire Core Strategy, Pre-submission Publication Draft March 2010  
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007.

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

- 3.1 None relevant

### **4. CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Heath Parish Council  
No objections

#### **Other Representations**

- 4.2 Local Residents  
One letter from a local resident has been received, raising the following concerns:
- The shared centre wall should be rendered and made waterproof when the garage is demolished.
  - Damage to neighbouring driveway should be repaired

- Access to neighbouring garage should not be impeded.
- The extension should be built so that it is not necessary to access neighbouring properties for maintenance.
- Scaffolding should not be erected on neighbouring properties without prior consent.
- Would fixtures be allowed to be hung off the wall of the extension in future, if the neighbouring property is extended.

## 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. This is especially the case given that the front elevation would be slightly set back from the main front elevation of the dwelling and the ridge height is set down from the main ridge height. The appearance of the resultant building is well proportioned and would remain in keeping with the scale of the surrounding dwellings. Furthermore, the proposed addition would incorporate materials to match those of the main dwelling, assisting the successful integration of the extension with the host dwelling.

The adjoining dwelling has a front porch and two storey side extension furthermore, there are several examples of side extensions in the immediate vicinity. As such, it is therefore considered that the proposal would not be harmful to the character and appearance of the principal dwelling and street scene.

### 5.3 Residential Amenity

The proposed extension would be adjacent to the boundary with the neighbouring dwelling, No. 24 Cleeve Lodge Road. This neighbouring property has two ground floor side windows and a first floor landing window that face the application site. The ground floor windows are obscurely glazed, with the largest window serving a kitchen. Whilst it is accepted that the proposed extension would inevitably result in some additional overshadowing of this room, it is considered that the fact that the outlook is already quite enclosed by the existing circumstances a refusal reason on overshadowing grounds could not be substantiated or justified at appeal. Furthermore given the scale and siting of the proposal it is not considered that the extension would have any overbearing impact on No. 24 or No. 20 Cleeve Lodge Road.

The proposal includes the addition of two new first floor windows one on the front elevation and one on the rear elevation. The rear elevation window would serve a bathroom. 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. 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 Parking and Highway Safety

The proposal includes an integral garage, however this garage is not considered to be of a sufficient size to accommodate a standard car. There is room on the driveway and to the front of the property to park several cars, therefore the parking provision would remain in compliance and within the Councils required parking standards.

#### 5.5 Other Issues

The proposal would include the demolition of the existing garage, which is attached to the garage of No. 24 Cleeve Lodge Road. Concern has been raised regarding the finish of the side garage wall following the demolition, given that the demolition of the garage does not require planning permission, it would not be reasonable for a condition to be attached to ensure the finish of the side wall.

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

## 6. CONCLUSION

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

6.2 The proposed extension is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. Furthermore the extension would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact and the parking provision would remain in compliance with Policy T8. As such the proposal accords with Policies D1, T8 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.

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

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

## **7. RECOMMENDATION**

7.1 That the application be approved subject to the following conditions

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

### **CONDITIONS**

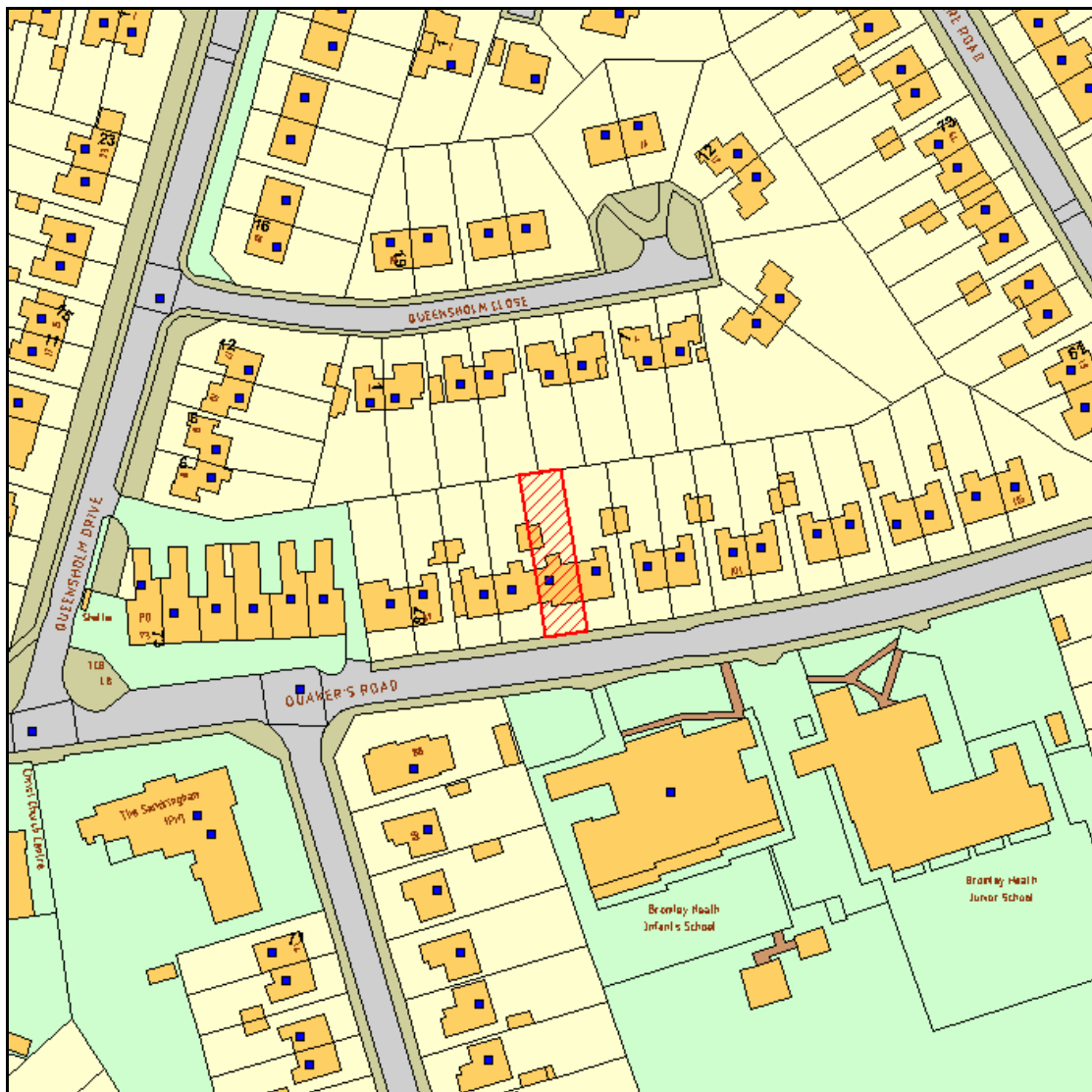
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 47/10 – 3 DECEMBER 2010

