

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

**CIRCULATED SCHEDULE NO. 23/11**

**Date to Members: 17/06/11**

**Member's Deadline: 23/06/11 (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](mailto:MemberReferral@southglos.gov.uk) providing details of

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

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

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

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

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

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

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

# CIRCULATED SCHEDULE – 17 JUNE 2011

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK11/1273/F	Approve with Conditions	3A Deanery Road Kingswood South Gloucestershire	Kings Chase	None
2	PK11/1307/F	Approve with Conditions	North Common Village Hall Millers Drive North Common South Gloucestershire	Oldland	Bitton Parish Council
3	PK11/1371/F	Approve with Conditions	St Briavels 11 - 12 North View Staple Hill South Gloucestershire BS16 5RU	Downend	Downend And Bromley Heath Parish Council
4	PK11/1457/F	Approve with Conditions	45 Pearsall Road Longwell Green South Gloucestershire BS30 9BB	Longwell Green	Hanham Abbots Parish Council
5	PK11/1473/F	Approve with Conditions	264 Badminton Road Downend South Gloucestershire BS16 6NS	Emersons	Mangotsfield Rural Parish Council
6	PK11/1530/F	Approve with Conditions	7 Lacock Drive Barrs Court South Gloucestershire BS30 7HD	Parkwall	Oldland Parish Council
7	PK11/1548/R3F	Deemed Consent	The Tynings Primary School Eastleigh Close Kingswood South Gloucestershire BS16 4SG	Staple Hill	None
8	PT11/0907/CLP	Approve with Conditions	30 Denys Court Olveston South Gloucestershire BS35 4DW	Severn	Olveston Parish Council
9	PT11/1090/F	Approve with Conditions	339 Church Road Frampton Cotterell South Gloucestershire BS36 2AB	Frampton Cotterell	Frampton Cotterell Parish Council
10	PT11/1320/F	Approve with Conditions	8 Pine Grove Filton Bristol South Gloucestershire BS7 0SL	Filton	Filton Town Council
11	PT11/1352/F	Approve with Conditions	The Vicarage The Glebe Pilning South Gloucestershire BS35 4LE	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
12	PT11/1381/CLE	Approve with Conditions	Mansion House Hollywood Tower Estate Hollywood Lane Easter Compton South Gloucestershire BS10 7TW	Almondsbury	Almondsbury Parish Council
13	PT11/1397/F	Approve with Conditions	2 Northville Road Filton South Gloucestershire BS7 0RG	Filton	Filton Town Council
14	PT11/1413/F	Approve with Conditions	156 Manor Lane Charfield Wotton Under Edge South Gloucestershire GL12 8TW	Charfield	Charfield Parish Council
15	PT11/1459/RVC	Approve with Conditions	1 Common Road Winterbourne South Gloucestershire BS36 1QE	Winterbourne	Winterbourne Parish Council
16	PT11/1523/F	Approve with Conditions	Third Acre 10 Gloucester Road Almondsbury South Gloucestershire BS32 4AA	Almondsbury	Almondsbury Parish Council

## CIRCULATED SCHEDULE NO. 23/11 – 17 JUNE 2011

<b>App No.:</b>	PK11/1273/F	<b>Applicant:</b>	Mr R Hutton
<b>Site:</b>	3A Deanery Road Kingswood Bristol South Gloucestershire BS15 9JA	<b>Date Reg:</b>	11th May 2011
<b>Proposal:</b>	Erection of two storey side and first floor rear extension to form additional living accommodation. Erection of front porch. (Retrospective).	<b>Parish:</b>	None
<b>Map Ref:</b>	366389 173618	<b>Ward:</b>	Kings Chase
<b>Application Category:</b>	Householder	<b>Target Date:</b>	4th July 2011



