



**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. 21/11

Date to Members: 03/06/11

Member's Deadline: 09/06/11 (5pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

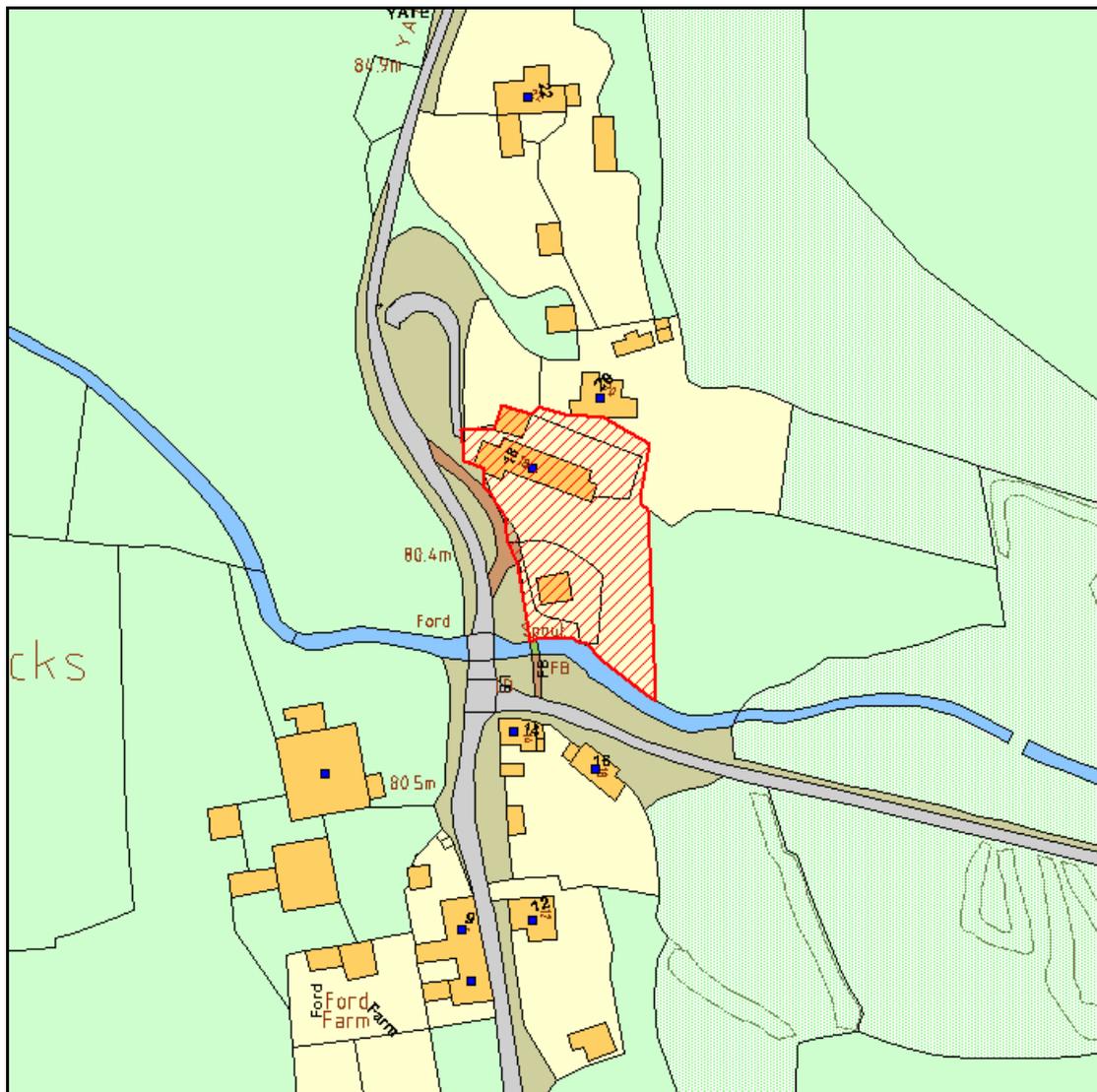
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s)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

CIRCULATED SCHEDULE – 3 JUNE 2011

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK11/0654/F	Approve with Conditions	Fordbank Cottage 18 Yate Rocks Yate South Gloucestershire BS37 7BU	Yate North	Yate Town
2	PK11/1204/CLP	Refusal	Greystones The Green Wick South Gloucestershire	Boyd Valley	Wick And Abson Parish Council
3	PK11/1249/F	Approve with Conditions	Conham View Rear Of 75 Church Road Hanham South Gloucestershire BS15 3AF	Hanham	Hanham Parish Council
4	PK11/1256/F	Refusal	Henley Tying Farm Leigh Lane St Catherine South Gloucestershire BA1 8HQ	Boyd Valley	Cold Ashton Parish Council
5	PK11/1257/F	Approve with Conditions	Congrove Stables North Stoke Lane Upton Cheyney South Gloucestershire BS30 6NG	Bitton	Bitton Parish Council
6	PT11/0989/F	Approve with Conditions	67 Bradley Avenue Winterbourne South Gloucestershire BS36 1HX	Winterbourne	Winterbourne Parish Council
7	PT11/1144/F	Approve with Conditions	Winter Stoke Bristol Road Frenchay South Gloucestershire BS16 1LQ	Frenchay And Stoke Park	Winterbourne Parish Council
8	PT11/1271/F	Approve with Conditions	31 Hunters Way Filton South Gloucestershire BS34 7EP	Filton	Filton Town Council
9	PT11/1465/TCA	No Objection	Glebe Cottage Castle Street Thornbury South Gloucestershire BS35 1HQ	Thornbury North	Thornbury Town Council

CIRCULATED SCHEDULE NO. 21/11 – 3 JUNE 2011

App No.:	PK11/0654/F	Applicant:	Dr I Dunnett
Site:	Fordbank Cottage 18 Yate Rocks Yate South Gloucestershire	Date Reg:	1st April 2011
Proposal:	Alteration to roofline of existing garage to include photovoltaic solar panels.	Parish:	Yate Town Council
Map Ref:	371994 184771	Ward:	Yate North
Application Category:	Householder	Target Date:	24th May 2011



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 100023410, 2008. **N.T.S.** **PK11/0654/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

1.1 The application site is situated north of Yate town in a hamlet known as Yate Rocks. The site is situated on the east side of the highway called Yate Rocks and is bounded by residential development to the north the highway to the west, open fields to the east and stream to the south. The site comprises a detached two storey dwelling with detached outbuilding to the north. The site is situated on a steep slope with the ground level of the garage outbuilding to the north higher than the dwelling to the south.

The site is situated outside any defined settlement boundary or the urban area as defined in the adopted Local Plan. The dwelling appears on the Councils Local List as a Locally Listed Building.

1.2 The application proposes alteration to roofline of the existing garage to provide dual pitched roof.

The application also shows the provision of 12 photovoltaic solar panels on the south roofslope. These solar panels do not require planning permission in accordance with the Town and Country Planning (General Permitted Development) Order 2008 and subsequent amendments. As such the solar panels will not be considered as part of this application.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS7 Sustainable Development in Rural Areas

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design
H4 Development within Existing Residential Curtilages
L15 Locally Listed Buildings

South Gloucestershire Core Strategy – Submission Draft December 2010

CS1 High Quality Design
CS9 Environmental Resources and Built Heritage

2.3 Supplementary Planning Guidance/Documents
South Gloucestershire Design Checklist – August 2007
South Gloucestershire Local List SPD – April 2008
The Local List – April 2011

3. RELEVANT PLANNING HISTORY

- 3.1 N6954
Erection of a front entrance porch and insertion of two windows.
Approved 02.10.1980
- 3.2 N6954/1
Erection of a double domestic garage and construction of a vehicular access.
Approved 22.01.1981
- 3.3 N6954/2
Erection of single storey front extension to provide porch/conservatory.
Approved 03.12.1981
- 3.4 P86/1280
Erection of two storey rear extension to form dining room, enlarged lounge and utility room with bathroom over.
Approved 23.04.1986
- 3.5 PK08/0997/F
Alteration of roofline to south elevation to include installation of 1no. dormer and facilitate erection of glass canopy. (Resubmission of PK07/3473/F).
Approved 29.05.2008

4. CONSULTATION RESPONSES

4.1 Yate Town Council

No objection

4.2 Other Consultees [including internal consultees of the Council]

Conservation Officer – No objection, the eaves detailing should be amended but this can be controlled via condition

Other Representations

4.3 Local Residents

Two letters of objection received from the occupier of 20 Yate Rocks, raising the following concerns:

- The provision of photovoltaic panels is not dependant on alteration to the roof profile.
- The proposed roofline alterations will raise the current roofline by 5'
- The increased roofline height would be situated only 25' from the front elevation of 20 Yate Rocks reducing the current 180 degree view from no.20 by approx 45 degrees or 25%

- The increased roofline will impact significantly on the historic views of the village, both northwards from the ford and southwards from the village green. The views northwards from the ford have been recorded from as early as Victorian times (copies can be found in the Yate Heritage Centre) and this valued, historic public viewpoint will be spoilt both by the protruding roofline proposed and use of non-traditional materials such as the voltaic tiles which will be completely out of keeping with the patina and appearance of the traditional roofs on all surrounding properties.
- South Gloucestershire Local Plan January 2006, Policy L15 – Locally Listed Buildings states that “Development proposals will be expected to retain buildings and structures which make a significant contribution to the character and distinctiveness of the locality.” The proposed extension to the roof line of the garage will clearly impinge on the historical views of the village, which in themselves are represented in the above mentions document.
- The above document also states that “When designing extensions to Locally Listed buildings it is important that the character and setting of the building is not harmed, and that the extension relates appropriately in scale and massing. **Extensions should be subservient to the building in height and massing.** It is important that extensions and alterations to buildings on the Local List do not compromise elements of the building, which are of historic or architectural interest. Extensions can be of an historic style to match the building, or adopt a contemporary approach. If an historic approach is adopted it is important that historic accuracy is employed, with regard to detailing, materials, colour and scale. If a contemporary approach is considered appropriate, a high quality of design detail and materials is essential, and the scale of the extension should respect the historic building.” The proposed works are clearly in breach of this clause.
- The Council should now assess Ford Bank Cottage – and its surrounding outbuildings – as suitable for inclusion in the list of ‘Buildings and structures which contribute to local character and distinctiveness’ under criteria 2, 3, 4, 5 and 6 and should therefore be afforded protection from future applications of this nature.
- The existing roof elevations of the proposed site would be completely adequate to support inclusion of the required photovoltaic tiles, which are claimed to represent the basis of this application. Indeed, the existing roof elevation could support the inclusion of environmentally friendly technology of this nature unobtrusively and without spoiling the views, character, patina or appearance of this historic local amenity.

One letter of support received from the occupier of Ford Farm, which reads,

‘It will have no detrimental effect on the neighbourhood or on any individual property and the green energy produced can only have a positive effect.’

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

The South Gloucestershire Core Strategy Pre-Submission Publication Draft was issued March 2010 and the consultation period expired on 06.08.2010. The Council's response to the representations received was considered at the Council's Cabinet meeting on 13 December 2010 and at the Full Council meeting on 15 December 2010 and the proposed changes to the Core Strategy agreed by Full Council have now been published. The South Gloucestershire Core Strategy Submission Draft was then published December 2010. The South Gloucestershire Core Strategy Development Plan Document was submitted to the Secretary of State on 31 March 2011. Whilst this document is a material consideration in the determination of planning applications, it will be afforded less weight than the adopted Development Plan at this stage.

Policy L15 of the adopted Local Plan relates to Locally Listed Buildings but specifically seeks to control demolition. Therefore Policy L15 of the adopted Local Plan will not carry any significant weight in consideration of this application for alterations to an outbuilding alone. Since adoption of the 2006 Local Plan the Council has released advice in the South Gloucestershire Local List SPD, which seeks to preserve more aspects of Locally Listed Buildings than demolition alone. Subsequent to the SPD, PPS5 has been published which provides Government advice in relation to the preservation of non-designated heritage assets, which include Locally Listed Buildings. As such the preservation of the historic and architectural character of a Locally Listed Building and its setting are a material planning consideration.

5.2 Visual impact and Locally Listed Building

The outbuilding is a modest stone building located at the rear of the cottage on elevated land. The roof is a large single mono-pitch, and attached at the east elevation is a glass house. The proposal is to rebuild the roof to a gabled pitch, of traditional proportions. The pitch to the north elevation will be clay pantiles and the south facing pitch is proposed to be covered with photovoltaic solar panels which do not require consent.

The existing roof has a mono pitch and squat appearance. The existing building is of no significant architectural quality. The form of the roof as proposed would be traditional using a dual pitch and having a traditional form. This is considered to be a visual improvement to the existing arrangement. The proposed windows would be timber construction and the walling stone and roofing, in clay tile. Subject to conditions controlling the materials, these features would further enhance the traditional character and appearance of the building in the interest of preserving and to an extent enhancing the character and appearance of the locality and the setting of the Locally Listed main dwellinghouse. The proposal is therefore considered to accord with design policy D1 of the adopted Local Plan and advice in relation to Locally Listed Buildings contained in the adopted South Gloucestershire Local List SPD and Government advice in PPS5.

5.3 Residential amenity

The neighbouring occupier to the rear has raised concerns that the increased height and presence of the building would have a detrimental impact on views from his house and impact on his residential amenity. A private view represents a private interest and as the planning system operates in the public interest there is little weight that can be attached to the loss of a private view. In this case the reduction of a panoramic view by the suggested 25% would be difficult to substantiate at appeal as being materially harmful to the amenity of the occupiers of no.20. As such the development is considered to be acceptable in this respect.

The development would be situated approximately 10m from the front of no.20. The proposal would result in an increase in scale of the east elevation (which faces towards no.20) from 3.4m to flat eaves to 2.1m to eaves and 4.5m to ridge. Although the shape of the east elevation would change, and the overall height taken to the apex of the ridge would increase, the overall scale and presence of the building would not change significantly. Considering this and the distance to no.20 it is considered that the proposal would not prejudice the amenity of neighbouring occupiers in terms of loss of daylight/sunlight, overshadowing or overbearing/bulky development.

5.4 Other issues

There would be no significant highway safety implications. Concerns have been raised that the building could be used for a business use. The use of the building for any non residential or ancillary residential purpose would fall within planning control and a further application would be required. As this has not been indicated in the proposal it is not necessary to consider a business use in this report.

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) Due to its scale and position in relation to the adjacent dwellings, the proposed development is considered not to give rise to a material loss of amenity to the adjacent occupiers. The development therefore accords to Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) It has been assessed that the proposed outbuilding extension and alterations have been designed to respect and maintain the massing, scale, proportions, materials and overall design and character of the Locally Listed Building, 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

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 full details comprising plans at a scale of 1:20 of the following items shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

(a) eaves detail

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. Development shall not commence until a representative sample panel of stone facing walling, of at least one metre square, showing the stone, mortar, coursing and pointing, shall be erected on site and approved in writing by the local planning authority. The development shall proceed exactly in accordance with the details so agreed.

Reason

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

4. Prior to commencement of development a sample of the clay tile to be used shall be submitted and approved in writing by the local planning authority. The development shall proceed exactly in accordance with the details so agreed.

Reason

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

5. Prior to occupation, all windows in the building the subject of this decision shall be painted timber in a colour to be first agreed in writing by the Local Planning Authority. The development shall be implemented 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.