<b>App No.:</b>	PK10/2992/F	<b>Applicant:</b>	Mrs N Kaur
<b>Site:</b>	93 Quakers Road Downend South Gloucestershire BS16 6NJ	<b>Date Reg:</b>	4th November 2010
<b>Proposal:</b>	Erection of single storey rear extensions to provide additional living accommodation.	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	365231 177965	<b>Ward:</b>	Downend
<b>Application Category:</b>	Householder	<b>Target Date:</b>	29th December 2010



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 100023410, 2008. **N.T.S.** **PK10/2992/F**



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

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking full planning permission for the erection of a single storey rear extension at 93 Quakers Road, Downend. The proposed extension would incorporate an existing rear protrusion and would in total measure 9.6 metres wide by a maximum of 3 metres in depth and would have an overall height to ridge of 3.6 metres.
- 1.2 The property is a two storey semi-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 local resident, raising the following concerns:
  - The proposal does not appear to infringe on privacy and appears to be in keeping with the style and period of the existing building.

- Would like re-assurance that the inevitable noise/environmental pollution associated with the construction will be restricted so as to not impact on neighbouring residents.

## 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. This is especially the case given its single storey nature. Furthermore, the proposed addition would incorporate materials to match those of the main dwelling, assisting the successful integration of the extension with the host dwelling.

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

### 5.3 Residential Amenity

The rear of the property is bound on all sides by neighbouring residential properties and is enclosed and screened by 1.8 metre high closed board fencing. The proposed extension would be 2 metres in depth adjacent to the neighbouring property to the west, No. 91 Quakers Road, and would measure a maximum of 3 metres in depth adjacent to the adjoining property, No. 95 Quakers Road. This element of the proposal includes a boundary wall which would measure 2.8 metres in height. Whilst this boundary wall is quite high, given the modest depth of the proposal, it is not considered that the extension would have any significant overshadowing or overbearing effect on the neighbouring dwellings. This is especially the case given that the element of the proposal with the greatest depth would incorporate a hipped roof that slopes away from the neighbouring property.

The neighbouring dwelling to the east, No. 95 Quakers Road, has one window and one door facing the application site, the window is obscurely glazed and serves a kitchen. Given that the outlook from this window is already adjacent to a boundary fence, it is not considered that the proposal would have any significant detrimental impacts over and above the existing situation. 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 Other Issues

Whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this would be on a temporary basis only and could be adequately mitigated for by attaching an informative outlining the hours of construction.

### 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 conditions below.

**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).

# ITEM 12

## CIRCULATED SCHEDULE NO. 47/10 – 3 DECEMBER 2010

<b>App No.:</b>	PT10/2823/F	<b>Applicant:</b>	Mr Simon Panes
<b>Site:</b>	Poplars Farm Pilning Street Pilning South Gloucestershire	<b>Date Reg:</b>	25th October 2010
<b>Proposal:</b>	Conversion of 2no. existing barns and erection of single storey glazed link extension to form additional bedrooms, office and study area.(Re-Submission of PT10/1620/F)	<b>Parish:</b>	Olveston Parish Council
<b>Map Ref:</b>	358370 185890	<b>Ward:</b>	Severn
<b>Application Category:</b>	Householder	<b>Target Date:</b>	14th December 2010



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

This application appears on the Circulated Schedule following the receipt of representations from Olveston Parish Council which are contrary to the Case Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks planning permission for the conversion of 2no. existing barns and the erection of single storey glazed link extension to form additional bedrooms, office, and study area.
- 1.2 The application site relates to an existing farmhouse and its associated residential curtilage. The site is situated outside of any settlement boundary and lies within Green Belt. The site is also designated as Flood Zone 3a.
- 1.3 This application follows the previous refused application PT10/1620/F, which was refused for the following reason(s): -
  1. The site is located within the Bristol/Bath Green Belt and the proposed link extension does not fall within the limited categories of development normally considered appropriate within the Green Belt. The applicant has not submitted a case of very special circumstances to demonstrate that the normal presumption against development within the Green Belt should be overridden. The proposal is therefore contrary to the provisions of PPG2, policies GB1 of the South Gloucestershire Local Plan (Adopted) January 2006, and the South Gloucestershire Development within the Green Belt SPD (Adopted) June 2007.
  2. The proposed development would result in a new residential household being sited within an area with a high risk of flooding (Flood Zone 3a). It is considered that this is an inappropriate development for this flood zone and there are other available sites within Flood Zones 1 and 2 elsewhere within the authority. Moreover the applicant has failed to demonstrate any exceptional circumstances to justify residential development within Flood Zone 3a. It is therefore concluded that the proposed development would fail the Sequential and Exception Test's as set out under PPS25, and would therefore be contrary to PPS25 and Policy EP2 of the South Gloucestershire Local Plan (adopted) January 2006.
  3. The submitted application did not include an ecological survey or a mitigation strategy for bats and breeding birds. As such, the Local Planning Authority was unable to fully assess the impact upon protected species of flora or fauna, or species or habitats listed in national, regional or local biodiversity action plans. The proposal is therefore contrary to PPS9 and Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1: Delivering Sustainable Development

PPG2:	Green Belts
PPS4:	Planning for Sustainable Economic Development
PPS7:	Sustainable Development in Rural Areas
PPS9:	Biodiversity and Geological Conservation
PPG13:	Transport
PPS25:	Development and Flood Risk