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**PK11/1273/F**

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

This application has been referred to the Circulated Schedule following the receipt of an objection from a local resident; the concerns raised being contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application relates to a semi-detached, period dwelling house, situated on the northern side of Deanery Road on the outskirts of Kingswood; the location is residential in character. Two-storey residential properties lie to the east and west and the bungalows within Kyght Close lie to the rear (north). The property is attached to no.5 Deanery Which which is a Grade II listed building. Vehicular access is via a hard surfaced drive off Deanery Road.
- 1.2 The application seeks to regularise works to the building, which have already been carried out in breach of planning control. Building works have ceased, on the advice of the Council's Enforcement Officer, pending the outcome of this application.
- 1.3 A two-storey side and first floor rear extension have already been constructed, so in this respect the application is retrospective. It is however also proposed to erect a front porch. The extension provides an enlarged kitchen at ground floor level with an additional bedroom and shower room at first floor level.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1 - Delivering Sustainable Development  
PPS5 - Planning for the Historic Environment  
PPG13 - Transport

#### **2.2 Development Plans**

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

D1 - Design  
L1 - Landscape Protection and Enhancement  
L5 - Open Areas within the Existing Urban Areas  
H4 - Development within Residential Curtilages  
T8 - Parking Provision  
T12 - Transportation Development Control Policy for New Development.  
EP1 - Environmental Protection  
L13 - Listed Buildings  
L17 & L18 - The Water Environment.

##### **South Gloucestershire Core Strategy Submission Draft (Dec. 2010)**

CS1 - High Quality Design

#### **2.3 Supplementary Planning Guidance**

The South Gloucestershire Design Check List SPD (Adopted) 23 Aug 2007.

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

- 3.1 PK01/1675/F - Erection of detached garage and single-storey side extension.  
Approved 25 July 2001.

### **4. CONSULTATION RESPONSES**

- 4.1 Parish Council  
Not a parished area. .

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

Listed Building Officer  
No objection

#### **Other Representations**

- 4.3 Local Residents  
1 no. letter of objection was received from the occupier of adjoining no. 1 Kyght Close. The concerns raised are summarised as follows:

- The construction overlooks the back of 1 Kyght Close. It is therefore requested that the windows are frosted and are top opening only in order to prevent overlooking of the garden and master bedroom of 1 Kyght Close.

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

- 5.1 Principle of Development  
Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, permits development within residential curtilages, subject to a number of criteria that are discussed below. Policies D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and CS1 of the South Gloucestershire Core Strategy Submission Draft Dec. 2010 seek to secure good quality designs in new development.

- 5.2 Scale and Design  
The proposed extension in terms of scale and form, integrates adequately within the existing built development, which is itself fairly individual in its character. The proposed roof slopes and materials used in construction reflect those of the existing property. The plot is large enough to adequately accommodate the extensions.

- 5.3 The scale and design are considered appropriate for this property and adequately respect the massing, scale proportions, materials, overall design and character of the property. The proposal therefore accords with Policies H4(A) and D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and CS1 of the South Gloucestershire Core Strategy Submission Draft (Dec. 2010).

5.4 Impact Upon Residential Amenity

The main extension is located on the north-western side of the property but does not have an overbearing impact on neighbouring property to the west or north.

5.5 The proposal makes efficient use of land within the urban area, which accords with government guidelines contained in PPS3. Officers have inspected the site from within the first floor extension. The two first floor windows on the western side elevation do overlook no.3 Deanery Road. These windows have however been installed using obscure glazing and although the windows partially open, any overlooking of the rear garden of no.3 is very limited and would not result in any significant loss of privacy. To the rear are the main bedroom window and the smaller shower room window. The latter is fixed and obscurely glazed with only a small transom window being clear glazed and opening; this offers little opportunity for overlooking of no.1 Kyght Close. The main bedroom window is clear glazed but given its position in relation to the windows in the side of 1 Kyght Close, there is again little opportunity for loss of privacy from inter-visibility between the two. Whilst there is some overlooking of the garden of 1 Kyght Close, this is again from a reasonable distance and angle.