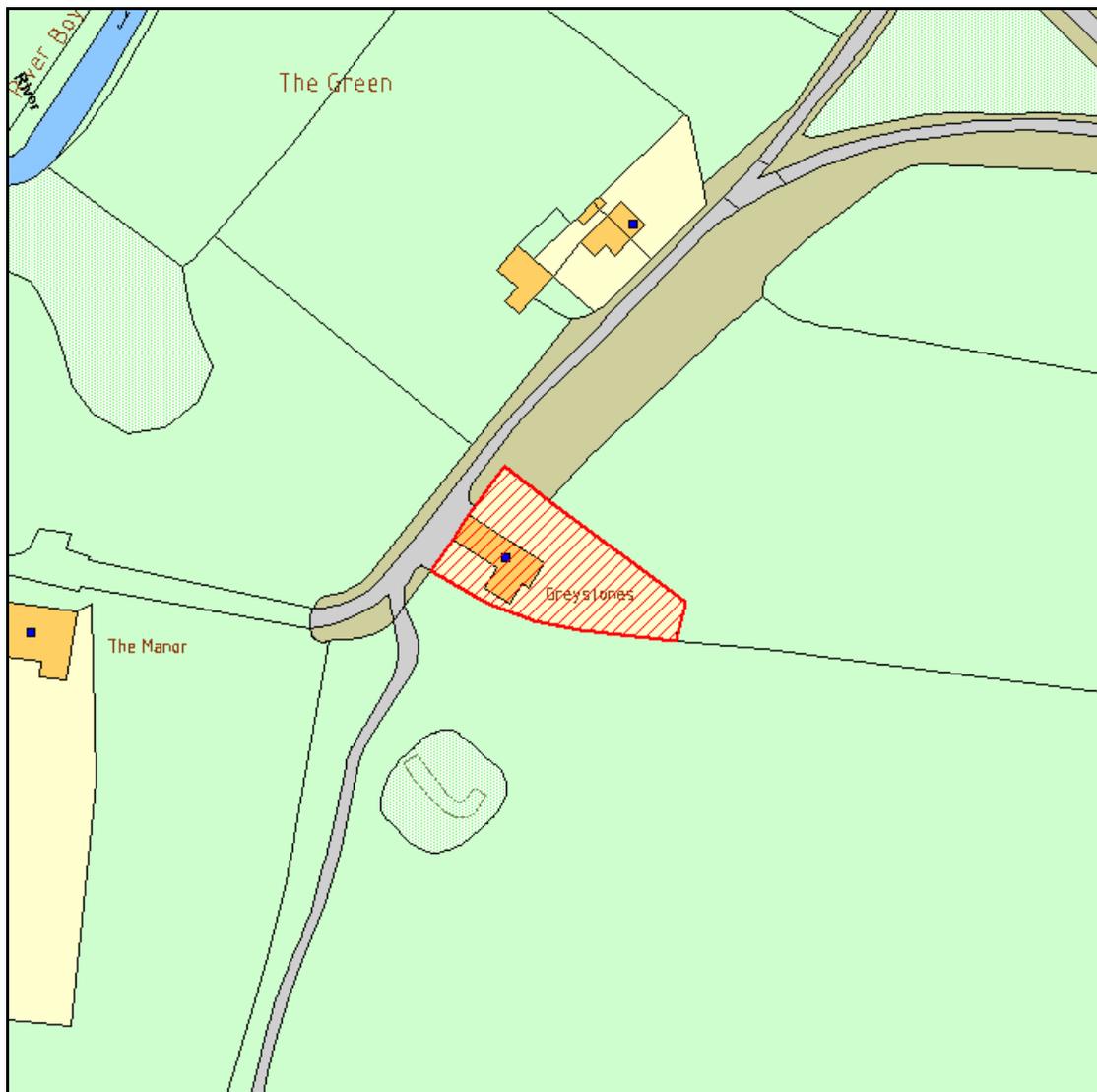
6. Any eaves fascias shall be constructed from timber and painted in a colour to be agreed in writing prior to occupation of the building the subject of this decision.

Reason

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

CIRCULATED SCHEDULE NO. 21/11 – 3 JUNE 2011

App No.:	PK11/1204/CLP	Applicant:	Mr S Haskins
Site:	Greystones The Green Wick South Gloucestershire	Date Reg:	18th April 2011
Proposal:	Application for Certificate of Lawfulness for the proposed two storey front extension to provide additional living accommodation.	Parish:	Wick And Abson Parish Council
Map Ref:	369508 172390	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	10th June 2011



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 100023410, 2008. **N.T.S.** **PK11/1204/CLP**

Other Representations

- 4.3 Local Residents
None received

5. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

5.1 The application relates to a two storey extension to the north east elevation of the dwelling within the existing residential curtilage to provide a studio with kitchen, W/C, entrance and staircase and upper studio at first floor level. The applicant claims that the development does not require planning permission. Such development could be considered under Sch 2, Art 3, Part 1 as Class A - The enlargement, improvement or other alteration of a dwellinghouse; only.

5.2 The proposal has been considered against all criteria in turn as defined in Class A of the 2010 Order,

1(a) requires the total ground area covered by the buildings within the curtilage of the dwellinghouse to cover less than 50% of the total area of the curtilage.

The dwelling is situated within a generous plot and although it has been extended in the past, the resultant dwellinghouse and any outbuildings within the curtilage would not exceed 50% of the total area of the curtilage. As such the proposal meets criteria 1(a).

5.3 1(b) requires that the height of the extension does not exceed the height of the highest part of the roof of the existing dwellinghouse.

The roof of the proposed extension would not exceed the height of the roof of the dwellinghouse. As such the proposal meets criteria 1(b).

5.4 1(c) requires the eaves of the extension not to exceed the height of the eaves of the existing dwellinghouse.

The eaves of the proposed extension as shown on the submitted drawings would be lower than the eaves of the existing dwellinghouse. As such the proposal meets criteria 1(c).

5.5 1(d) states that development is not permitted if '*the enlarged part of the dwellinghouse would extend beyond a wall which – (i) fronts a highway, and (ii) forms either the principle elevation or a side elevation of the original dwellinghouse*'.

The drawings submitted show the proposed extension to project from and perpendicular to the north east elevation of the existing dwellinghouse. The extension would run from the north east elevation parallel to the highway to the west. As such it is considered that the proposed extension would not front a highway. As the proposal meets criteria (i) of 1(d) the proposal is considered to meet the requirements of 1(d).

- 5.6 1(e) states that development is not permitted, subject to a list of criteria, if the extension is single storey. The drawings show a two storey extension and as such it is not necessary to consider the development against criteria 1(e).
- 5.7 1(f) relates to extensions of more than one storey and requires (i) the extension to extend beyond the rear wall of the original dwellinghouse by up to 3m, or (ii) be within 7m of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse.

The extension would extend beyond the north east elevation by more than 3m. If it is taken that the wall fronting the highway containing the gable abutting the highway is the front elevation, then the rear elevation would be taken as the opposite elevation, which faces south east. The extension does not extend beyond the south east elevation. Additionally, the boundary of the dwellinghouse opposite the rear wall of the dwellinghouse on the basis of the above consideration would be the south east boundary. The drawings submitted show the extension in a position more than 7m from the south east boundary as and as such the proposal is considered to meet the requirements of criteria 1(f).

If the north east elevation was considered to be the rear elevation then planning permission would be required due to the length and position of the extension in relation to the north east boundary. On the basis of all considerations in par 5.7 the elevation on which the extension is proposed must either be the principle or not and then either the front or side elevation alone.

- 5.8 1(g) states the if the extension is situated within 2m of the boundary of the curtilage, the height of the eaves of the extension cannot be greater than 3m.

The applicant has provided an original copy of the floor plan drawing. This shows that the extension would be situated more than 2m from any boundary. As such although the extension would have an eaves height greater than 3m, the proposal meets the requirements of 1(g).

- 5.9 1(h) states that planning permission is required if the extension '*would extend beyond a wall forming a side elevation of the original dwellinghouse, and would-*

- (i) *exceed 4m in height,*
- (ii) *have more than one storey, or*
- (iii) *have a width greater than half of the width of the original dwellinghouse'*

As the drawings submitted show the extension to be more than 4m in height and more than 1 storey the proposal would fail under criteria 1(h) if situated on a side elevation. As such in order to meet the requirements of 1(h) the proposal must be situated on either the front or rear elevations i.e. not a side elevation. As indicated in par. 5.7 the extension would fail under criteria 1(f) if the north east elevation were to be considered the rear elevation. So in order to be permitted development, the proposal must be attached to the front elevation. The technical guidance issued by the Government '*Permitted*

Development for Householders' August 2010 gives guidance on what constitutes the front/side/rear elevation. The guidance reads,

'In most cases, the principle elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving that main entrance to the house. Usually, but not exclusively, the principle elevation will be what is understood to be the front of the house.'

In the guidance notes attached to criteria 1(h) the side elevation is explained as such,

'A wall forming the side elevation of a house will be any wall that cannot be identified as being a front wall or a rear wall.'

The vehicular access from the highway into the site is from the north west boundary where a hardstanding area in the east corner provides a parking area. A pedestrian access is also provided adjacent to the vehicular access leading into the parking area. The house name is situated on the wall at the access. The elevation inside the site facing north west has a lean to porch with an entrance door with door knocker and post box. There is no other vehicular or pedestrian access into the site. This north east elevation, set back from but fronting the highway is therefore considered to be the principle elevation. Considering all of the features on this elevation and its accessibility from the highway and position fronting onto the highway, this elevation is also considered to be the front elevation. On the basis that this north west elevation is the front elevation, the proposed extension must be situated on the side or rear elevation. On this basis in terms of permitted development, the proposal would fail under either criteria 1(f) for the rear elevation or 1(h) for the side elevation.

- 5.10 Criteria 1(i) relates to construction of a veranda, balcony or raised platform; installation of microwave antenna; installation of chimney; alteration of any part of the roof. The drawings submitted in support of the application show no such features and as such the proposal meets the criteria of 1(i).
- 5.11 Class A.2 relates to development on Article 1(5) land e.g. Conservation Area, AONB. The application site is not situated on Article 1(5) land.
- 5.12 Class A.3 specifies conditions that development which is permitted by Class A.1 would be subject to. As the development proposed is considered to fail under Class A.1 it is not necessary to consider the proposal against the condition imposed by Class A.3.

6. CONCLUSION

- 6.1 On the basis of the above analysis, the proposed extension is considered not to constitute permitted development under Art 3, Part 1, Class A of the 2010 Order.

7. RECOMMENDATION

7.1 Issue of the Certificate to be REFUSED.

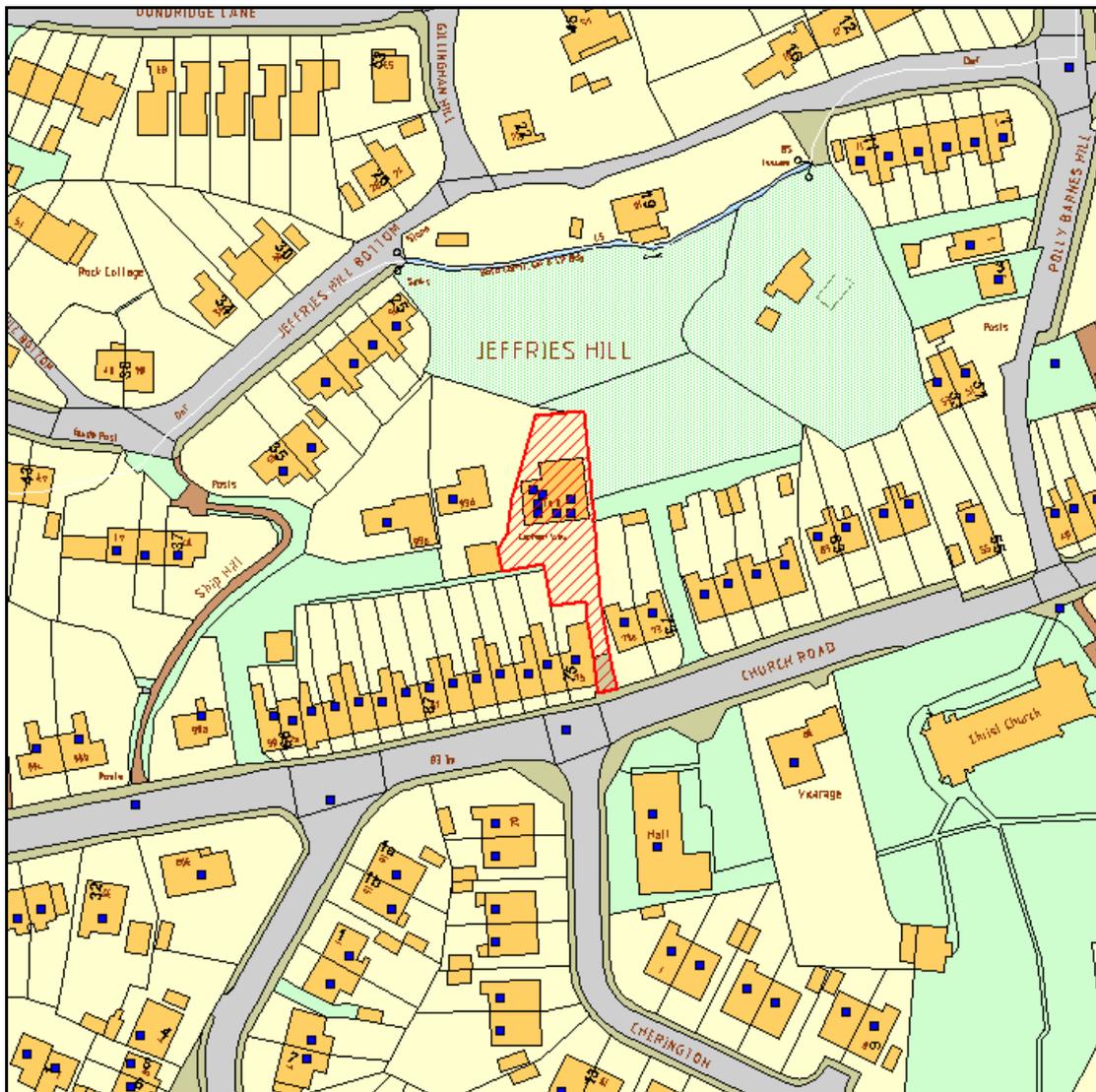
Contact Officer: Sean Herbert
Tel. No. 01454 863056

REASON FOR REFUSAL

1. The proposed extension fails to meet the requirements of schedule 2, Part 1 Class A.1 of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2010.

CIRCULATED SCHEDULE NO. 21/11 – 3 JUNE 2011

App No.:	PK11/1249/F	Applicant:	Mr M Botta
Site:	Conham View Rear Of 75 Church Road Hanham South Gloucestershire	Date Reg:	3rd May 2011
Proposal:	Construction of 1no. self contained flat within existing void on lower ground floor.	Parish:	Hanham Parish Council
Map Ref:	363711 172318	Ward:	Hanham
Application Category:	Minor	Target Date:	22nd June 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of objections from Councillor June Bamford, Hanham Parish Council and a local resident; the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 Planning permission PK05/1501/F was previously granted to demolish an existing building and to erect 5no. 2-bedroomed flats and 1no. 1-bedroomed flat on the site and this building is now known as Conham View.
- 1.2 It is proposed to utilise an existing void within the lower ground floor of the building to create an additional one bedroom flat. The existing access would be utilised and an additional car parking space provided.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 - Delivering Sustainable Development
PPS3 - Housing
PPG13 - Transport

2.2 Development Plans

Joint Replacement Structure Plan

Policy 1 - Sustainable development objectives.
Policy 2 - Location of development.
Policy 33 - Housing provision and distribution.