## 2.2 Development Plans

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

D1:	Achieving Good Quality Design In New Development
L9:	Species Protection
EP1:	Environmental Pollution
EP2:	Flood Risk and Development
GB1:	Development within the Green Belt
H4:	Development within Existing Residential Curtilages
H10:	Conversion and Re-Use of Rural Buildings

## 2.3 Emerging Development Plans

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

CS1:	High Quality Design
CS5:	Location of Development
CS9:	Environmental Resources and Built Heritage
CS34:	Rural Areas

## 2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007

South Gloucestershire Development within the Green Belt (Adopted) 2007

## 3. RELEVANT PLANNING HISTORY

- |     |               |   |
|-----|---------------|---|
| 3.1 | PT10/1620/F   | Conversion of 2no. existing barns and erection of single storey glazed link extension to form 1no. dwelling with access and associated works.<br>Refused 25.08.2010 |
| 3.2 | PT08/2871/F   | Change of use of existing building to provide a mixed use live/work unit (sui generis)<br>Approved 04.12.2008   |
| 3.3 | PT08/0845/CLE | Certificate of Lawfulness for retention of existing stone building<br>Approved 02.05.2008   |
| 3.4 | PT07/1696/F   | Change of use of existing building to provide a residential dwelling (Class C3) with ancillary business (Class B1) use.<br>Refused 30.07.2007                       |
| 3.5 | PT05/0711/F   | Conversion of existing barn to form dwelling,   |

- workshop and garage. (Resubmission of planning application PT04/1834/F).  
Refused 08.08.2005
- 3.6 PT05/0071/F      Erection of detached double garage.  
Approved 01.02.2005
- 3.7 PT04/1834/F      Conversion of existing barn to form dwelling.  
Refused 05.11.2004
- 3.8 P96/1530          Change of use of clubhouse to dwelling.  
Approved 10.06.1996
- 3.9 P94/2854          Change of use of existing storage area to form  
extension to Coffee Lounge.  
Approved 21.02.1995

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

- 4.1 Olveston Parish Council  
Olveston Parish Council objects to the following application, as it feels this is unsuitable development in the Green belt.
- 4.2 Highway's Authority  
No objection.
- 4.3 Environment Agency  
The Environment Agency would have no objections to the proposed development, providing that the Local Planning Authority (LPA) are satisfied that the Sequential Test has been appropriately applied,
- 4.4 Drainage Engineer  
No objection.
- 4.5 Landscape Officer  
No objection.
- 4.6 Ecologist  
No objection subject to a condition to ensure the development is implemented in accordance with the recommendations of the survey.
- 4.7 Environmental Protection  
No objection.
- 4.8 Local Residents  
None received.

## 5. ANALYSIS OF PROPOSAL

5.1 This applicant seeks planning permission for the conversion of 2no. barns and the erection of a glazed link to form additional living accommodation.

5.2 The key issues to address are:

(1) The relevance of the previous refused application PT10/1620F.

(2) Is the principle of the proposed development acceptable?

(3) Would the proposed development constitute appropriate development within the Green Belt and maintain openness?

(4) Would the proposed development respect the character and appearance of the site and surrounds?

(5) Would the proposed development maintain residential amenities?

(6) Would the proposed development have an acceptable impact upon the highways network?

(7) Would the proposed development be acceptable in flood risk terms?

(8) Would the proposal have an acceptable impact on ecology?

(9) Would the proposal have an acceptable impact on the environment?

### 5.2 Background

This proposal follows a previous planning application to convert the outbuildings into ancillary accommodation. Officers determined that the previous conversion constituted a self-contained dwelling due to the level of accommodation (e.g. 5 bedrooms, kitchen, bathroom and living room) and its separate access. According the application was dealt with as a conversion to a self-contained dwelling and was refused as such.

5.3 Following discussions with the applicant, the level of accommodation has been significantly reduced and the development now consists of a conversion to provide additional living accommodation to the main dwelling. This would be facilitated through the erection of single storey link extension. On this basis, the proposed development would be integrated with the main dwellinghouse and would not provide accommodation that could be separately occupied. Officers are therefore satisfied that the development would not constitute self-contained dwelling and would be ancillary to the main dwellinghouse. For the avoidance of any doubt, it is recommended that a condition be attached to reiterate that the proposed development and the existing farmhouse would form a single planning unit.

### 5.4 Principle of Development



This application seeks to convert two rural buildings to form part of the main dwellinghouse. Originally these buildings had an agricultural use, however they are now used for domestic storage purposes and are within the residential curtilage of the farmhouse. Accordingly, it is acknowledged that these rural buildings have an extant residential use. Nevertheless, the applicant proposes to convert the buildings to form primary residential accommodation and therefore Policy H10 of the South Gloucestershire Local Plan should be applied. This policy allows for the conversion and re-use of rural buildings for residential purposes in circumstances where: -

- A. All reasonable attempts have been made to secure a suitable business re-use or the conversion is part of a scheme of business re-use; and
- B. The buildings are of permanent construction and structurally sound and capable of conversion without major or complete reconstruction; and
- C. The buildings are in keeping with their surroundings in terms of character, form, bulk and overall design; and
- D. Development, including any alterations, extension or the creation of a residential curtilage would not have a harmful effect on the character of the countryside or the amenities of the surrounding area; and
- E. The building is well related to an existing settlement or other groups of buildings.

5.5 In December 2009 PPS4 was published and is a material consideration in relation to this application. This policy statement has superseded the parts of PPS7 and Policy H10 of the Local Plan that related to the re-use of rural buildings. PPS4 (Policy EC12) supports the thrust of PPS7 and Policy H10 to prefer the re-use of buildings in the countryside for economic purposes, however it does state that residential conversions may be more appropriate in some locations and for some types of building.