5.6 Officers are of the view that some overlooking of gardens from first floor windows is a ubiquitous situation in densely populated urban areas and should not necessarily prevent residential development per se; especially given the governments' objectives of making the most efficient use of land within the urban areas. It is considered therefore that the scheme does not result in any significant adverse impact on residential amenity in planning terms. It is however considered reasonable to impose a condition to retain the obscure glazing that has already been installed within the existing first floor windows. The proposal therefore accords with Policy H4(B) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.7 Highway Issues

Adequate parking and access arrangements would be retained. There are therefore no highway objections to the proposal, which accords with Policies H4(C), T8 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.8 Environmental Issues

The extension would be the subject of Building Regulation Control and existing drains would be utilised. The proposal would therefore accord with Policies EP1, L17 & L18 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.9 Landscape Issues

The proposal would not affect any vegetation or landscape features of note. The proposal would not result in the loss of significant areas of open space. The proposal is therefore in accordance with Policies L1 and L5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

#### 5.10 Listed Building Issues

Officers are satisfied that the scheme does not harm the character or significance of the adjoining listed building, only the gable of which is in anyway visible from the main road and adjoining side road. The scheme therefore accords with Policy L13 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

## 6. CONCLUSION

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

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

1. Consideration has been given to the proposal's scale and design and is considered to accord with Policies D1 and H4(A) of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006 and Policy CS1 of the South Gloucestershire Core Strategy Submission Draft Dec 2011.
  2. The scheme is not considered to adversely affect residential amenity in terms of overlooking, loss of privacy, overbearing impact or loss of amenity space and therefore accords with Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
  3. The proposal would have no adverse highway implications in accordance with Policy H4(C), T8 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
  4. Consideration has been given to the drainage implications of the scheme and its impact upon the environment in accordance with Policies EP1, L17 & L18 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
  5. The proposal would not adversely affect any features of the landscape and accords with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
  6. The proposal would not result in the loss of an open area of significant amenity value and is therefore in accordance with Policy L5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
  7. The scheme would not compromise the historic character or setting of the adjoining listed building in accordance with Policy L13 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).