South Gloucestershire Local Plan (Adopted) January 2006

D1 - Design
L1 - Landscape Protection and Enhancement
L17 & L18 - The Water Environment
EP1 - Environmental Pollution
EP2 - Flood Risk and Development
T7 - Cycle Parking
T8 - Parking Standards
T12 - Transportation Development Control Policy for New Development
H2 - Proposals for Residential Development within the Existing Urban Area.
H4 - Development within Residential Curtilages
H6 - Affordable Housing
LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions).
LC2 - Provision of Education Facilities (Site Allocations and Developer Contributions).

South Gloucestershire Core Strategy -Submission Draft (December 2010)

CS1 - High Quality Design
CS5 - Location of Development
CS15 - Distribution of Housing

- CS16 - Housing Density
- CS17 - Housing Diversity
- CS18 - Affordable Housing

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Check List SPD (Adopted) August 2007.

3. **RELEVANT PLANNING HISTORY**

The site has been the subject of numerous planning applications in the past. However the following are the most relevant to the determination of this application.

- 3.1 PK03/1690/O - Erection of No. 5 flats with siting and means of access
Approved with Section 106 Agreement 10 Oct 2005
- 3.2 PK05/0878/F - Demolition of existing building to facilitate the erection of 9no. flats with associated parking.
Withdrawn 12 May 2005
- 3.3 PK05/1501/F - - Demolition of existing building to facilitate the erection of 6no. flats with associated parking.
Approved 8 Feb 2006

4. **CONSULTATION RESPONSES**

4.1 Hanham Parish Council

Object. Concerns have already been expressed in the past over safe access and egress from the existing development onto Church Road. Any additional vehicles will add to the dangers of safe movement of traffic onto the highway.

4.2 Other Consultees [including internal consultees of the Council]

Archaeology Officer

No objection

Environmental Protection

No adverse comments.

The Coal Authority

No objection.

Sustainable Transport

No objection subject to conditions to secure implementation of car and cycle parking provision.

Other Representations

4.3 Local Residents

1no. letter of objection was received from the occupant of no.71 Church Road. The concerns raised are summarised as follows:

- Previous permission for 6 flats only.
- Existing occupiers of the flats do not use the car park provided but park in the road causing obstructions.

4.4 Councillor June Bamford

Objects on the following grounds:

- The access and egress onto Church Road is very narrow and anyone coming out of the development does not have a clear view when pulling out. There are no visibility splays and there has already been an accident.
- The flats are next to a row of Victorian houses and these dwellings have no parking facilities. As a number of families live in these houses with 2 cars to each household, they have to park on-street. Cars are parked close to the access point for Conham View which is why visibility is restricted.
- The houses to the other side of the entrance to Conham View (2 semi-detached and 4 terraced) share a lane where they park their vehicles. As the residents in Conham View are reluctant to park in their own parking spaces due to difficulties in pulling out onto Church Road, they park on-street often outside these dwellings. Therefore visibility is then restricted for these residents as cars are parked very close to the entrance of the lane.
- The parking issue is particularly poor at night and at weekends.
- I believe that enforcement did visit the Conham View development when it was under construction because neighbours were concerned that this void on the lower ground floor would eventually be turned into another flat.
- There are not enough parking spaces at Conham View to cater for residents and visitors.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site lies within the Urban Area and the acceptance of a block of flats on this site has previously been established with the grant of applications PK03/1690/O and PK05/1501/F; there is therefore no in-principle objection to the residential development now proposed.

5.2 Having regard to the adopted Joint Replacement Structure Plan, Policy 2, the locational strategy, aims to concentrate development for jobs, housing and facilities within the main urban areas, in order to maintain and develop their vitality and quality as regional and sub-regional centres.

5.3 Government advice contained in PPS3 – ‘Housing’ supports a more efficient and sustainable use of land in the urban area, with a provision for more intensive housing development in and around existing centres and close to public transport nodes. However, recent changes to PPS3 mean that, residential gardens are no longer considered to be previously developed, brown field sites. That is not to say however that garden areas cannot be developed at all; any development would need to satisfy local plan policies relating to design, loss of open space and impact on the character of the area in question. The South Gloucestershire Local Plan (Adopted) 6th January 2006 (para.8.26) does seek to “..increase the proportion of smaller dwellings, reflecting the projected

growth in one-person households and the existing disproportionate provision of smaller dwellings in South Gloucestershire.”

- 5.4 The proposal falls to be determined under Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits the residential development proposed, subject to the following criteria:
- A. Development would not have unacceptable environmental or transportation effects, and would not significantly prejudice residential amenity; and
 - B. The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved. The expectation is that all developments will achieve a minimum density of 30 dwellings per hectare and that higher densities will be achieved where local circumstances permit. Not least, in and around existing town centres and locations well served by public transport, where densities of upwards of 50 dwellings per hectare should be achieved.
 - C. The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination; and
 - D. Provision for education, leisure, recreation and other community facilities, within the vicinity, is adequate to meet the needs arising from the proposals.
- 5.5 It should be noted however that in the recently revised version of PPS3 the reference to the national indicative minimum density target of 30dph has been deleted. The changes have been introduced to reflect concerns regarding overdevelopment of neighbourhoods, loss of green space and the impact upon local character.
- 5.6 Also of relevance is Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, which permits new dwellings within residential curtilages subject to criteria discussed below. Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of the South Gloucestershire Core Strategy Submission Draft Dec. 2010, both seek to secure good quality designs that are compatible with the character of the site and locality.
- 5.7 Density
Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and like PPS3 seeks to avoid development, which makes an inefficient use of land. Whilst not prescribing any maximum or minimum figure, the PPS encourages the highest density that can be achieved within the various local considerations that need to be taken into account.
- 5.8 PPS3 (para.50) states that *“The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.”*

- 5.9 The proposal is considered to make efficient use of voids within the existing building in what is a very sustainable location, close to the centre of Hanham, within walking distance of the shopping and community facilities and main bus routes. In this respect the proposal accords with government guidelines and in terms of its density alone, the development is not considered to be an overdevelopment of the site.
- 5.10 Scale and Design
The proposed flat would utilise an existing void within the lower ground floor of the building. The only visible alterations to the building would be limited to the new windows, the appearance of which would be consistent with the design and scale of the existing windows. To the front of the building the ground has already been excavated to provide a 'light-well'. The design of the windows on the front elevation would mirror the existing windows on the lower ground floor, thus providing a degree of symmetry. To the side, 3no. windows would be inserted which would integrate with the existing windows and would have the additional benefit of increasing surveillance, either directly or through perception.
- 5.11 PPS3 has recently been revised to take account of loss of open garden space and the impact of so-called 'garden grabbing' on the character of areas. The proposal would not result in the loss of any open amenity space and the character of the area would be maintained. On balance therefore the proposed scale and design are acceptable.
- 5.12 Transportation Issues
It is evident from the concerns raised above, that parking and access provision is the key issue in the determination of this application. The applicant is seeking to create a self-contained 1no. bedroom flat within the existing void on the lower ground floor of the existing building. If approved this would result in a total of 7 residential units within the existing building with 7no. parking spaces on this site (1 additional space being provided).
- 5.13 It is noted that the local Member and the Parish Council are objecting to this application on the basis of access and restricted visibility between the site access and the public highway at its junction with Church Road. From the officer's point of view, the existing constraints of the access is acknowledged. However in order for the Members to make an informed decision on this application, the following comments are made.
- 5.14 From the traffic point of view, it is generally accepted that 1 and 2 bed flats tend to generate lower traffic levels than a family size dwelling. Traffic movements associated with a flat are estimated to be around 3 or 4 movements per day where this could be in the order of 6 or 8 movements per day for a family size dwelling. This level of traffic is considered to be small. The existing access lane to the site is single width but it is considered adequate to allow a car to safely pass a pedestrian. Given the existing width of the access, the vehicular speed through the access is very low and therefore, the modest increase in traffic resulting from this development is unlikely to result in additional highway safety hazards at this location. Furthermore, highway records reveal that since the flats have been occupied, there have been no personal injury accidents

associated with the access. Associated with the existing building, there is an acceptable level of parking and manoeuvring space for vehicles on site. With the current proposal, the applicant aims to allocate one extra parking space for this new flat. If approved, there would be a total of seven parking spaces on site for seven flats and this complies with the Council's parking standard. The applicant also confirms that a fully secure and internal space would be dedicated for cycle parking to help encourage more sustainable travel with this proposal. Additional bin storage would also be provided adjacent to the parking area.

5.15 In the view of the above, the officer's recommendation is a balanced judgement and is that the application should be allowed subject to the following conditions,

- 1) Prior to occupation of the dwelling, provide car parking and manoeuvring space, in accordance with the submitted and approved plan and maintain these satisfactorily thereafter.
- 2) Prior to occupation of the dwelling provide cycle parking in accordance with the approved plans. Such cycle parking shall then be maintained satisfactorily thereafter.

Subject to these conditions the proposal is considered to accord with Policy T12, T8 and T7 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.16 Impact on Residential Amenity

The layout of the proposed unit mirrors that of an existing unit. Soundproofing between the proposed and existing flats would be a matter for Building Control. Adequate amenity space would be available within the site to accommodate the occupants of an additional small one-bedroom flat. Given the position of the proposed new windows in relation to neighbouring property as well as the existing high boundary treatments, there would be no significant loss of privacy from overlooking. One additional car parking space would be provided within the site but this would not create such a level of disturbance to neighbours as to justify refusal of the application.

5.17 Having regard to all of the above, officers are satisfied that no significant harm to residential amenity would result from the scheme, which accords with Policies H4 and H2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.18 Landscape Issues

The site is already fully landscaped and this would not be adversely affected by the proposal. The scheme therefore accords with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

5.19 Environmental and Drainage Issues

Whilst there may 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 imposing a condition to control the hours of working. There are therefore no objections on environmental grounds. In terms of drainage the existing systems would be utilised.

- 5.20 Affordable Housing
The proposal is for 1no. dwelling only, which is below the Council's threshold (15) for affordable housing provision.
- 5.21 Education Service
The proposal is for 1no. dwelling only, which is below the Council's threshold (5) for contributions to the Education Service. No contributions were requested for the original scheme of 6 flats.
- 5.22 Community Services
The proposal is for 1no. dwelling only, which is below the Council's threshold (10) for contributions to Community Services.

6. **CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority is not in conflict with the following policies or adopted Supplementary Planning Guidance when read in conjunction with the planning conditions imposed.
1. Consideration has been given to the impact of the proposed development on the character of the surrounding area, which would in this case not be affected, in accordance with Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.
 2. The proposal would not prejudice the amenities of neighbouring property, in accordance with Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.
 3. An acceptable level of off-street parking would be provided in accordance with Policies H2, H4 and T8 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.
 4. Adequate amenity space would be provided to serve the development, in accordance with Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.
 5. The design of the scheme would be in accordance with Policy D1 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006 and Policy CS1 of the South Gloucestershire Core Strategy Submission Draft Dec 2010.
 6. There would be no adverse landscape implications to result from the scheme, in accordance with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.
 7. An appropriate scheme of drainage is available in accordance with Policies EP1, EP2, L17 & L18 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

8. Adequate cycle parking provision would be provided in accordance with Policy T7 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

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. The hours of working on site during the period of construction shall be restricted to 07.30hrs to 18.00hrs Mon - Fri and 08.00hrs to 13.00hrs Sat ; 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 residential property in accordance with Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

3. Prior to the first occupation of the dwelling hereby approved, the additional car parking space and manoeuvring areas shall be provided in full accordance with the details shown on the approved Proposed Site Plan and maintained as such thereafter.

Reason

To provide adequate car parking provision in the interests of highway safety and to accord with Policies T12, T8, H2 and H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

4. Prior to the first occupation of the dwelling hereby approved, the revised secure Cycle Parking shall be provided in full accordance with the details shown on the Proposed Basement Floor Plan hereby approved and maintained as such thereafter.

Reason

To encourage means of transportation other than the private car and to accord with Policies T7 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

CIRCULATED SCHEDULE NO. 21/11 – 3 JUNE 2011

App No.:	PK11/1256/F	Applicant:	Mr E Lippiatt
Site:	Henley Tynning Farm Leigh Lane St Catherine South Gloucestershire BA1 8HQ	Date Reg:	20th April 2011
Proposal:	Erection of wind turbine on 18m high tower (Resubmission of PK10/1921/F)	Parish:	Cold Ashton Parish Council
Map Ref:	374985 171259	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	13th June 2011



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100023410, 2008.

N.T.S.

PK11/1256/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the circulated schedule due to the receipt of 24 letters of support from local residents and interested parties.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a wind turbine on agricultural land. The proposed turbine would have a hub height of 18.3 metres and a maximum height to the tip of the blade of 25 metres. The application shows that the head, blades and tower of the turbine would be natural galvanised or a light grey colour.
- 1.2 The turbine would serve Henley Tying Farm. The farm comprises 260 acre farm with a 5 bedroomed farm house and runs as a beef enterprise. Additional land is also rented.
- 1.3 Supporting information submitted with the application states that the total energy demand of the farm costs approximately £2000 per year (20,000 units). The applicant also notes that recent developments to the farm house over the last year have included a ground source heat pump. The primary objective of the wind turbine is to reduce the applicants need to purchase power whilst at the same time contribution to the thrust of Government policy in respect of renewable energy.
- 1.4 A previous application to erect a similar wind turbine at the farm (PK10/1921/F) received an officer recommendation for refusal in September 2011. The application was called before the full DC East sites inspection sub-committee and full planning committee and was finally refused by the DC East planning committee on 25th November 2011 for the following reason:
The proposed wind turbine is not one of the five limited categories of development that may be considered acceptable in the green belt and would have a detrimental impact on its openness. Very special circumstances have not been demonstrated as the application fails to demonstrate that the benefits associated with the production of energy from the turbine outweighs the detrimental impact on its openness. The application is therefore contrary to the requirements of PPS22, PPG2, and Policy GB1 of the South Gloucestershire Local Plan (Adopted).
Full details of the history are explained in section 3 below.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Development Plans

South Gloucestershire Core Strategy Submission Draft – December 2010

CS1	Design
CS3	Renewable and Low Carbon Energy Generation

South Gloucestershire Local Plan (Adopted) January 2006

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK10/1921/F Erection of wind turbine on 15m tower.
Refused December 2010 as explained in section 1.4
- 3.2 Differences between this current application and the previously refused application.
In order to assess the application, it is first necessary to establish the precise differences between the current application and the previously refused application. The differences are summarised below:
- The proposed turbine site has been moved by approximately 4 metres off of the top of the hill.
 - The previous application had a hub height of 15 metres above ground level – the current proposal has a hub height of 18.3 metres above ground level (although the supporting information claims that due to the revised siting the hub height will actually be the same as that previously considered)
 - The previous proposal had a maximum height to the tip of the blade of 19.5 metres above ground level – the current proposal has a maximum height to the tip of the blade of 25 metres above ground level.
 - The turbine subject to the previous application had three blades – the application now for consideration has two blades.
 - The previously refused turbine rotated at 150rpm – the current proposal will be constant and steady at only 56rpm
 - The bulk of the turbine head is reduced from that previously refused and the applicant claims that the column is slimmer