5.6 The existing buildings are currently in an ancillary residential storage use and are situated adjacent to the main dwellinghouse. In view of these circumstances it is considered that a business re-use would be wholly unacceptable due to the proximity of the uses. Moreover, the existing buildings are permanent stone barns and are capable of conversion without major or complete reconstruction. On this basis it is considered that the proposed conversion would satisfy Policy H4 and H10 of the South Gloucestershire Local Plan, thus the principle of the development would be acceptable.

#### 5.7 Green Belt

The application site lies within the Green Belt. In such locations there is a general presumption in national and local planning policy against inappropriate development. The application comprises of two separate parts; 1) the change of use of existing barns; and 2) the erection of a new building. As such the development needs to be assessed against different parts of the Policy GB1 of the South Gloucestershire Local Plan.

### 5.8 *Change of Use*

Policy GB1(b) outlines that the re-use of the buildings may be appropriate where there are suitable safeguards to protect the openness of the Green Belt. In this instance, Officers are satisfied that the conversion to primary residential accommodation would not result in a materially greater impact than the present authorised use on the openness of the Green Belt. Moreover, the existing buildings are permanent stone barns and are capable of conversion without major or complete reconstruction. On this basis it is considered that this aspect of the development would be acceptable in Green Belt terms.

### 5.9 *Erection of single storey link extension*

Policy GB1(a) outlines that construction of new buildings inside a Green Belt is inappropriate development, unless it is for one of the following categories:

- Agricultural and forestry
- Essential facilities for outdoor sport and recreation.
- Cemeteries;
- Limited extension, alteration or replacement of existing dwellings; and
- Limited infilling within the boundaries of settlements.

5.10 In view of this clear policy context, it is considered that the proposed link extension would constitute a limited extension to an existing dwelling. It is assessed that the volume increase would be less than 5% and therefore clearly would not constitute a disproportionate addition or would harm the openness of the Green Belt. Notwithstanding the objections of Olveston Parish Council, it is concluded that the proposed extension would be appropriate development and would accord to Policy GB1 and H4 of the South Gloucestershire Local Plan.

### 5.11 Design

The proposed development would involve the conversion of two existing barns and the erection of a small link extension. It is considered that the design would utilise the existing openings within the buildings with minimal new insertions. The proposed link would be subservient and would not significantly detract from the rural character of the buildings and the surrounds. It is therefore considered that the design approach would be acceptable in principle and would maintain the character of the countryside in this location. On this basis it is considered that the proposed development would accord to policies D1, L1, H4 and H10 of the South Gloucestershire Local Plan.

### 5.12 Residential Amenity

The existing farmhouse is situated in a fairly isolated location and is detached from any other residential property. Accordingly, it is considered that the proposed development would not materially harm residential amenities and would accord with Policy H4 and H10 of the South Gloucestershire Local Plan.

### 5.13 Transportation

The Council Transport Engineer has confirmed that the proposed development would not result in a significant level of additional traffic and thus would be unlikely to have a significant impact on the highway network. Furthermore, the Engineer was satisfied that the site had adequate parking and turning areas. It

is therefore concluded that the proposed development would accord with Policy H4, H10 and T12 of the South Gloucestershire Local Plan.

5.14 Flood Risk

The previous application was refused on the grounds that it failed the PPS25 Sequential and Exception Test's because it would have increased the vulnerability to flooding through the creation of a new household within Flood Zone 3a. In this application the development would provide additional living accommodation for the existing dwelling and would not create a new household. Furthermore, the Environment Agency has confirmed, subject to conditions, that the development would be safe and resilient to flooding. On this basis, Officers are now satisfied that the development would not increase the vulnerability to flooding and therefore the development would accord to PPS25 and Policy EP2 of the South Gloucestershire Local Plan.

5.15 Ecology

The previous application was refused on the grounds that it did not include an ecological survey or a mitigation strategy for bats and breeding birds. The applicant has now undertaken a survey of the buildings that found no evidence of any protected species. The Council's Ecologist has scrutinised this study and has raised no objections. It is therefore considered that the proposed development would be acceptable subject to a condition ensuring the development is implemented in accordance with the method statement outlined in the survey. The proposed development would therefore accord with PPS9 and L9 of the South Gloucestershire Local Plan.

5.16 Environment

The Environmental Protection team raised some initial concerns regarding the potential for the contamination of the rural barns from previous agricultural uses. The applicant has confirmed that the building has been used for a significant period for residential storage and has not been used for the storage of any farm oil, fuels or similar. On this basis Officers are satisfied that there is not risk of any contamination. The proposed development would therefore accord to Policy EP1 of the South Gloucestershire Local Plan.

## 6. CONCLUSION

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

- a) The proposed conversion to primary residential accommodation would constitute an appropriate re-use for a rural building and the principle of the development would accord with policies H4 and H10 of the South Gloucestershire Local Plan (adopted) January 2006.
- b) The proposed conversion and link extension would constitute an appropriate form of development within the Green Belt and would not harm openness. The development would therefore accord with policies GB1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

- c) The proposed conversion and link extension would respect the character and appearance of the site and surrounding countryside. The development would therefore accord with policies D1, H4 and H10 of the South Gloucestershire Local Plan (adopted) January 2006.
  - d) The proposed conversion and link extension would be detached from any nearby residential property and therefore would not prejudice residential amenities. The development would therefore accord with policies H4 and H10 of the South Gloucestershire Local Plan (adopted) January 2006.
  - e) The proposed conversion and link extension would not materially increase the vulnerability to flood risk. The development would therefore satisfy the PPS25 Sequential Test. The development would therefore accord with PPS25 and policies EP2 of the South Gloucestershire Local Plan (adopted) January 2006.
  - f) The impact of the proposed development on protected species has been fully assessed and a mitigation strategy has been agreed. The development would therefore accord with PPS9 and policy L9 of the South Gloucestershire Local Plan (adopted) January 2006.
  - g) The potential for contamination of the rural barns have been fully assessed and no adverse effects have been identified. The proposed development would therefore accord with Policy EP1 of the South Gloucestershire Local Plan (adopted) January 2006.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

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

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

### **CONDITIONS**

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

Reason

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

2. No development shall take place until a scheme for the provision and implementation of flood proofing measures has been submitted to and approved by the Local Planning Authority. The development shall not be occupied until the flood proofing measures have been installed in accordance with the approved details.

Reason

To ensure the proposed development is safe and resilient to flooding, and to accord to PPS25 and Policy EP2 of the South Gloucestershire Local Plan (adopted) January 2006.

3. No development shall take place until a scheme or surface water drainage has submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure the proposed development is safe and resilient to flooding, and to accord to PPS25 and Policy EP2 of the South Gloucestershire Local Plan (adopted) January 2006.

4. Finished floor levels must be set as high as reasonably practicable and no lower than 6.68mAOD (metres above Ordnance Datum).

Reason

To ensure the proposed development is safe and resilient to flooding, and to accord to PPS25 and Policy EP2 of the South Gloucestershire Local Plan (adopted) January 2006.

5. The development hereby approved shall be implemented strictly in accordance with the recommendations (Paragraph 4.3) of the Ecological Survey dated November 2010.

Reason

To ensure the proposed development would harm any protected species, and to accord to PPS9 and Policy L9 of the South Gloucestershire Local Plan (adopted) January 2006.

6. For avoidance of any doubt, the development hereby approved and the existing dwellinghouse forms a single planning unit.

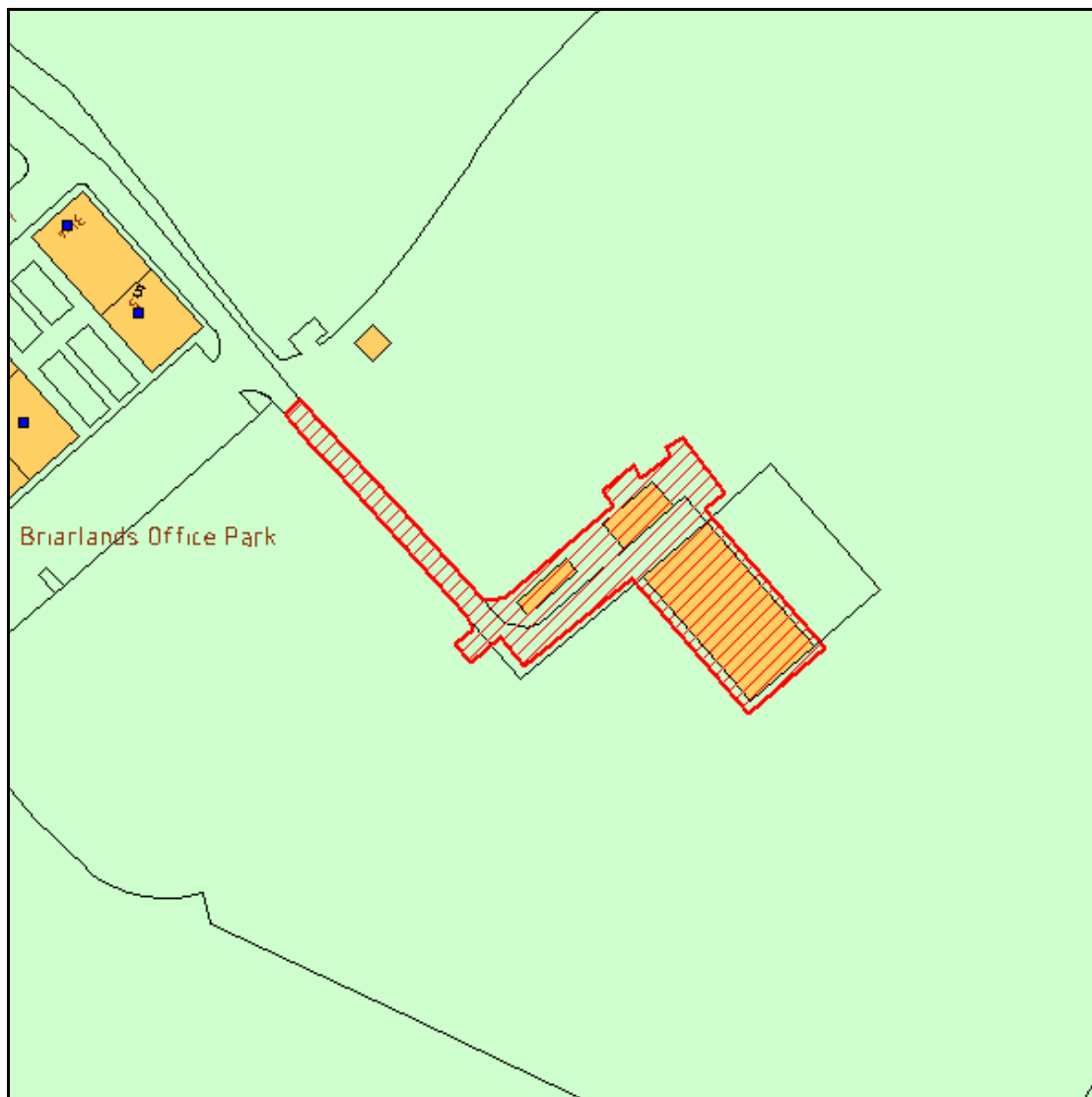
Reason

To prevent an additional household within an area with a high probability of flooding, and to accord with PPS25 and Policy EP2 of the South Gloucestershire Local Plan (adopted) January 2006

# ITEM 13

## CIRCULATED SCHEDULE NO. 47/10 – 3 DECEMBER 2010

<b>App No.:</b>	PT10/2834/EXT	<b>Applicant:</b>	Mr Stephen Pinker
<b>Site:</b>	Briarland Gloucester Road Rudgeway South Gloucestershire	<b>Date Reg:</b>	25th October 2010
<b>Proposal:</b>	Change of use of agricultural building to offices (Class B1) with associated works as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). (Consent to extend time limit implementation for PT08/1725/F).	<b>Parish:</b>	Alveston Parish Council
<b>Map Ref:</b>	363142 187144	<b>Ward:</b>	Thornbury South And Alveston
<b>Application Category:</b>	Minor	<b>Target Date:</b>	15th December 2010



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100023410, 2008. **N.T.S.** **PT10/2834/EXT**