4. CONSULTATION RESPONSES

- 4.1 Cold Ashton Parish Council

No response received

- 4.2 Councils Conservation Officer
Objects to the application as discussed in more detail below
- 4.3 NERL
No Objection
- 4.4 Councils Ecological Officer
Raised concerns
- 4.5 Cotswolds Conservation Board
Objects to the application

Other Representations

- 4.6 Local Residents
24 letters of support have been received from interested parties and local residents. A summary of the main points raised in support of the application are listed below:
- Minimal impact on surrounding area in terms of noise and visually
 - When considered against the A46 and the existing overhead cables and posts there is no detrimental effect
 - Will provide long term sustainable energy from a non polluting source
 - Educational benefits
 - This type of sensitive development is inspiring
 - Support any attempt to replace polluting fossil fuel use
 - Modest turbine
 - The 'Wirescape' of existing electricity pylons must be taken into consideration
 - Alternative energy source
 - A few well positioned wind turbines are a small price to pay if we care for our local and global environment
 - The applicant has an ongoing commitment to sustainability
 - The proposed location is less visible on the sky line than the first application
 - The turbine would be an attractive addition to the landscape
 - Wind energy is significantly more cost effective than solar power
 - Farmers are custodians of our AONB and we should support them
 - AONB/aesthetic considerations are not applied to other farm buildings for agricultural purposes
 - Environmental Benefits
 - Adherence to central government policy
 - There is an abundance of wind in this location
 - Proportional scale
 - No issue of noise
 - No impact on ecology
 - Society should encourage entrepreneurs
 - South Glos and Wiltshire was peppered with windmills as recently as 1910 – why should we fear their return?
 - Fixed speed of rotation will lessen its visual impact

- The farm is working agricultural land – not virgin wilderness
- Wind turbines provide a useful modern structure of outstanding interest
- Perfect location for a wind turbine
- Challenge you to locate me an aesthetically pleasing oil rig
- Windmills are shown on OS maps
- Will make a fantastic focal point
- Marshfield School has a similar turbine

4.7 7 letters of objection have been received from interested parties and local residents. A summary of the main points of objection raised is listed below:

- The area is designated as AONB and this should be maintained
- The site is visible from Cold Ashton Conservation Area
- Possibility on increased accidents on A46
- Would have an adverse impact on the Cotswold Way and other public footpaths
- Turbine could be viewed as rural vandalism
- The turbine is further down the slope and has two blades but is taller than the previously refused one
- No change since the refusal of the previous application
- Uneconomic and very costly to the energy consumer
- Turbine is only possible because of generous subsidy
- The proposal does nothing to overcome the objections to the earlier proposal
- Entirely unsuitable for an AONB
- The turbine would appear out of keeping
- Inefficient - The turbine will not answer anything but a small fraction of our need for power
- Contrary to policy

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

5.2 Green Belt, AONB and Impact on Landscape

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

measures will be required to conserve and enhance the natural beauty of the landscape.

- 5.3 Paragraph 13 of PPS22 goes on to discuss the impact of renewable energy installations on the green belt. It states that ‘when located in the green belt, elements of many renewable energy projects will comprise inappropriate development, which may impact on the openness of the green belt. Careful consideration will therefore need to be given to the visual impact of projects, and developers will need to demonstrate very special circumstances that clearly outweigh any harm by reason of inappropriateness and any other harm if projects are to proceed.’ It is accepted within the PPS that very special circumstances may include the wider environmental benefits associated with the production of energy from renewable sources. Policy GB1 of the Adopted Local Plan and PPG2 identify the five limited types of development that may be considered acceptable in the green belt – renewable energy installations is not one of these limited classes.
- 5.4 The landscape character of the locality is particularly distinctive and is described in the South Gloucestershire Landscape Character Assessment as, *‘distinctly rural and largely tranquil, with a harmonious relationship between landform, vegetation and settlement.’* *‘The lack of urban influence, modern development, limited road access and containment of many views, adds to the feeling of remote countryside within the majority of the landscape character area and particularly the deep valleys. This area is therefore highly sensitive to change, which has the potential to erode the distinctive physical and visual character of the area’.*
- 5.5 Apart from a single slimline 15 metre telecoms mast and two smaller telecoms repeater masts, the landscape of the immediate locality is particularly notable and unusual for being devoid of modern vertical structures and it is this factor that would make a wind turbine in this location particularly intrusive. As raised by some supporters of the scheme, your officer is aware of the very low level and small scale telephone and electricity wires that are necessary to serve the buildings in the vicinity. Some letters do however mention pylons but your officer is not aware that these are feature of the local landscape. To add to the intrusion the rotating blades would be a moving feature in the landscape that would draw attention to turbine – although it is accepted that steps have been taken to slow the speed of rotation to try and mitigate against this issue. Very unusually, because of the elevation of the site and the manner in which the topography falls rapidly away to the east, south and west of the site, a turbine in this location would possibly be visible from within the remote and tranquil valleys that are the key landscape characteristic of the locality. Before a claim of very special circumstances can be upheld, further investigation need to be undertaken to identify why less visually intrusive forms of renewable energy installation could not be installed.
- 5.6 The submission has not therefore addressed the issue of landscape character by reference to the Landscape Character Assessment and neither has it addressed Green Belt policy. The proposal does not represent one of the limited forms of development normally considered appropriate in the Green Belt and is therefore harmful by definition. A turbine of this size will be widely visible

in the landscape due to the elevated location. The site is set at, one of the highest spots on the escarpment with the crest being at 220m AOD just east of Toghill approx 1.8km north west of the site. Such a development in this location would harm the visual amenity of the Green Belt and adversely affect openness, the latter being of considerable significance in this particularly open landscape. The submission does not address this policy issue and the onus is on the applicant to present a case for very special circumstances to permit such a development in the Green Belt.

- 5.7 It is appreciated that attempts have been made to overcome the previous green belt refusal reason by moving the proposed position of the turbine slight off of the top of the hill. Having done this however, the height of the turbine has then been increased. Whilst the number of blades has been reduced and the rotation speed has been cut, this does not outweigh the fact that the currently proposed turbine is actually 5.5 metres taller than that previously deemed unacceptable. It is your officers opinion that the proposed taller turbine, despite the proposed alterations, will still have a detrimental impact on the openness of the Green Belt and will also have a detrimental impact on the character of the AONB. Given this extra height it is considered appropriate to add a refusal reason relating to the impact on the AONB despite the fact that the full DC East committee did not add this refusal reason as part of application PK10/1921/F.
- 5.8 It is not considered that a case based upon the wider environmental benefit of a single turbine producing a limited amount of surplus energy to the grid would be a substantive case for very special circumstances in such a sensitive landscape. No Zone of Visual Influence (ZVI), theoretical or otherwise, has been established for the submission but in all probability the ZVI extends from the crest of the scarp at Toghill eastwards to the south of Cold Ashton towards Marshfield, turning south towards Ashwicke then west across St Catherine's Brook towards Upper Langridge then returning north to Toghill. It is possible that the ZVI may actually be even greater than the previously refused application due to the increased height. It is only when such a zone has been established that a full assessment of the potential impact upon all environmental, historic and cultural assets can be undertaken.
- 5.9 The proposed site for this turbine is located to the south of the conservation area of Cold Ashton. The Cold Ashton Conservation Area also contains a number of listed buildings, notably the grade I listed Manor House (including grade I listed walls) and the grade II listed Old Rectory. Both buildings occupy a prominent and important location within the centre of the village and both enjoy extensive views out to the countryside to the south. Whilst the conservation area above Hydes Lane is relatively isolated from the proposed site due to landscaping, buildings and land levels, the area along and to the south of Hydes Lane is far more open and permeable allowing panoramic views and glimpses of the site from, and across, the conservation area.
- 5.10 The proposed siting and height of this turbine will mean that it will be visible from a number of key locations within and around the southern half of the conservation area and potentially from a wider range of historic sites, landscapes and public footpaths outside the conservation area, including sections of the Cotswold Way. There may also be receptor sites in the BANES

area which may also be sensitive to development. The photographic montages demonstrate that the turbine will be visible from the centre of the village and specifically from the front of the grade I listed Manor House and from Slough Lane. The open countryside to the south of this building of outstanding historic and architectural interest makes an important contribution to its setting and character. With the exception of two (or at most three) distant antennas, there are no other modern telecommunication masts, electricity pylons or cables visible in the landscape, giving it an exceptionally uncluttered and unspoilt appearance.

- 5.11 Paragraphs 113 and 115 of the Practice Guide accompanying PPS5 state: *‘Setting is the surroundings in which an asset is experienced. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.’ ‘ Setting will, therefore, generally be more extensive than curtilage and its perceived extent may change as an asset and its surroundings evolve or as understanding of the asset improves.’*
- 5.12 Policy HE10 requires local planning authorities to *‘treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do not do this, local planning authorities should weigh any such harm against the wider benefits of the application. The greater the negative impact on the significance of the heritage asset, the greater the benefits that will be needed to justify approval.’*
- 5.13 Climate change is addressed in PPS5 under Policy HE1 although the focus of this is more on the modification and adaptation of heritage assets than energy generation in the rural environment. The accompanying Practice Guide considers the use of alternative power generation as a means of improving the energy performance of a building providing it does not cause harm to the significance of the heritage asset.
- 5.14 Policy HE1.3 states: *“Where conflict between climate change objectives and the conservation of heritage assets is unavoidable, the public benefit of mitigating the effects of climate change should be weighed against any harm to the significance of heritage assets in accordance with the development management principles in this PPS and national planning policy on climate change”.*
- 5.15 In this case, it is considered that the public benefit arising from a single turbine (which may only feedback a modest proportion of electricity generated to the grid), will not outweigh the harm to the significance and settings of the heritage assets that surround the site. Given the extra height of the turbine now for consideration, this will increase prominence from the conservation area and it is therefore considered appropriate to add a refusal reason relating to the impact on Cold Ashton Conservation Area and important heritage assets despite the fact that the full DC East committee did not add this refusal reason as part of application PK10/1921/F.

5.16 Transportation

The proposed turbine, after erection would require very little maintenance. The few additional vehicular movements associated with the turbine would have no detrimental effect on highway safety.

5.17 Ecology

Whilst the site itself is not subject to any statutory or non-statutory conservation designations, the site lies between the Cold Ashron Strip Lynchets and Fields at Nimlet Hill and Fields on Slough Lane Sites of Nature Conservation Interest (SNCI) and St Catherines Valley and Monks Wood Sites of Special Scientific Interest (SSSI). Subject to the attachment of a condition to monitor the site for bat and bird fatalities during the first breeding season, there is no objection to the application on Ecological grounds.

5.18 Similar Approval in Bath and North East Somerset

Local residents have raised the fact that a similar turbine was recently granted planning permission at Upper Langridge Farm in Bath and North East Somerset and also at Marshfield School. Whilst each application is assessed on its own merits, under different local plan policies, and that no two sites are the same, your officer has visited BANES web site to view the application details consider the issues. The two sites in BANES are very different in their visual impact and the previous approval in a neighbouring authority does not set a precedent for approval of this application. Application PK08/3085/R3F (available to view on the Councils web site) sets out the differences in the approved turbine at Marshfield School and the current application. The current application site is undeniably very different in character than the site at Marshfield School.

5.19 Residential Amenity

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

6. CONCLUSION

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

6.2 The proposed wind turbine in this location would be harmful to the distinctly rural and harmonious attributes of the landscape that characterises this very distinctive and sensitive part of the Area of Outstanding Natural Beauty landscape and would therefore be contrary to PPS22, PPS5 and Policies L1, L2 and EP5 of the South Gloucestershire Local Plan (Adopted).

6.3 The proposed wind turbine is not one of the five limited categories of development that may be considered acceptable in the green belt and would

have a detrimental impact on its openness. Very special circumstances have not been demonstrated as the application fails to demonstrate that the benefits associated with the production of energy from the turbine outweighs the detrimental impact on its openness. The application is therefore contrary to the requirements of PPS22, PPG2, and Policy GB1 of the South Gloucestershire Local Plan (Adopted).

6.4 The proposed wind turbine would become an unduly prominent and intrusive modern feature in this important rural, historic landscape. By virtue of it being an 'active' and constantly moving feature, it will also become visually distracting, drawing attention to itself in an otherwise unspoilt and essentially still landscape. It is considered, therefore, that a turbine would harm the setting of a number of heritage assets including the Cold Ashton conservation area, historic landscapes and listed buildings of outstanding interest. The application is therefore contrary to PPS5, PPS22 and Policies L12 and L13 of the South Gloucestershire Local Plan (Adopted).

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

7. RECOMMENDATION

7.1 That the application be refused for the following reasons:

Contact Officer: Marie Bath
Tel. No. 01454 864769

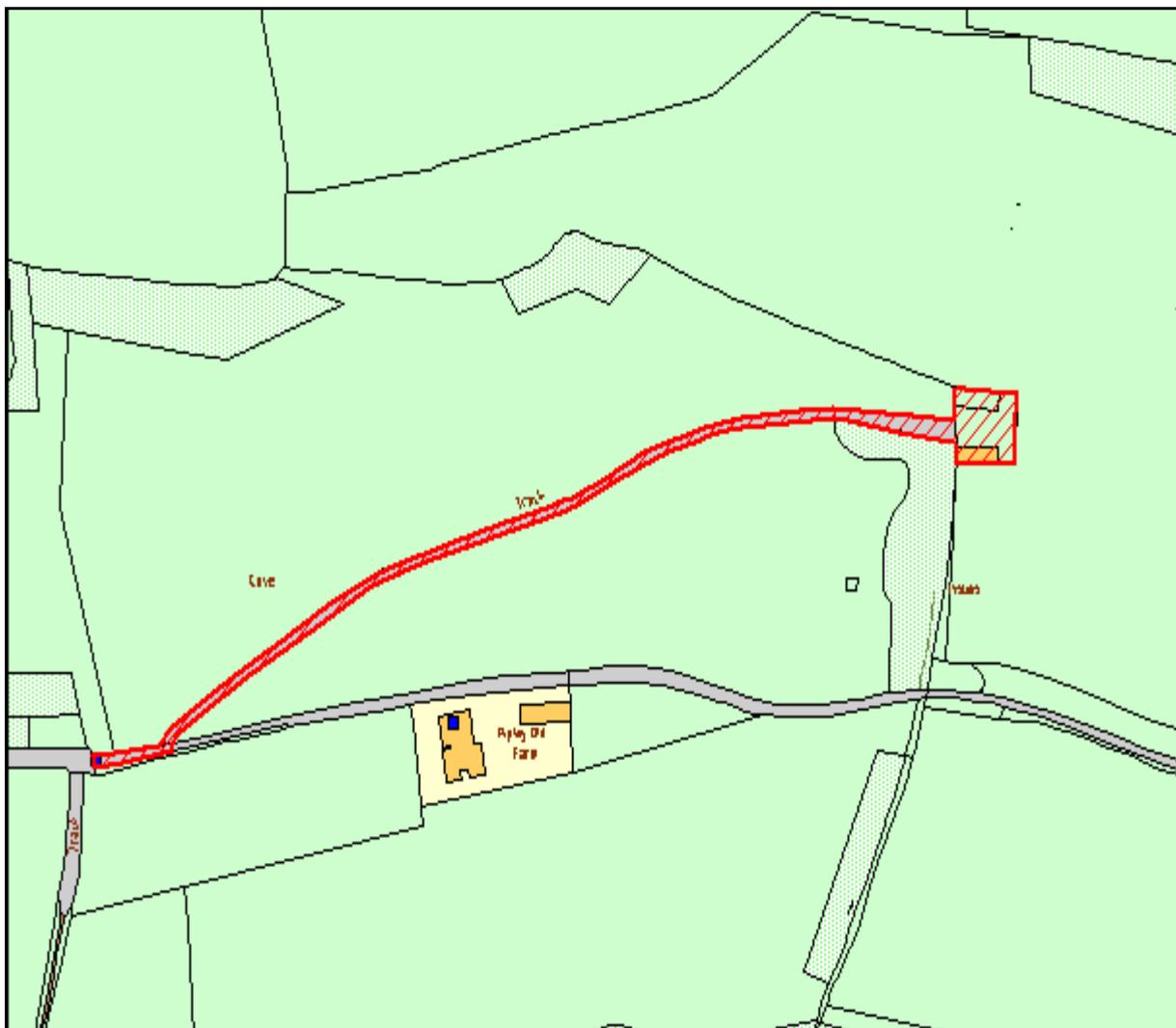
REASONS FOR REFUSAL

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

therefore, that a turbine would harm the setting of a number of heritage assets including the Cold Ashton conservation area, historic landscapes and listed buildings of outstanding interest. The application is therefore contrary to PPS5, PPS22 and Policies L12 and L13 of the South Gloucestershire Local Plan (Adopted).

CIRCULATED SCHEDULE NO. 21/11 – 3 JUNE 2011

App No.:	PK11/1257/F	Applicant:	Mr Battle
Site:	Congrove Stables North Stoke Lane Upton Cheyney South Gloucestershire	Date Reg:	20th April 2011
Proposal:	Conversion of 2 no. barns to tourist accommodation	Parish:	Bitton Parish Council
Map Ref:	370974 169755	Ward:	Bitton
Application Category:	Minor	Target Date:	14th June 2011



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 100023410, 2008. **N.T.S.** **PK11/1257/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due to the receipt of an objection raised by Bitton Parish Council

1. THE PROPOSAL

- 1.1 Full planning permission is sought to change the use of former agricultural buildings at Congrove Stables Upton Cheyney, to 1no. holiday lets (Class C3)
- 1.2 The application site is located outside of any settlement boundaries in the open countryside, the site is also within the Bristol Bath Green Belt and the Cotswold Area of Outstanding Natural Beauty. One of the stables is also locally listed.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development
PPG2 Green Belts
PPS5 Planning for the Historic Environment
PPS7 Sustainable Development in Rural Areas
PPG13 Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design in New Development
GB1 Development in the Green Belt
E7 Conversion and re-use of rural buildings
E11 Proposals for New Tourism Facilities
H10 Conversion and re-use of Rural Buildings for Residential Purposes
L1 Landscape Protection and Enhancement
L2 Cotswold Area of Outstanding Natural Beauty
L8 Sites of National Nature Conservation Interest
L9 Species Protection
L11 Archaeology
L15 Buildings and Structures which makes a Significant Contribution to the Character and Distinctiveness of the Locality.
T8 Parking Standards
T12 Transportation Development Control Policy for New Development
L17&18 The Water Environment
EP1 Environmental Protection

South Gloucestershire Core Strategy, submission Draft December 2010

CS1 High Quality Design
CS9 Environmental Resources and Built Heritage

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Supplementary Planning Document)
Adopted 2007

3. RELEVANT PLANNING HISTORY

3.1 None relevant

4. CONSULTATION RESPONSES

4.1 Bitton Parish Council

This is a sensitive site in the Green Belt and an Area of Outstanding Natural Beauty which is overlooked from the valley and the footpaths network. Councillors objected to the application as they felt the plans put forward were not feasible in terms of the sort and standard of accommodation required for a holiday let. However, if the application is to be allowed, then Councillors request a condition that it remains vacant and unoccupied for 2 months per year in order to avoid subsequent claims for use as residential accommodation.

4.2 Sustainable Transport

No objections

4.3 Drainage Officer

No objections

4.4 Environmental Protection

No objections subject to the attachment of conditions.

4.5 Archaeology Officer

No objections

4.6 Landscape Officer

No objections

4.7 Ecology Officer

No objections

4.8 Conservation Officer

Raised concerns

4.9 Tree Officer

No objections

Other Representations

4.10 Local Residents

No response received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Whilst not directly relevant, the criteria set out in policy E7 are a useful tool in determining application for the conversion of rural buildings to holiday lets. Policies E7 and E11 allow for proposals for the conversion of rural buildings and new tourism facilities provided that the proposal would not have any unacceptable environmental or transportation impacts or prejudice the amenities of neighboring residential occupiers and provided that the building is capable of conversion and situated within an existing group of buildings. In addition the conversion of any existing rural building will only be permitted where it can be demonstrated that a business use cannot be achieved.

Policy E11 of the South Gloucestershire Local Plan (Adopted) January 2006 states that proposals for new tourism facilities such as holiday lets, will be permitted provided that the following criteria are met:-

A. Development would not have unacceptable environmental effects; and
The historical use of the site means that there is a potential for land contamination to be present and as such it is recommended that a condition be attached to any permission to ensure the submission and approval of a survey regarding the potential contamination risk and details of mitigation measures if necessary.

It has been confirmed that foul drainage from the proposed tourist accommodation will be taken to a package sewage treatment plant, installed in the field immediately to the south of the site, complete with sub-surface soakaway system, all constructed to the approval of the Environment Agency under the Control of Pollution Act. The councils drainage engineer has raised no objection to the proposal. A condition would however be required to secure the submission of a full drainage scheme for approval before development could commence.

B. The proposals would not prejudice the amenities of neighbouring occupiers; and
The site is located a sufficient distance away from any neighboring residential properties to not result in overshadowing, overbearing or overlooking. As such given the location and orientation of the proposal it is not considered that the scheme would have any detrimental impacts on residential amenity.

C. The proposal would not give rise to unacceptable levels of traffic on unsuitable local roads and access and parking would not prejudice highways safety; and
The site includes two buildings, both of which can be used as stables or for agricultural purposes. Whilst it is accepted that the conversion of the barns to a residential tourist let would increase traffic to and from the location, it is considered that this will not be significant to justify the refusal of the application on highway safety grounds. The access lane to the site is narrow but could be improved in the future and there is adequate parking and maneuvering space on site for vehicles. The proposal is therefore considered acceptable in terms of parking and highway safety.

D. (In the case of new buildings) The buildings are well related to an existing settlement or other groups of buildings.

Whilst there is a farm dwelling to the south west of the site, the site is not considered to be well related to any existing settlements or other group of buildings. However this criterion is only relevant if the proposal is for new buildings and in this particular case no new buildings are proposed.

5.2 Structural Analysis

Policies GB1 and E7 seek to ensure that the buildings are of permanent construction and capable of conversion. The buildings appear to be structurally sound, and a structural report has been submitted in support of the application demonstrating that this is the case. A member of the Councils Building Control team has assessed the proposal and confirmed that the works proposed would not require major or complete reconstruction. Whilst it is accepted that the roof and the front elevation of the stable block would need to be replaced and several internal works are proposed, officers are satisfied that the works proposed, are not considered to amount to major reconstruction. This is especially the case as the replacement of the roof of the stable block is to be expected given the existing metal roof in place, furthermore, additional information has been submitted to confirm that that proposed works would affect the stability of the west, east and southern walls of the stable block.

5.3 Marketing of the Site

Policy E7 states that the councils first priority will be to see buildings re-used for purposes that contribute to the rural economy such as agriculture, industrial, commercial or tourism purposes, similarly, Policy E11 states that with respect to the conversion of existing rural buildings, where it has been demonstrated that a business use can not be achieved, conversion for holiday accommodation would be the preferred option to a permanent residence.

The site has been marketed prior to the submission of the application, and a marketing report has been submitted from Carter Jonas in support of the application to confirm that there is no demand for the property for a business use. The marketing period has been very short, only 5 months to at the date of writing this report, however given the location of the site and the existing access, it is considered that only a very limited category of business uses would be supported on site in terms of the transportation impact. As such it is considered that on balance, given the marketing of the site in combination with the limited acceptable uses for the site, it is considered that a reasonable attempt has been made to re-use the site.

5.4 Green Belt Issues

The site is also located within the Bristol Bath Green Belt and should be assessed against Policy GB1 of the South Gloucestershire Local Plan. In addition to the above criteria, the change of use of buildings in the Green Belt are allowed provided that the proposal would not have a materially greater impact than the present use on the openness of the Green Belt. No extensions to the existing buildings are proposed, but the overall volume of the stable would increase, given the alterations to the roofline proposed. Given the gradient of the land the ridge height of the stable would still be lower than the ridge height of the barn, furthermore the scale and form of the resultant building

would be in keeping with the existing locally listed barn. The parking and access would be as existing as such, it is not considered that the proposed development would have a material impact on the openness of the Green Belt. The proposal would be a significant improvement on the existing building, it is therefore considered that the proposal would result in a positive enhancement on the visual amenities of the Green Belt.

5.5 Residential Amenity

The proposed holiday lets are located a sufficient distance away from any neighbouring residential properties, as such it is considered that there are no issues of inter-visibility or loss of privacy. Further there are no issues of overbearing or overshadowing. Therefore the impact on residential amenity is subsequently deemed acceptable.

5.6 Ecology

The application site consists of two former agricultural outbuildings and a well-worn access track to the north of Lower Piplely Farm to the east of the village of Upton Cheyney. The access track crosses Great Piplely Field Site of Nature Conservation Interest designated for its unimproved calcareous grassland.

The two buildings are situated to the east of Great Piplely Field Site of Nature Conservation Interest, between it and Congrove and Hanging Hill Site of Nature Conservation Interest, designated for its unimproved grassland and semi-natural ancient woodland. The buildings were surveyed for use by bats and nesting/roosting birds on 14th January 2011 by Tyler Grange ecological consultants. The survey found no evidence of bats in either building.

Despite the site's location, amid a landscape offering high-quality foraging for a range of species of bats, neither building contained droppings or signs of use. The southern stables are relatively modern and of a structure and materials (blocks, corrugated metal roof) which generally does not offer suitable roosting conditions for bats. The northern barn is open-fronted with no sarking or under felting beneath the roof tiles, meaning that it is draughty and bright, conditions that are sub-optimal and largely unsuitable as a roost. The survey also found no signs of use by nesting birds.

The survey recorded two barn owl pellets, indicating that the building has been used as a roost or perch by the species in the course of a night's hunting, although not as a breeding site. The report by Tyler Grange suggests incorporating access point(s) for bats within the roof of the converted building to provide new roosting opportunities and benefit local bat populations. This is supported and would form the basis of an appropriately worded planning Condition.

The submitted report also suggests providing an artificial nest site, either in the form of a nest box erected in one of the nearby trees: or as an integral box within the eastern gable end of the stone barn. Again, this is supported and should form the basis of an appropriately worded planning Condition.

With regard to the Great Piplely Field Site of Nature Conservation Interest, access to the two buildings is across a field to the west and to the north of

Lower Pibley Farm. Traffic to the converted buildings will not in itself damage Site of Nature Conservation Interest as the route follows an existing track. Any surfacing or remedial works to the track could potentially lead to an eroding or degrading of the (unimproved calcareous) grassland immediately adjacent to the path – either through a ‘corridor of works’ wider than the present width of the track; human activity; vehicles parking or turning; or the storage of materials. During the course of the application the applicant has clarified that there is no intention to surface or finish the access track to the two buildings and accordingly, it is considered that the development will not have any adverse affects on Great Pibley Fields SNCI.

5.7 Design / Visual Amenity

Policies D1 and GB1 seeks to ensure that proposals are in keeping with their surroundings and that they would not have any harmful effects on the character of the countryside and amenity of the surrounding area.

No extensions to the footprint are proposed to either building and the scale and form of the barn will remain as existing. The roof of the stable would be replaced with a pitched roof and a new front elevation would be erected, The existing stable building is not a particularly aesthetically pleasing concrete block work building with a metal sheet monopitch roof. The walls would be faced with coarsed rubble natural stone and reclaimed pantiles would be used on the roof. Several new openings are proposed on the front elevation which would result in the whole front elevation being replaced, however no new opening are proposed on any other elevation.

Whilst concern has been raised by the Conservation Officer that the proposal conversion of the stable is not in keeping with the surroundings, it is considered that the proposal is a vast improvement on the existing building. The stable block is of a bulk and form that replicates the locally listed barn as such it is not considered that it can be argued that the proposal would be harmful to the character and appearance of the site. The scale of the proposal is typical of a rural building and the proposal takes the form of the original building, furthermore significant weight is being given to the fact the proposal would result in a positive enhancement on the existing situation.

5.8 Archaeology

The Councils Archaeology Officer has assessed the proposal and raises no concerns to the scheme proposed.

5.9 Impact on Landscape and Trees

The application has been assessed by the councils landscape officer, no objections have been raised and the proposal is considered to be in accordance with Policy L1. The application is supported by an Arboricultural Implications Assessment, Preliminary Method Statement and Tree Protection Plan.

The Arboricultural Implications Assessment states that there should be no impact on the existing trees as they are outside the curtilage of the building proposed for conversion. Furthermore, there is no excavation work proposed on the site to facilitate the conversion of the existing barns. It is therefore

considered that if the tree protection, as stated within the preliminary method statement and tree protection plan, is implemented there should be no adverse impact on the health or longevity of the existing trees. As such there are no objections to the proposal subject to the attachment of a condition to ensure that the work is carried out in accordance with the submitted Preliminary Method Statement and Tree Protection Plan

5.10 Impact on the Locally Listed Building

The site currently includes two buildings, one is a traditional stone stable with pitched tile roof (recent replacement) and the other is a modern blockwork stable with shallow mono-pitch roof with profile metal sheeting. The two buildings face each other (traditional stable to the north, modern to the south), with a concrete surfaced yard between them. The site is accessed via a field track. The land slopes southwards quite steeply. The traditional barn is built in to the slope, the northern wall being earth retaining to over a metre in height. In contrast as the modern stable has been built from the level of the concrete yard slab, at its southern elevation it is considerably higher to eaves level.

The traditional stone building is locally listed and as such, in accordance with PPS5, a significance assessment is required as part of any application, outlining the heritage significance of the building, and demonstrate how the development proposed will affect that significance. The site is within the Cotswold Area of Outstanding Natural Beauty and the green belt, and is therefore of landscape importance also. It is considered that the significance of the stone field barn, other than its traditional architectural design, is its solitary nature and isolated location within the landscape. Being built as a field barn as opposed to one of a complex of agricultural buildings it was originally read as a small scale, isolated building prior to the introduction of the modern block stable, and this is part of its character and charm.

Whilst the conversion of the stone barn to residential accommodation appears acceptable, the conservation officer has concerns about the proposal to convert the modern building would harm the historic integrity of the site, and the setting of the original stone building.

The conservation officer is of the opinion that the modern stable is out of keeping with the surroundings and would require a significant amount of work to facilitate the conversion, including a new roof and a replacement north elevation. It is considered that the structure would be almost entirely replacement, and appear visually as a completely new structure, and one which is more prominent in the landscape than the original historic stone barn. This would detract from the original barn, its historic integrity and its setting.