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

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

### **1. THE PROPOSAL**

- 1.1 The application seeks an extension of time to PT08/1725/F that granted full planning permission for the change of use of an agricultural building to provide office accommodation (Class B1).
- 1.2 The application relates to an existing agricultural building at Briarlands Farm on the southeast side of Gloucester Road, Rudgeway. The site lies beyond any settlement boundary within the open Green Belt.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1: Delivering Sustainable Development  
PPG2: Green Belts  
PPS4: Planning for Sustainable Economic Development  
PPS7: Sustainable Development in Rural Areas  
PPS9: Biodiversity  
PPG13: Transport

#### 2.2 Development Plans

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

CS1: High Quality Design  
CS13: Non-Safeguarded Economic Development Sites  
CS34: Rural Areas

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development  
GB1: Development in the Green Belt  
E6: Employment Development in the Countryside  
E7: Conversion and Re-use of Rural Buildings  
T7: Cycle Parking  
T8: Parking Standards  
T12: Transportation Development Control Policy for New Development  
L1: Landscape Protection and Enhancement  
L9: Species Protection  
L18: The Water Environment

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)  
Development within the Green Belt (Adopted)  
Biodiversity and the Planning Process (Adopted)

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

- 3.1 N6865/2: Erection of detached dwelling to house farm manager; erection of two buildings for the process and packaging of game birds. Refused: 18 April 1984
- 3.2 P84/1671: Erection of two buildings for the processing and packaging of game birds. Permitted: 12 June 1985
- 3.3 P85/1104: Erection of two buildings for the processing and packaging of game birds and turkeys; alterations to existing vehicular access. Permitted: 12 June 1985
- 3.4 P87/1460: Use of land for the stationing of a residential caravan. Permitted: 30 April 1987
- 3.5 P88/2507: Use of existing agricultural building for the servicing of agricultural machinery. Refused: 21 September 1988
- 3.6 P89/1198: Use of existing agricultural building for the manufacturing of poultry rearing equipment. Refused: 16 March 1989
- 3.7 P89/1965: Use of existing agricultural building for the manufacture of poultry rearing equipment and associated products. Refused: 5 July 1989
- 3.8 P96/1485: Erection of three portacabins, two for use as game bird rearing units and one to house a standby generator. Permitted: 25 September 1996
- 3.9 PT99/0288/RTC: Continued use of land for the stationing of two portacabin buildings for use as a game bird rearing unit. Permitted: 27 April 2001
- 3.7 PT03/0784/F: Change of use from agricultural buildings to nine business units including fitness block, tennis courts and car park. Permitted: 26 February 2004
- 3.8 PT06/2822/F: Construction of 23 extra car parking spaces. Permitted: 11 December 2006
- 3.9 PT08/1725/F: Change of use of agricultural building to provide offices with associated works. Permitted: 18 September 2008

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

- 4.1 Alveston Parish Council  
Objection: on the same grounds as for the original application with the proposal considered to form non-essential commercial development of green belt agricultural land.
- 4.2 Other Consultees  
Ecologist: no objection  
Landscape Officer: no comment  
Tree Officer: no comment  
Highways DC: no objection



## **Other Representations**

- 4.4 Local Residents  
No comments received

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
The principle of development has been established by the previous permission. This application seeks an extension of time to this consent that is due to expire on September 18<sup>th</sup> 2011.
- 5.2 Design/ Visual Amenity  
Given the nature of this type of planning application, the proposal remains unaltered from the previous scheme thus would allow the change of use of an existing agricultural building (which has been used for the rearing of game birds) to provide three B1 office units. The size of the building would remain unaltered although its external appearance would change by reason of new roofing and cladding materials.
- 5.3 At the time of the officer site visit, it was noted that there had been no obvious material changes to the site and its immediate locality thus as before, there remains no objection on design/ visual amenity grounds.
- 5.4 Impact on the Openness of the Green Belt  
The mass, bulk and form of the existing building would remain the same whilst changes to the roofing/ cladding materials can be controlled by condition. Accordingly, the alterations to the building were (and remain) acceptable in Green Belt terms. The application also allowed removal of two flat roofed single-storey portacabin style structures that have the benefit of planning permission; this would aid the openness of the Green Belt.
- 5.5 Structural Condition of Building  
The building forms a steel framed structure with block work walls whilst the structural report previously received detailed that it was considered to be capable of conversion without major or complete reconstruction; comments from the Councils structural engineer concurred with these findings. With the building noted to appear in a similar condition, there is no objection to the proposal on this basis.
- 5.6 Residential Amenity  
The application site sits at an appreciable distance from any residential units with extensive landscaping around the field perimeter helping to screen views of the proposal. Further, it was noted that traffic would be routed via the Briarlands Office Park away from the closest neighbouring properties that front Gloucester Road to the north. For these reasons, as before, it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.7 Highway Safety

The principle of development in highway terms had been previously established by the development of the adjoining Briarlands Office Park (PT03/0784/F) with a number of highway improvements made at this time. Therefore, and with the proposal to share this access, there remains no highway objection.

5.8 Ecology

At the time of the previous proposal, it was noted that parts of the site offer a potentially suitable habitat for slow-worms; a species listed for protection within the Councils Biodiversity Action Plan with the scheme to result in the loss of a limited area of such land. As such, a suitably worded condition was attached to the decision notice in respect of a destructive hand search to cover any suitable pockets of habitat, with any reptiles found moved to an appropriate nearby habitat. Subject to the inclusion of this condition, there is again no objection to this application.

5.9 Subsequent Policy Changes

Since the time of the previous permission, revised central government guidance has been published in the form of PPS4 whilst the South Gloucestershire Core Strategy has emerged and is at the pre-submission publication draft stage. Nevertheless, it is not considered that the advice/policies contained within these documents have any significant impact on this development with the main thrust of the relevant concerns largely unchanged.

5.10 Outstanding Issues

Some of the conditions attached to the previous decision notice have been discharged but it is necessary to add these to this permission given that this forms a stand-alone application. The wording would however be altered slightly to omit the requirement for the necessary details within any time period but instead with such required prior to the commencement of any development.