The concerns of the conservation officer have been taken into consideration and the applicant has agreed to omit the rear rooflights in the barn in accordance with advise. Whilst it is accepted that the proposal does involve the replacement of the front elevation and roof of the stable, further structural advise has been sought from the applicant and it has been confirmed that the east, west and south walls would remain in place, as such it is not considered that the proposal would result in the complete replacement of the structure. Furthermore whilst it is accepted that the proposed alterations to the roof would

result in the structure becoming a slightly more prominent feature, it is considered that the replacement roof would replicate the roof of the locally listed barn, in addition the form and scale of the stable is considered to be in keeping with that of the barn. Consequently it is not considered that the impact on the locally listed barn is of sufficient concern to warrant the refusal of the application.

5.11 Other Issues

The parish council have raised concerns regarding the proposal and requested that a condition be attached to any approval to ensure that the holiday lets remains vacant and unoccupied for 2 months per year in order to avoid subsequent claims for use as residential accommodation.

A standard condition would be attached to any permission to outline the fact that the proposal can not be used as a residential unit. Given that the unit would be of suitable construction to be accommodated during the winter months it is not considered reasonable to limit the occupation to only 10 months of the year. However to ensure that the unit is only used for holiday accommodation a condition would be attached to any permission to ensure that the owner keeps an up to date register of all occupiers of the unit so that the use of the buildings can be monitored.

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 proposal is of an appropriate standard in design and a positive improvement on the existing situation. Furthermore the proposal would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact and the parking provision and access would remain in compliance with Policy T8 and T12. As such the proposal accords with Policies D1, T8, T12, E7, E11 and L15 of the South Gloucestershire Local Plan (Adopted) 2006.

The buildings are of permanent construction and capable of conversion in accordance with policies E7, E11 and GB1

The proposal would not effect the openness of the Green Belt and would have a positive enhancement on the visual amenity of the AONB and Green Belt in accordance with Policies L1, L2 and GB1.

The proposal would not significantly effect the locally listed barn or the Great Piple Field Site of Nature Conservation Interest, in accordance with Policies L15 and L8

The scheme will not harm the Water Environment and will mitigate against any adverse impacts through the use of conditions, to accord with Policy L17/18 and 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 That the application be approved subject to the following conditions

Contact Officer: Kirstie Henshaw
Tel. No. 01454 865207

CONDITIONS

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

Reason

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

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

Reason

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

3. Prior to the commencement of development, a environmental consultant's desk study/opinion regarding the potential for contamination and outlining details of how the conversion will mitigate any potential risks, should 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 ensure that adequate measures have been taken to mitigate against contamination to accord with Policies EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. All works must be undertaken in accordance with the Preliminary Method Statement and Tree Protection Plan submitted with the application

Reason

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

5. Prior to the commencement of development details of new bat access points within the roofs of the converted buildings shall be submitted to and agreed with the Council. Development shall be carried out in accordance with the agreed details.

Reason

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

6. Prior to the commencement of development details of a new barn owl nest site (either a nest box or integral within one of the converted holiday lets) shall be submitted and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason

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

7. Prior to the commencement of development, details of all surfacing materials for the access track shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details and retained as such thereafter.

Reason

To protect the character and appearance of the area and to ensure that development does not impact upon Great Piplely Field SNCI and to accord with Policies D1, L1, L2 and L8 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. The unit hereby permitted shall be used for holiday accommodation only and shall not be used as a residential dwelling.

Reason

The site is located in the open countryside where new residential dwellings would not be permitted and to accord with policies GB1, E11 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

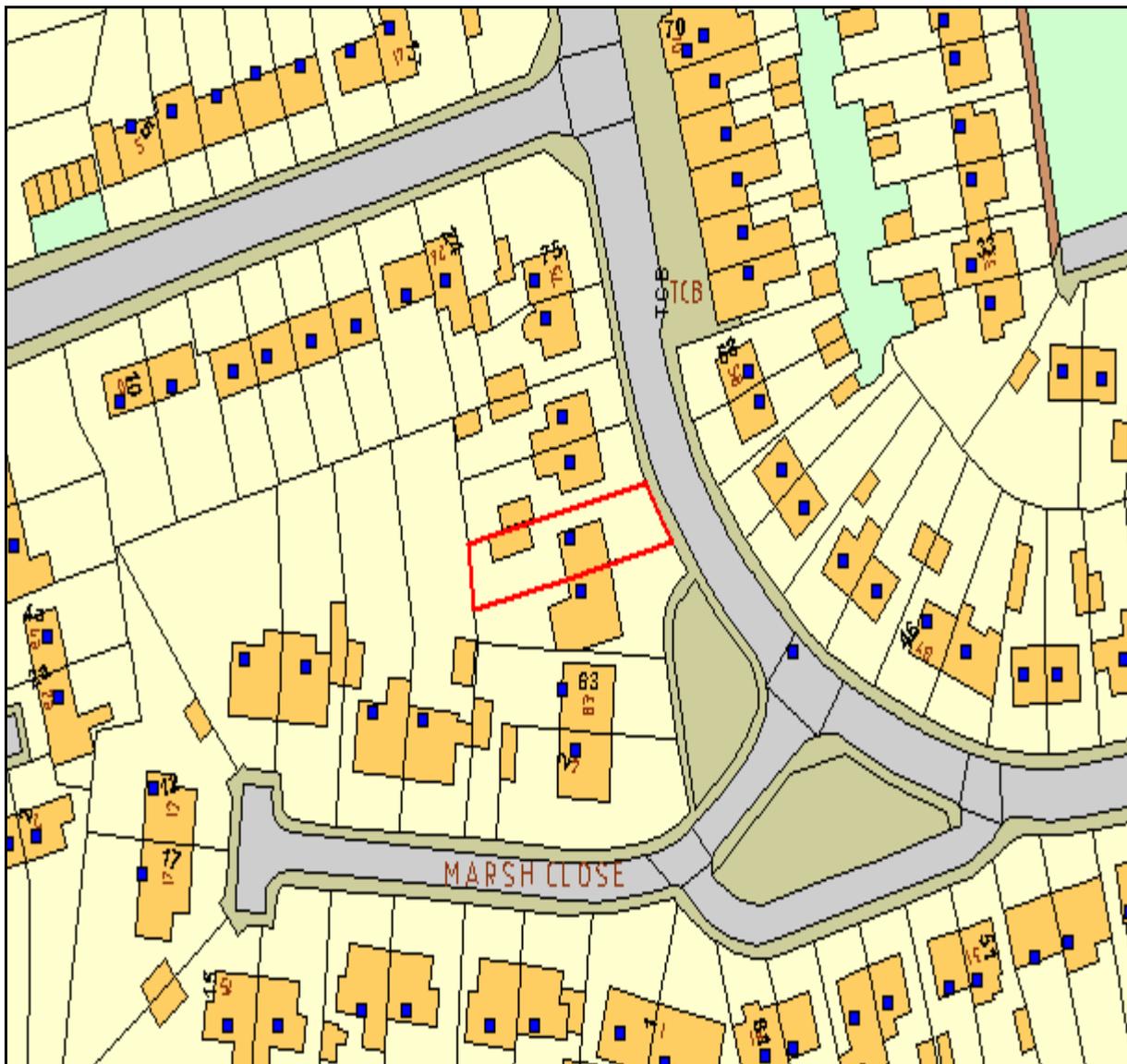
9. The owners/occupiers shall maintain an up-to-date register of the names of all occupiers of the holiday let, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason

To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation and to accord with policies GB1, E11 and T12 of the South Gloucestershire Local Plan.

CIRCULATED SCHEDULE NO. 21/11 – 3 JUNE 2011

App No.:	PT11/0989/F	Applicant:	Miss D Hemmings
Site:	67 Bradley Avenue Winterbourne South Gloucestershire BS36 1HX	Date Reg:	19th April 2011
Proposal:	Erection of single storey side extension to existing summerhouse to provide shower room and kitchen.	Parish:	Winterbourne Parish Council
Map Ref:	365101 180042	Ward:	Winterbourne
Application Category:	Householder	Target Date:	10th June 2011



REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule list because objections have been received from the Parish Council and neighbouring occupiers which are contrary to the officers recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single storey side extension to an existing summerhouse to provide a shower room and kitchen.
- 1.2 The application site comprises a two-storey semi detached property situated on the western side of Bradley Avenue within the established residential area of Winterbourne.
- 1.3 The summerhouse to be extended is a converted garage and is situated in the rear garden of the property adjacent to the northern boundary of the site. The summerhouse, which is single storey and encompassed by a dual pitched roof, measures approximately 7.3 metres in length, 3.4 metres in width and have an apex of 3.2 metres at ridge height. The summerhouse comprises red brick and cement render finish with double roman tiles covering the roof. The proposal would replace a small timber garden building.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving a Good Standard of Design in New Development
H4 Residential Development within Existing Residential Curtilages
T12 Transportation Development Control Policy for New Development

South Gloucestershire Core Strategy -Submission Draft Proposed Changes (December 2010)
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
Strong objection: This property is a converted garage and is actually back land development and could become a permanent residential development.
- 4.2 Drainage Engineer

This is a minor extension to an existing building. However there is no information on surface water drainage, should the applicant wish to connect the roofwater to the foul drainage system they must contact Wessex Water for approval.

Other Representations

4.3 Local Residents

Two letters of objection have been received from neighbouring occupiers. The following points summarises the reasons for objection given:

Questions regarding the use of the building and the potential for it to become permanent residence;

Loss of privacy;

Impact from noise and smells;

The effect of the building works on the amenity of the garden;

Impact on neighbouring house prices;

The objection on the basis of the impact on house prices is not a relevant planning matter and is beyond the scope of this application.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The concerns of the neighbouring properties with regards to the potential use of the summerhouse are noted and it has been described as back land development. However, the erection and extension of detached domestic buildings within existing residential curtilages is not unacceptable in principle, however, it is important to consider how they would be likely to function. The plans demonstrate that the proposal would comprise a kitchen and shower room, therefore, although the applicants describe the proposal as a summerhouse, it is likely to function as regular additional accommodation to the main dwelling. This is acceptable in principle by virtue of policy H4 of the Local Plan, which allows for residential extensions within existing residential curtilages, however, the main issue to consider is whether the additional accommodation would be occupied separately so as to form a separate residential unit or whether it would function as ancillary accommodation to the existing dwelling. This assessment is a matter of fact and degree. However, given the proximity of the summerhouse to the main dwelling; its relatively small scale; the fact that it would be situated within the garden of the host dwelling and would not be physically separated and because it would share the same access as the existing dwelling, it is considered that it would be more likely to function as an ancillary extension to the main dwelling. A condition can be applied to ensure that it remains as ancillary accommodation if permission is granted. The main issues to consider are the impacts on the residential amenity of the neighbouring occupiers (policy H4 of the Local Plan) and the form and appearance of the proposal (policies D1 and H4 of the Local Plan).

5.2 Residential Amenity

The proposal would extend the existing form of the garage lengthways for 3 metres so that it would be approximately 0.5 metres from the neighbouring

western boundary. There would be no material change to the existing height or width of the garage. No fenestration is proposed in the northern or western elevations of the proposal, however, a triple pane window is proposed in the extensions southern elevation and the existing fenestration in the southern elevation would be replaced by full length glazed pedestrian doors. Objections have been received from neighbouring occupiers on the basis of loss of privacy. Although the proposed window would directly face the neighbouring boundary to the south at a distance of approximately 5 metres, windows are already in situ in the southern elevation. In addition, the proposed window would not directly face the rear windows in the neighbouring property and any views from the proposed window towards the windows in the rear of the neighbouring dwelling no. 65 would be at an oblique angle. As such, given the single storey form of the proposal, it is considered that the proposal would not introduce any significant adverse privacy issues to the detriment of the neighbouring occupiers residential amenity. It is noted that the existing boundary is relatively low and the windows would directly face the garden of the neighbouring dwelling. Notwithstanding this, it is considered that it would not impossible for higher screening to be erected along the boundary and notwithstanding this, given that the proposal would be approximately 5.5 metres from the neighbouring boundary, it is considered that it would not have a significantly adversely grater impact on the neighbouring occupiers than the existing situation.

5.3 No windows are proposed in the western elevation of the proposal and this can be ensured by condition if permission is granted. In addition, the windows proposed in the southern elevation would not directly face the property no.4 Marsh Close; therefore, it is considered that it would not introduce any significant adverse privacy issues. Objections have also been received on the basis of pollution from the extraction vents from the proposed kitchen and bathroom. However, on the basis that the proposal would function as ancillary accommodation, it is not envisaged that a significant amount of noise or smells would be generated. In addition, the vents would be approximately 18 metres from the neighbouring property to the east and although the vents would be within close proximity to the garden area of the property, the size of the neighbouring garden is such that it is considered that the proposal would not significantly adversely affect the living conditions of the neighbouring occupiers or the enjoyment of their garden.

5.4 An objection has been received from a neighbouring occupier relating to the impact that the construction of the proposal would have on the use of their garden. Given the relatively small scale of the extension, it is not considered that its construction would adversely affect neighbouring occupiers. However, a condition can be applied if permission is granted in order to control the times of development to reduce the impact on the neighbouring occupiers. Sufficient amenity space will be left to serve the host dwelling.

5.5 Appearance/Form

The proposal would continue the existing form of the garage such that there would be no material change in terms of its scale or form. The applicant has specified materials to match the existing summerhouse, therefore, it is considered that the proposal would be acceptably in-keeping with the character

of the existing summerhouse. The proposal would not have a significant adverse impact on the character of the surrounding area given that it would be well screened by existing built form.

5.6 Transportation

Given that the proposal would be ancillary to the main house, it is considered that it would not have a material impact on local highway conditions in terms of congestion or highway safety or the existing parking situation.

6. CONCLUSION

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

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

The proposal is acceptably in-keeping with the scale, form, siting and materials of the existing summerhouse and would not bring about any significant adverse visual amenity issues to the surrounding area – policies D1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

On balance, given that the proposal would function as ancillary accommodation to the main dwelling, it would not have a significant adverse impact on the residential amenity of the neighbouring occupiers through loss of natural light, privacy or through pollution – policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.

Given that the proposal would function as ancillary accommodation, it would not have a significant impact on local highway conditions or the existing parking situation – policies T12 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

7. RECOMMENDATION

7.1 Planning permission is GRANTED subject to the conditions below:

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

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

Reason

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

2. No windows shall be inserted at any time in the western elevation of the extension hereby permitted.

Reason

To preserve the privacy of the neighbouring occupiers and to accord with policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.

3. The summerhouse shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as no. 67 Bradley Avenue.

Reason

The size and location of the summerhouse is such that it would not provide an acceptable standard of living accommodation and would have an adverse impact on the residential amenity of the surrounding neighbouring occupiers if it were occupied as a separate residential unit contrary to policies D1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) January 2006..

4. The hours of working on site during the period of construction shall be restricted to the hours:

7:30am to 6pm on Mondays and Fridays

8am to 1pm on Saturdays

No working shall take place on Sundays or Public Holidays.