**6. CONCLUSION**

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

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

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

1. The change of use of this existing building would be acceptable in Green Belt terms and would comply with the provisions of Planning Policy GB1 (Development in the Green Belt) of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The building is considered to be suitable for conversion and compliant with Planning Policies E6 (Employment Development in the Countryside) and E7

(Conversion and Re-use of Rural Buildings) of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The proposal would not cause any significant adverse impact in residential amenity and thus would accord with Planning Policies E6 (Employment Development in the Countryside) and E7 (Conversion and Re-use of Rural Buildings) of the South Gloucestershire Local Plan (Adopted) January 2006.
4. The proposal is considered to be acceptable in highway safety terms and would accord with Planning Policy T12 (Transportation Development Control Policy for New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.

## **7. RECOMMENDATION**

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

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

### **CONDITIONS**

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

Reason

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

2. No development shall take place until samples of the roofing and external facing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting those Orders with or without modification) the premises shall not be used for any purpose other than that hereby authorised without the prior written consent of the Local Planning Authority.

Reason

To accord with Planning Policies D1, GB1 and E6 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. 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 view of the rural position of the application site and to minimise disturbance to occupiers of the nearby dwellings, all to accord with Planning Policies D1, GB1, L1 and E6 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. With the exception of the bin storage area hereby approved, no outside storage of material/goods/waste or plant shall take place at the premises.

Reason

To accord with Planning Policies D1, GB1, L1 and E6 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. 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 Planning Policies D1, L1 GB1 and E6 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. 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 GB1 and E6 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 Policies L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. The off-street parking facilities shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

10. Prior to the commencement of development, a travel plan shall be submitted to the Local Planning Authority for approval. The agreed scheme shall be implemented as approved before the development hereby permitted is brought into use; or otherwise as agreed in the travel plan.

Reason

To encourage means of transportation other than the private car, to accord with Policy T10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. Prior to the commencement of development, detailed plans showing the provision of cycle parking facilities in accordance with the standards set out in Planning Policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006 shall be submitted to the Local Planning Authority for approval. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; and thereafter retained for that purpose.

Reason

To encourage means of transportation other than the private car, to accord with Planning Policies T7 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority measures in respect of a destructive search for slow-worms with any slow-worms being relocated within sustainable habitats within or adjoining the application site.

Reason

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

13. Prior to the commencement of development, detailed plans showing the proposed bin storage accommodation shall be submitted to the Local Planning Authority for approval. The agreed scheme shall be implemented as approved before the development hereby permitted is brought into use.

Reason

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

14. Prior to the first occupation of the development hereby permitted, the two existing single-storey structures (game bird rearing units) shall be permanently removed from the application site in accordance with the plans hereby approved.

Reason

To accord with Planning Policies D1, L1 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

15. Prior to the commencement, full details in respect of the provision of bird nesting boxes with the area outlined in blue on the site plan hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

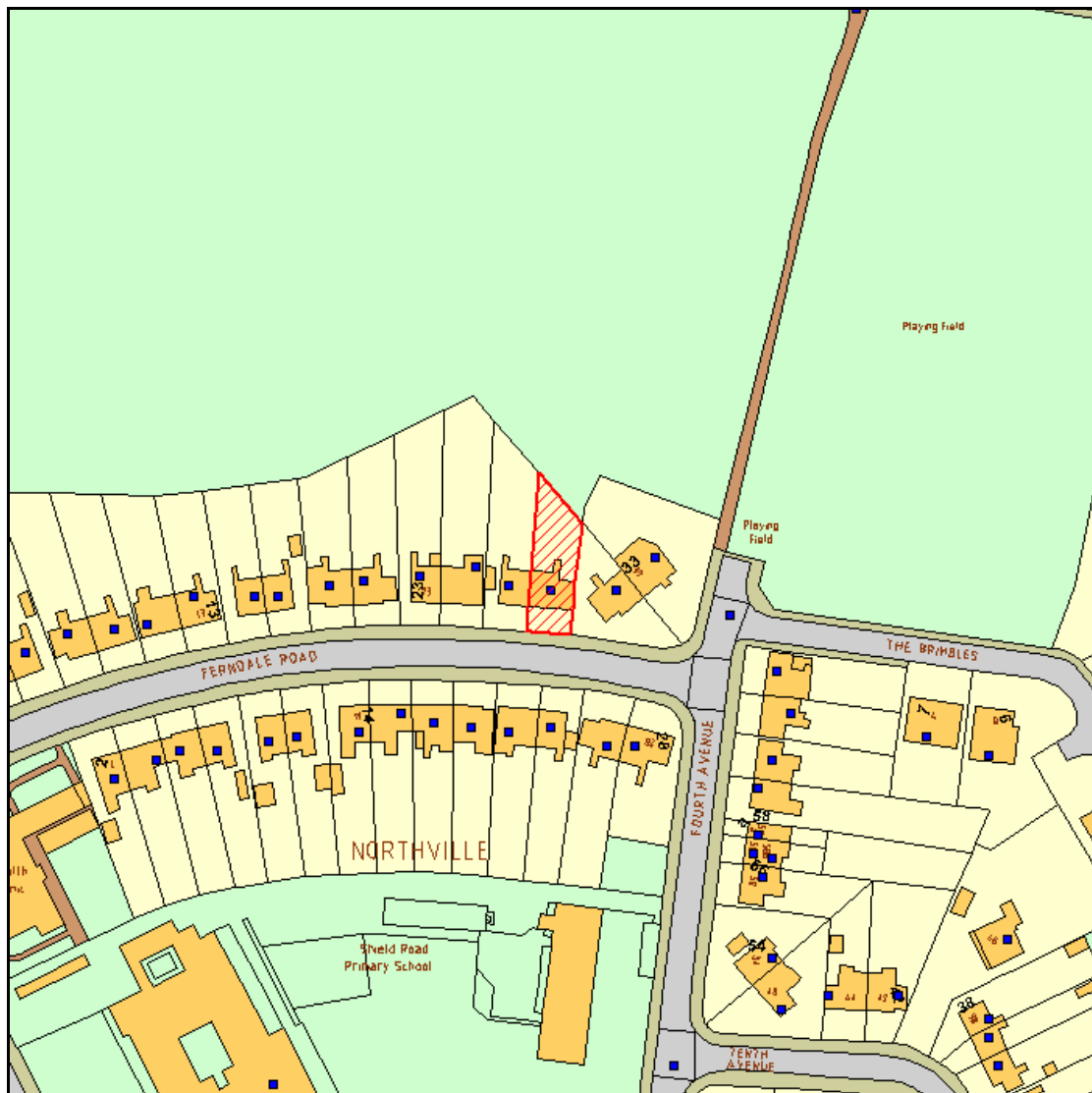
Reason

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

# ITEM 14

## CIRCULATED SCHEDULE NO. 47/10 – 3 DECEMBER 2010

<b>App No.:</b>	PT10/3010/CLP	<b>Applicant:</b>	Mrs E Elsden
<b>Site:</b>	29 Ferndale Road Filton South Gloucestershire BS7 0RP	<b>Date Reg:</b>	9th November 2010
<b>Proposal:</b>	Application for Certificate of Lawfulness for the proposed erection of a single storey rear extension.	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	360450 178583	<b>Ward:</b>	Filton
<b>Application Category:</b>	Minor	<b>Target Date:</b>	30th December 2010



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100023410, 2008. **N.T.S.** **PT10/3010/CLP**

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

This application appears on the Circulated Schedule List because it comprises a Certificate of Lawfulness.

### **1. THE PROPOSAL**

- 1.1 This application seeks a Certificate of Lawfulness for the erection of a single storey rear extension.
- 1.2 The application site comprises a two-storey semi-detached property situated on the northern side of Ferndale Road within the established residential area of Filton.

### **2. POLICY CONTEXT**

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

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

- 3.1 No relevant planning history.

### **4. CONSULTATION RESPONSES**

- 4.1 Filton Town Council  
No objection
- 4.2 Public Rights of Way  
No objection

#### **Other Representations**

- 4.3 Local Residents  
No comments received

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

- 5.1 Principle of Development  
This application is seeking a Certificate to state that the proposed development is lawful. It is not a planning application where the relative merits of the scheme are assessed against policy; it is an evidential test of whether it would be lawful to proceed with the proposal. The key evidential test in this case is whether the proposal falls within the permitted development rights afforded to householders. The proposed development comprises the erection of a single storey extension to the rear and side of the property, therefore, the main consideration is whether it complies with Part1, Class A of the General Permitted Development Order in terms of scale and siting. The extensions would be contained within



the curtilage of the dwellinghouse, which has its permitted development rights in tact.

5.2 Part 1, Class A allows for:

**A. The enlargement, improvement or other alteration of a dwellinghouse.**

**A1.** Development is not permitted if:-

- a) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);  
**Plan no. 0131/003 submitted demonstrates that the proposal would not exceed 50% of the total area of curtilage.**
- b) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof the existing dwellinghouse;  
**Plan no. 0131/002 submitted demonstrates that the proposal would be single storey in height, and therefore, lower than the apex of the existing two-storey dwellinghouse.**
- c) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;  
**Plan no. 0131/002 submitted demonstrates that the proposal would be single storey in height, and therefore, lower than the eaves of the existing two-storey dwellinghouse.**
- d) the enlarged part of the dwellinghouse would extend beyond a wall which-
  - 1) fronts a highway, and
  - 2) forms either the principal elevation or a side elevation of the original dwellinghouse;  
**Plan no. 0131/002 submitted demonstrates that the extension would not extend forward of the principal elevation of the dwellinghouse, which is the only elevation to front a highway.**
- e) the enlarged part of the dwellinghouse would have a single storey and-
  - 1) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
  - 2) exceed 4 metres in height;  
**Plan no. 0131/002 demonstrates that the extension would be single storey in height and wrap around the eastern corner of the dwellinghouse. The total width of the dwellinghouse would be no greater than half the width of the original dwellinghouse and it would not project beyond 3 metres from the rear wall of the original dwellinghouse. The applicant has submitted evidence to demonstrate that the garage is not part of the original dwellinghouse.**
- f) the enlarged part of the dwellinghouse would have more than one storey and-

- 1) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
- 2) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;

**Plan no. 0131/002 demonstrates that the proposal would be single storey in height.**

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

**Plan no. 0131/002 demonstrates that the eaves would not exceed 3 metres in height.**

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

- 1) exceed 4 metres in height,
- 2) have more than one storey, or
- 3) have a width greater than half the width of the original dwellinghouse; or

**Plan no. 0131/002 demonstrates that the extension would be single storey in height and wrap around the eastern corner of the dwellinghouse. The total width of the dwellinghouse would be no greater than half the width of the original dwellinghouse and it would not project beyond 3 metres from the rear wall of the original dwellinghouse. The applicant has submitted evidence to demonstrate that the garage is not part of the original dwellinghouse. The plan demonstrates that the extension would not be higher than 4 metres.**

- i) it would consist of or include-

- 1) the construction or provision of a veranda, balcony or raised platform,
- 2) the installation, alteration or replacement of a microwave antenna,
- 3) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
- 4) an alteration to any part of the roof of the dwellinghouse.

**The proposal would not consist of any of the above.**

5.3 **A.2.** In the case of a dwellinghouse on article 1(5) land, development is not permitted by Class A if—

- 1) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- 2) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- 3) the enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.

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

### **Conditions**

A.3 Development is permitted by Class A subject to the following conditions—

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

**The applicant has indicated on plan no. 0131/003 that the materials used would be similar in appearance to those used in the existing dwellinghouse.**

- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be—

- (1) obscure-glazed, and
- (2) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and

**The proposal is single storey therefore, this criteria is not applicable.**

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

**The proposal is single storey therefore, this criteria is not applicable.**

## **6. RECOMMENDATION**

- 6.1 That a Certificate of Proposed Lawful Development is GRANTED for the following reason:

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

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