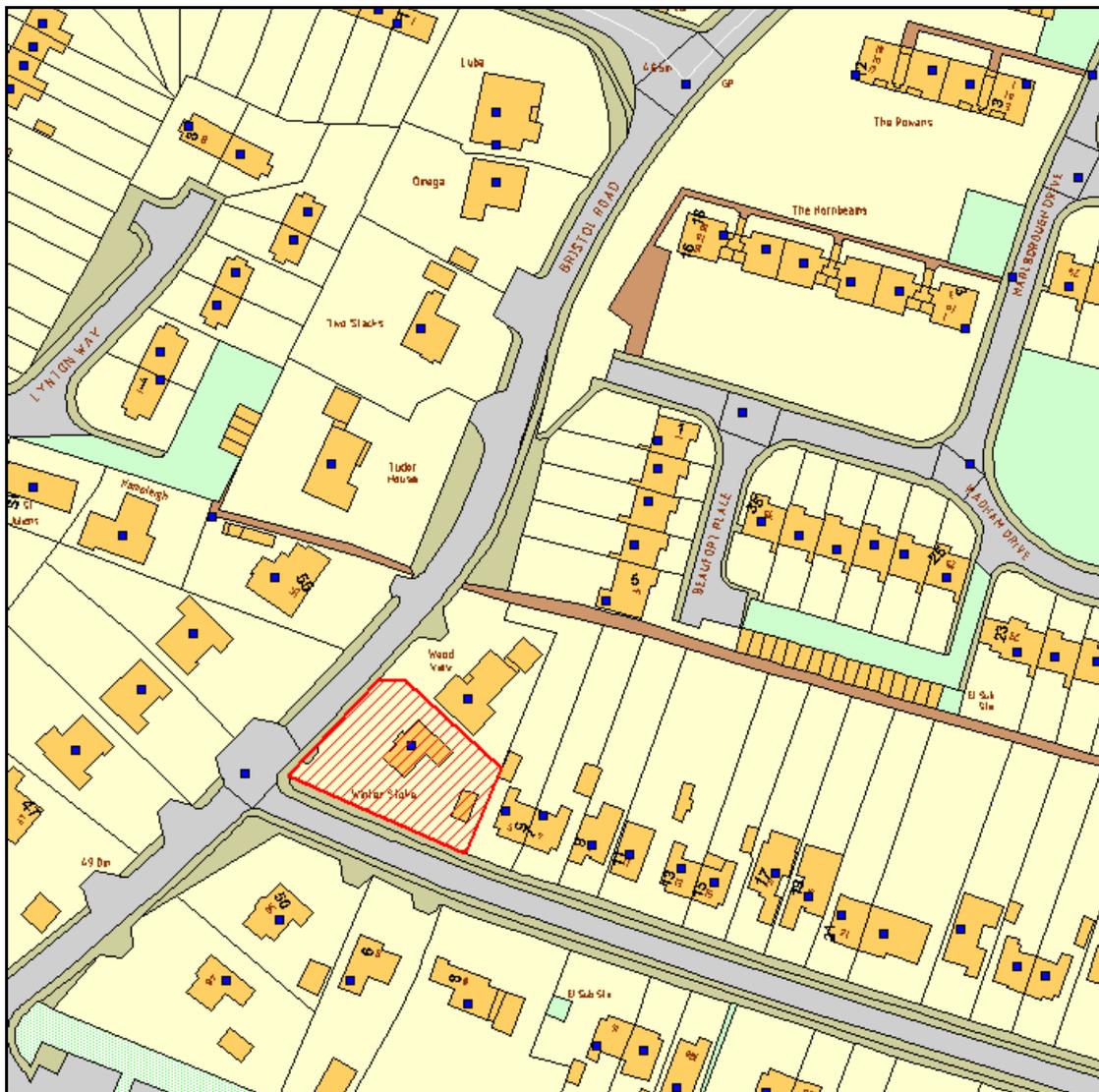
The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To preserve the amenities of the neighbouring occupiers and to accord with policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.

CIRCULATED SCHEDULE NO. 21/11 – 3 JUNE 2011

App No.:	PT11/1144/F	Applicant:	Mr N Green
Site:	Winter Stoke Bristol Road Frenchay South Gloucestershire	Date Reg:	19th April 2011
Proposal:	Erection of detached double garage to include first floor dormer window to provide additional space above.	Parish:	Winterbourne Parish Council
Map Ref:	363741 178117	Ward:	Frenchay And Stoke Park
Application Category:	Householder	Target Date:	13th June 2011



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 100023410, 2008. **N.T.S.** **PT11/1144/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is being circulated to Members because the Officer's recommendation is contrary to written representations received from local residents and the Parish Council.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a domestic garage with room above for ancillary residential use. The proposed garage would replace the existing one which the applicant intends to remove. The proposed garage would be approximately 6.5 metres in width, 6 metres in depth with a ridge height of approximately 6 metres falling to circa 2.5 metres at the eaves. It would have 2 dormer windows on the northeast elevation measuring approximately 1.5 metres in height and 1 metre in width. These are amended plans from the submitted scheme at the Officer's request. For details of the original scheme see the Design/Visual Amenity Section in the following report. The materials would match the existing dwelling.
- 1.2 The application site is a substantial corner plot with a large two storey detached dwelling located within an established residential area within the Settlement Boundary of Frenchay outside of the Frenchay Conservation Area.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS25 Flood Risk
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Design
H4: Development within Existing Residential Curtilages
T12: Transportation in New Development
EP1: Environmental Pollution
EP2: Flood Risk in Development
L17 & L18: The Water Environment
- 2.3 Emerging Policy
South Gloucestershire Council Core Strategy Proposed Changes Version December 2010:
CS1: High Quality Design
- 2.4 Supplementary Planning Guidance
South Gloucestershire Design Checklist Supplementary Planning Document 2007

3. RELEVANT PLANNING HISTORY

- 3.1 N8554 Erection of single detached dwelling and garage.
Construction of new vehicular and pedestrian access.
(Outline). **Approved.** 21-APR-83.

- 3.2 PT08/3197/F Erection of 2 storey rear extension to provide additional living accommodation.
Withdrawn. 20-DEC-08.
- 3.3 PT08/3240/F Erection of two storey rear extension and increase in roof ridge height, insertion of two front dormers and one rear velux window to provide additional living accommodation. Removal of two chimneys.
Approved. 28-JAN-09

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
Objection on the grounds that the proposal is an annexe to the property and not a garage.
- 4.2 Transportation
No objection.
- 4.3 Drainage
No objection.

Other Representations

- 4.4 Local Residents
2 letters have been received objecting the proposal on the following grounds:
- a) Loss of light;
 - b) Disruption of aerial reception;
 - c) Noise;
 - d) Require clarification of orientation;
 - e) Concern that windows will face road;
 - f) Upper level of garage might lead to conversion to dwelling in the future – requests a guarantee that this will not happen.

These concerns will be addressed in the relevant sections of the following report. Should any concerns fall outside of these sections they shall be addressed in the section entitled 'Other Matters' to be found towards the end of this report.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The proposed development consists of ancillary residential development within an existing residential curtilage. Policy H4 of the Local Plan permits this type of development in principle subject to the following considerations.
- 5.2 Residential Amenity
The proposed development would be located to the south of the application site adjacent to an approximately 1.8 metres high boundary fence with mature shrubs, the other side of which is the footpath abutting Malmain Drive. Both elevations facing the road, to the southwest and the northwest would be

windowless. The southeast elevation would have a standard garage door with small window above. This would face the driveway of the neighbouring occupier at no.5 Malmain Drive. This side elevation of No.5 Malmain Drive, whilst having the front door opposite, is windowless. There are extensive mature shrubs and an approximately 1.8 metre tall fence acting as a boundary treatment. The proposal would be of such height and at a sufficient distance away so that the proposal would not give rise to inter-visibility between principal rooms or loss of privacy and would not result in an overbearing impact on this neighbouring occupier.

The northeast elevation of the proposal has two dormer windows at first floor level and a small window and a door at ground level facing the existing property and the neighbouring occupier of Wood View on the other side of the site. The proposed development would be approximately 15 metres away from this neighbouring occupier and the Officer's site visit showed that all windows on this neighbouring property facing the application site are obscure glazed so that no inter visibility or loss of privacy would occur.

Concerns have been raised by this neighbouring occupier that the proposed garage would result in a loss of light to their property. Given the proposed location of the development together with the proposed height of the garage at 6 metres in addition to the path of the sun, it is not considered that this proposal would result in a material loss of light to the neighbouring occupier. Indeed on these facts it is unlikely that any loss of light will result.

Concerns have also been raised by this neighbouring occupier about the proposed development resulting in a disruption of aerial disturbance as it has been noted from the written representation received, that the previous two storey rear extension on this site resulted in such disruption. Whilst such disruption is a material consideration, given the height and proximity to the neighbouring occupier of the previous extension being greater than the proposed development, it is considered that the proposed garage would not result in a material impact on the aerial reception currently afforded to the neighbouring occupier.

It is considered that there are no highway safety issues arising from the proposal and that sufficient amenity space will be retained to serve the host dwelling. Accordingly the proposed development is considered to meet criteria contained in policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

5.3 Design/Visual Amenity

The existing dwelling is rendered with brick quoins, red roman tiles and white upvc windows and doors. It has a pitched roof with two dormers and a large gabled front porch. The proposed garage would match these materials. The original submission saw the proposed garage with a large dormer window in the centre measuring some 2.5 metres in depth. This was considered an awkward and incongruous design with the proportions out of line and out of character. As such the applicant has submitted amended plans showing two evenly spaced small dormers which are more in line with the existing dwelling. Whilst the roof pitch is steep, it remains in character with the existing dwelling. Other dwellings in the locality demonstrate a mixture of heights, styles and

materials within which the garage would fit. Whilst the proposed garage would be slightly out of the established building line it is not considered that this is a sufficient reason for refusal of the application.

The proposed materials would match the existing house as would the style and appropriate use of dormer windows. Moreover it is a standard feature of a domestic curtilage and remains in keeping with the street scene. As such it is considered that the proposal meets criteria contained in policy D1 of the South Gloucestershire Local Plan (Adopted) 2006.

5.4 Transportation

Whilst the garage is set at an angle which would make it awkward to turn in from the existing hardstanding and access, removal of the existing garage would create space to pull in to the application site and reverse into the garage. Hardstanding can be laid here to under permitted development rights without the need for a further planning application. Moreover the garage is also large enough to accommodate a car and cycle storage.

Concerns were raised about the orientation of the proposed garage not being clear. The orientation of the proposal has been confirmed by way of a Site Plan indicating the location of the garage door and the two dormer windows.

The proposal raises no highway safety issues and as such there is no transportation objection. Accordingly the proposal is in line with criteria contained in policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) 2006.

5.5 Drainage

The applicant has indicated that there would be rainwater harvesting in a 5000litre tank to collect and re-use roof water run-off from both the dwelling and garage. Surplus water will be directed to existing soak-away. Building Regulations cover SuDs and drainage and as such there is no need for a condition in this instance. As such the proposed development accords with national policy PPS25 and local policies EP1, EP2, L17 and L18 of the South Gloucestershire Local Plan (Adopted) 2006.

5.6 Other Matters

Noise

Concerns have been raised regarding the noise levels of construction. Assurances have been requested regarding the length of time these works will be carried out for. Whilst it is appreciated that there may be some disturbance caused by construction, this would be temporary and would cease. Whilst there are powers under the Town and Country Planning legislation to require development to substantially commence within a certain time period, there are no powers to require when development should cease. Informatives regarding construction sites will be attached to the decision notice. If however the noise levels exceed what is reasonably expected there is Environmental Health legislation in place to deal with such matters and the Environmental Health Department should be contacted.

The development is an annexe not a garage

Concern has been raised by the Parish Council that this development would result in an annexe not a garage. The proposed development appears on the submitted plans to be a garage and is stated as such in the description of

development and in the application form. The proposed garage would be for ancillary residential use and there are no indications that there would be any form of primary living accommodation within this garage. As such the application must be taken at face value as being a garage. Notwithstanding this a condition is recommended to ensure that for the avoidance of doubt the proposed garage remains attached to the main dwelling and shall not be separated from it.

The development will become a separate dwelling in the future and a guarantee is sought to ensure this will not happen.

It is not possible to guarantee that the applicant will not submit a planning application to convert this proposed development into a dwelling and not possible to guarantee the outcome should such an event arise. Notwithstanding this, a condition has been recommended to ensure that such separation will not occur without the express consent of the Local Authority. In the event of the applicant's wishing to separate this development from the existing dwelling known as Winterstoke, a new planning application would be required and would be carefully assessed on its merits under the relevant policies at that time.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 By virtue of the location and minor scale of the garage no overlooking, loss of privacy or light would occur. The proposal would not result in the disruption of aerial reception or an overbearing impact on neighbouring occupiers. The design would respect the character of the original dwelling and in an area of mixed styles and materials would remain in keeping with the existing street scene. Accordingly the proposal meets criteria contained in policies H4 and D1 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.3 The proposed development would not raise issues of highway or public safety. It would provide cycle and car spaces. It would not increase traffic generation and would retain an off street parking space. The proposal would incorporate a rain harvesting system which is both acceptable in terms of drainage and sustainable design. Accordingly it meets criteria contained in national policies PPG2 and PPS2 and T8, T12, D1, EP1, EP2, L17 and L18 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.4 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Genevieve Tuffnell
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

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

Reason

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

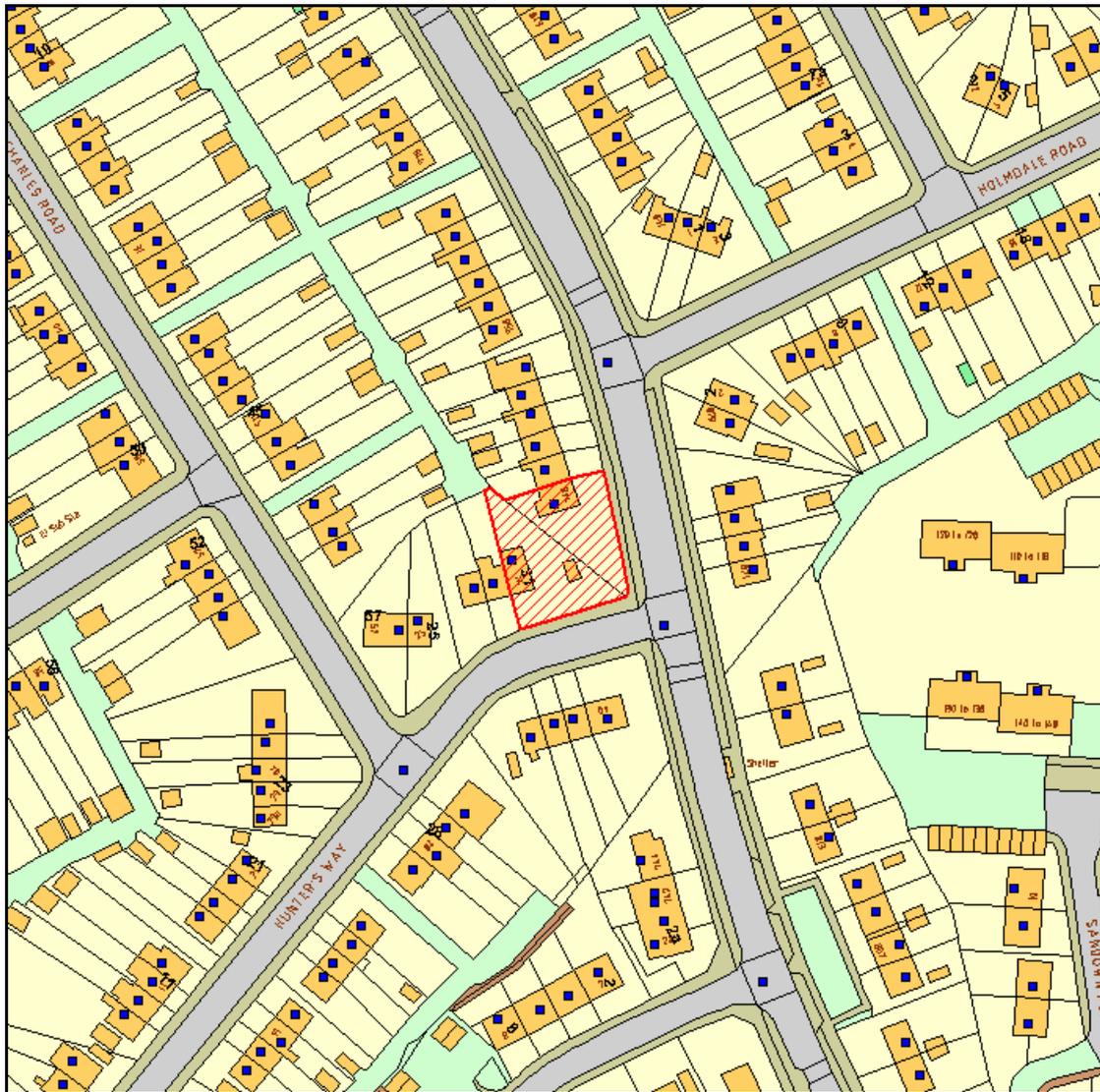
3. For the avoidance of doubt the garage hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Winterstoke.

Reason

To accord with policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 21/11 – 3 JUNE 2011

App No.:	PT11/1271/F	Applicant:	Mr N Giles
Site:	31 Hunters Way Filton South Gloucestershire BS34 7EP	Date Reg:	21st April 2011
Proposal:	Erection of 2no. dwellings attached to existing terrace with access and associated works.	Parish:	Filton Town Council
Map Ref:	360926 179196	Ward:	Filton
Application Category:	Minor	Target Date:	15th June 2011



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 100023410, 2008. **N.T.S.** **PT11/1271/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is being circulated to Members because the Officer's recommendation is contrary to written representations received from local residents.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of 2no. two storey dwellings with access and associated works to complete a row of 5 terraced houses.
- 1.2 The application site relates to an existing terrace house on a spacious corner plot at the junction of Hunters Way and Filton Avenue. There is a large garden split diagonally with a shared boundary with No.746 Filton Avenue which the applicant also owns. The application site is located within an established residential area within Filton Settlement boundary.
- 1.3 A previous application (PT10/2830/F) granted planning permission for the erection of a two-storey side extension to form 1no. end terrace dwelling. This current application, if approved, would see 2 dwellings instead of the approved 1no. dwelling and a condition is recommended in the event of a grant of approval to ensure that only one permission is implemented.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS3 Housing
PPG13 Transportation
PPS25 Flood Risk and Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Design
H4: Development within Existing Residential Curtilages
H2: Residential Development within Existing Urban Areas
T8: Parking Standards
T7: Cycle Standards
T12: Transportation
L17 & L18: The Water Environment
EP1: Environmental Pollution
EP2: Flood Risk
- 2.3 Emerging Policy
South Gloucestershire Council Core Strategy Proposed Changes Version December 2010:
CS1: High Quality Design
CS5: Location of Development
CS16: Housing Density
- 2.4 Supplementary Planning Guidance

3. RELEVANT PLANNING HISTORY

- 3.1 PT10/2830/F Erection of two storey side extension to form 1no. and terrace dwelling with associated works. Approved. 03-DEC-10.

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
No objection in principle but concerns regarding parking and access.
- 4.2 Drainage
No objection subject to a standard SuDS condition.
- 4.3 Transportation
No objection provided that an additional off street car parking space is provided.
- 4.4 Environmental Protection
No objection.

Other Representations

- 4.3 Local Residents
3 letters received from local residents objecting to the proposal on the following grounds:
- a) Planning already granted for 1 dwelling, iterative approach appears an attempt to gain planning consent by stealth;
 - b) Density is too high for size of plot;
 - c) Insufficient off road parking;
 - d) Neutral colours should be used in the event of a grant of approval;
 - e) Construction traffic will restrict parking;
 - f) Noise of construction.

These concerns will be addressed in the relevant sections of the report. Should any fall outside the remit of these sections, they will be addressed in the section entitled 'Other Matters' to be found towards the end of the report.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Advice contained within PPS3 encourages the provision of additional housing on previously developed land within existing towns and cities to promote more sustainable patterns of development. This policy stance is reflected in policies contained within the South Gloucestershire Local Plan.

Policy H2 of the South Gloucestershire Local Plan January 2006 is consistent with PPS3 and allows for new residential development within the boundaries of settlements. This is subject to compliance with a number of criteria as expressed through policy H2 and H4, which are assessed below.

5.2 Residential Amenity

The proposed development would be located on a spacious corner plot to the East of an existing end terrace dwellinghouse. Dwelling houses opposite are located some 25 metres away on the other side of the road from the proposed development. The house to the North (No. 746 Filton Road) is set at a 90 degree angle to the proposal, separated by an approximately 1.8 metres tall timber fence currently running diagonally at 45 degrees through the corner plot acting as a boundary treatment.

This fence will be relocated from its current position to run parallel with No. 746 Filton Road thereby creating space for off street parking for 2 cars to serve both existing and proposed dwellings.

Whilst the amenity space is small to the rear of the proposed dwelling adjacent to the existing property, and the proposal is in relatively close proximity to No 746, No 746 has no windows on the south side elevation and the proposed end terrace has acceptable space. Therefore on balance this arrangement is not a reason to refuse the application, even though it is compact. It is not considered to cause material harm to neighbouring or future occupiers. However it is considered that any extension to the rear of the proposed dwellings, certainly the additional dwelling, would be in such close proximity to No.746 that it could affect the residential amenity of neighbouring or future occupiers such that an assessment by the Local Planning Authority should be undertaken in such an event. Accordingly it is recommended that a condition restricting the permitted development rights to extend to either the side or the rear of the additional proposed development be attached in the event of a grant of planning permission.

The proposed development will have similar dimensions as the original existing property in terms of height, width and depth. The existing dwelling has a rear extension and as such the rear elevation of the proposed dwellings will be set back from the rear elevation of the existing. Given the above it is considered that the proposed development would not result in overlooking or inter-visibility between principal rooms or an overbearing impact on neighbouring occupiers or material loss of privacy. In relocating the fence sufficient space would remain to serve both existing, proposed and neighbouring dwellings.

As such the proposed development is, on balance, considered to meet criteria contained in policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.

5.3 Design/Visual Amenity

The existing property is a two-storey end terrace rendered dwelling finished with concrete tiles. All materials to be used on the proposed dwellings would match the existing. Concerns have been raised about the proposed colour of these dwellings shown on the plans. It is considered that this colour scheme is not representative of the completed development as this would not be acceptable given it would be out of character with the existing dwelling and the street scene. However given that this is what is shown on the plans which

would be the approved plans in the event of a grant of planning permission, for the avoidance of doubt a condition requiring samples and details of materials to be submitted and approved prior to the commencement of development is recommended.

The proposed development would remain in line with the established building line and adopt the same architectural style, scale, height and roof pitch. As such it would blend in well to the street scene and maintain the character of the existing row of terraces.

Recycling and waste facilities, along with proposed cycle storage is demonstrated in the submitted plans and design and access statement. The proposed locations of these are considered acceptable and the provision of cycle storage is supported in terms of encouraging sustainable travel.

Accordingly the proposal is acceptable in terms of design and meets criteria in Policy D1 of the South Gloucestershire Local Plan (Adopted) 2006 and the South Gloucestershire Design Checklist Supplementary Planning Document 2007.

5.4 Transportation

The proposed development will involve the removal of an existing garage, parking space and relocating the existing diagonal boundary fence between 31 Hunters Way and 746 Filton Road.

The repositioned fence would run parallel on the south elevation of 746 Filton Road. This will provide space for 2 off street parking spaces. Whilst the applicant has indicated on the application form that 4 parking spaces would be provided, the drawings do not show an off street parking space being provided for the existing dwelling at 31 Hunters Way. The transportation engineer is of the opinion that although Filton is a relatively sustainable location, it is important that each dwelling has access to at least 1 parking space. As such an additional parking space is required for the existing dwelling at 31 Hunters Way and should be provided within the resulting curtilage of the that dwelling to mitigate any issues arising from the loss of parking. It is considered that there is sufficient space within the resulting curtilage to provide the parking space.

A condition is therefore recommended to be attached to any grant of planning permission requiring that the space is provided.

Concerns have been raised about the proposal resulting in an increase of on street parking. It is considered that the parking provisions would be satisfactory given the size of the proposed dwellings and the relatively sustainable location (in close proximity to shops, schools and public transport). Any additional on street parking is unlikely to be problematic.

Concerns were raised regarding construction traffic restricting parking. Whilst this is appreciated, the construction period would be temporary and Filton Avenue and Hunters Way are public highways where people can park if they wish. As such there is no ability to control such parking by condition as this would be considered unreasonable and ultimately unenforceable.

Accordingly no transport objection is raised subject to an informative requiring that any dropped kerbs shall be constructed to the specification of the Council's Highway Maintenance team. As such the proposal is acceptable in terms of Policies D1, T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) 2006.

5.5 Drainage

The applicant has indicated that foul drainage would be connected to the main sewers and the South Gloucestershire Council Drainage Engineer has raised no objections. However details regarding provision of surface water run off and proposals for SUDs are required prior to the works commencing; a condition to this effect is recommended on any grant of planning approval.

5.6 Density

Whilst the revised national policy relating to housing provision (PPS3) has removed density requirements, there is still the requirement to ensure an efficient use of land is achieved. The total site area equates to 0.067ha. This provides for a density of approximately 59 dwellings per hectare. Whilst there are no maximum density standards set in policy, it is considered that this is the top limit for dwellings on this site. Notwithstanding this, whilst the site is compact, on balance it is not considered to amount to overdevelopment of the site so as to result in material harm being caused to future or neighbouring occupiers. As such this represents an efficient use of land in line with Policy H2 of the South Gloucestershire Local Plan (Adopted) 2006 and national policy PPS3.

5.7 Environmental Protection

The Environmental Department have raised no objections to the proposal subject to the standard informatives regarding construction sites. Concerns have been raised regarding the noise, dust and general disturbance resulting from the construction. Whilst this concern is appreciated, the construction period would be temporary and any associated noise or nuisance will cease. Notwithstanding this, in order to ensure noise disruption is kept at a minimum, a condition restricting working hours should be imposed. Moreover, should the construction create noise over and above what is considered reasonable there is Environmental Heath Legislation in place to deal with such concerns. Accordingly it is considered that the proposal meets criteria contained in H2 and EP1 of the South Gloucestershire Local Plan (Adopted) 2006.

5.7 Other Matters

Planning already granted for 1 dwelling, iterative approach appears an attempt to gain planning consent by stealth

Planning permission has already been granted for one dwelling on this site. The current application is for an additional dwelling. By virtue of the application being submitted and the statutory consultation requirements having been met, it is not considered that this is an attempt to gain planning permission by stealth. The application has followed all required processes and procedures in relation to its assessment.

6. CONCLUSION

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

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

6.2 The proposed development would not, on balance, materially harm existing levels of residential amenity. The proposal would fit in with the street scene and respect the existing dwelling. Provided an additional space is provided it is not considered that there would be unacceptable transportation effect. In terms of environmental effects, any construction noise would cease at completion of the build and a condition regarding drainage would overcome any issues of surface water drainage. Accordingly the proposed development is considered to meet criteria contained in policies H2, H4, D1, EP1, EP2, T7, T8 and T12 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 planning permission be **GRANTED** subject to the following conditions.

Contact Officer: Genevieve Tuffnell
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

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

Reason

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

3. No development shall commence until details and samples of the 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.

4. Notwithstanding the submitted details, the development hereby approved shall not be commenced until further details demonstrating the provision of one additional off street parking space to serve the existing dwelling at 31 Hunters Way has been submitted and approved in writing by the Local Planning Authority. For the avoidance of doubt the parking space shall be provided within the residential curtilage (as changed by virtue of this approval) of that dwelling. Thereafter, the development shall not be occupied until all off street parking spaces (including those for the approved new dwellings and the dwelling at 746 Filton Avenue) have been provided in accordance with the approved details and shall be permanently retained as such.

Reason

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

5. No development shall commence until drainage detail proposals incorporating Sustainable Drainage Systems SUDS and confirmation of hydrological conditions e.g. soil permeability, watercourses, mining culverts) within the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies L17, L18, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The hours of working on site during the period of construction shall be restricted to 0800 -1800 Mondays to Fridays; 0830 - 1300 on Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

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

CIRCULATED SCHEDULE NO. 21/11 – 3 JUNE 2011

App No.:	PT11/1465/TCA	Applicant:	Tree Management
Site:	Glebe Cottage Castle Street Thornbury South Gloucestershire	Date Reg:	11th May 2011
Proposal:	Works to pollard 1 no. Acer Pseudoplatinus by 3m or to be felled, within Thornbury Conservation Area.	Parish:	Thornbury Town Council
Map Ref:	363432 190546	Ward:	Thornbury North
Application Category:		Target Date:	21st June 2011



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PT11/1465/TCA

1. **PROPOSAL**

- 1.1 This application seeks permission to either pollard 1 no. Acer Pseudoplatinus by 3m or fell at The Glebe, Castle Street, Thornbury. The application site occupies a very important and prominent position within Thornbury Conservation Area, located directly opposite St Mary's Church. The reason for the application is that the tree is heavily infested with fungus (Ustiulina deusta) fruiting bodies.

2. **POLICY CONTEXT**

2.1 National Guidance

- PPS1 Delivering Sustainable Development
PPS5 Planning for the Historic Environment

2.2 South Gloucestershire Local Plan (Adopted) January 2006

- L1 Landscape Protection and Enhancement
L12 Conservation Areas

2.3 Supplementary Planning Guidance

- The Thornbury Conservation Area SPD (Adopted)

3. **RELEVANT PLANNING HISTORY**

- 3.1 None.

4. **CONSULTATION RESPONSES**

4.1 Thornbury Town Council

No objection.

4.2 Tree Officer

No objection.

Other Representations

4.3 Local Residents

No response received.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Under the Planning (Listed Buildings and Conservation Areas) Act 1990, it is recognised that trees can make a special contribution to the character and appearance of a conservation area. This Act makes special provision for trees in conservation areas, which are not the subject of a Tree Preservation Order. Under Section 211, subject to a range of exceptions, planning permission is required for proposals to cut down, top or lop a tree in a conservation area. The purpose of this requirement is to provide the Local Planning Authority an opportunity to consider bringing any tree under their general control by making

a TPO in respect of it. When considering whether trees are worthy of protection in conservation areas, the visual, historic and amenity contribution of the tree(s) should be taken in to account.

5.2 Consideration of Proposal

The Council's Tree Officer has assessed the tree and considers the application to be acceptable. The lower stem and buttress roots of the tree are severely infected with *Ustiulina deusta* fruiting bodies. This is a particularly dangerous decay fungi which leaves the tree liable to a brittle fracture resulting in the trees failure and collapse.

5.3 Whilst the tree offers high visual amenity to the area it is considered that due to the position of the tree, adjacent to the driveway of Glebe Cottage and the neighbouring property and in falling distance of the road and public footpath, the tree should be removed on health and safety grounds.

5.4 The applicant has offered the option of pollarding the tree at 3metres, I am unsure why this option has been offered as it is the lower stem and buttress roots which are colonised by the fungus and liable to failure. However, there are no objections to this course of action, which could extend the life of the tree as a pollard.

6. CONCLUSION

6.1 The recommendation to not object 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 No objection to the proposed tree works.

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