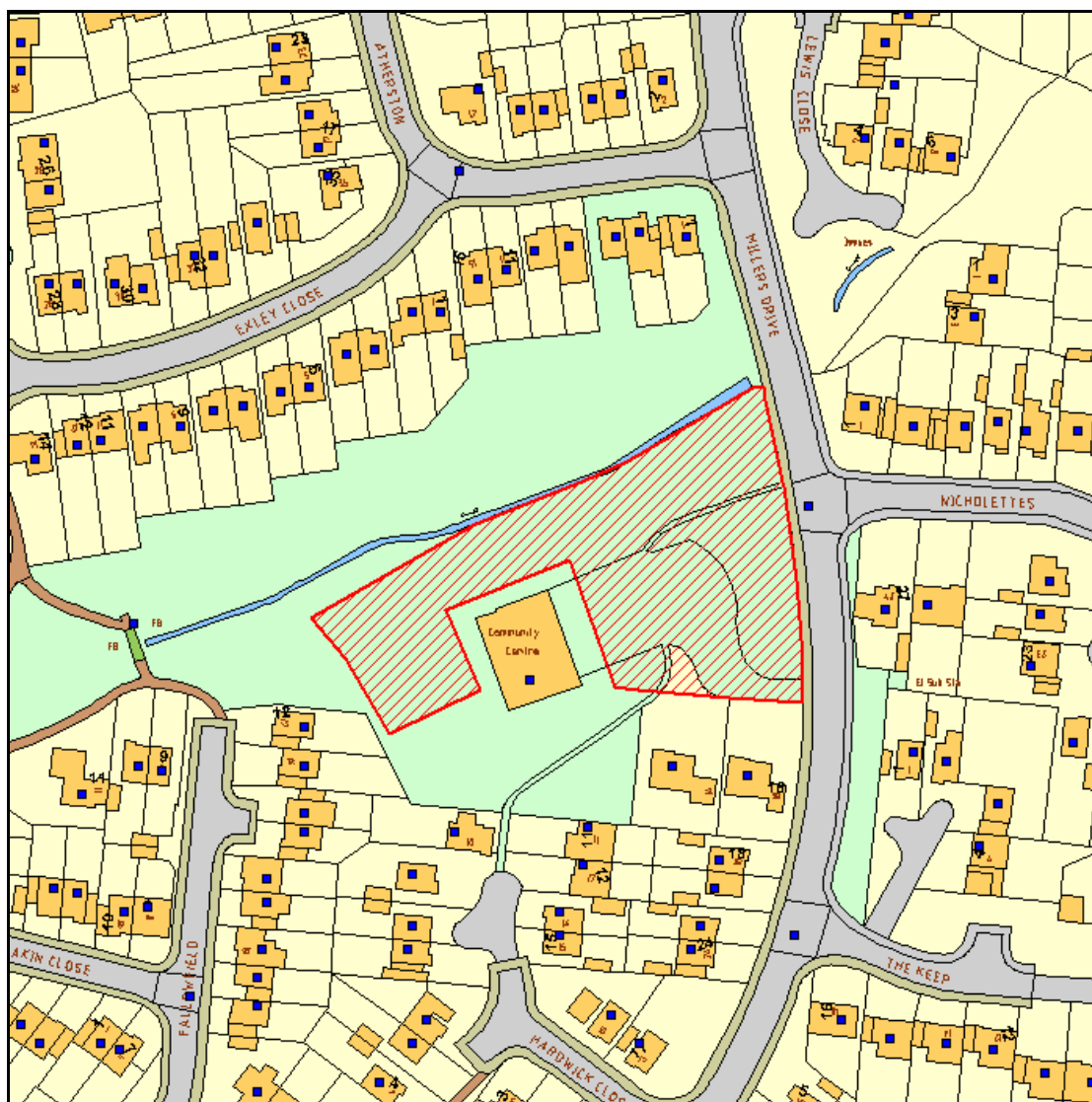
2. The first floor obscurely glazed windows already installed in the extension hereby approved, shall be retained as such at all times. For the avoidance of doubt this condition relates to the two west facing side bedroom windows and the rear north facing shower room window (other than the transom).

Reason

To prevent overlooking of neighbouring property and to ensure an adequate level of privacy is maintained in the interests of residential amenity and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2011.

## CIRCULATED SCHEDULE NO. 23/11 – 17 JUNE 2011

<b>App No.:</b>	PK11/1307/F	<b>Applicant:</b>	Unity Oldland Methodist Church
<b>Site:</b>	North Common Village Hall Millers Drive North Common Bristol South Gloucestershire	<b>Date Reg:</b>	3rd May 2011
<b>Proposal:</b>	Erection of new church with associated works car parking and new access.	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	367584 172136	<b>Ward:</b>	Oldland Common
<b>Application Category:</b>	Minor	<b>Target Date:</b>	28th June 2011



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**PK11/1307/F**

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

This planning application has been referred to the Circulated Schedule in light of planning objections and comments raised by local residents and the Parish Council regarding the proposed development.

### **1. THE PROPOSAL**

- 1.1 This planning application seeks planning permission for the erection of a church with associated works, additional car parking and new access. The church building will comprise of two meeting rooms, small hall, kitchen and toilet facilities.
- 1.2 The application site relates to land used as car park next to an existing community hall within the established residential area of North Common.

#### **1(B) Additional Information has been submitted by the agent which has been summarised by the Planning officer as follows:**

- Land owned by South Gloucestershire Council and is subject to a covenant that permits the use of the land for Community & Public Amenities including a place of worship and a community Centre or for residential Development
- Proposed building designed to offer flexibility of use for both the Church and the Community.
- Church designed not to duplicate facilities offered by village hall
- Church will bring activities such as knitting group, brownie group, flower arranging club, a disabled club and guild meeting
- Building to be accessible, eco friendly and aesthetically pleasing
- Design is inspired by the propensity of ammonite fossils in the locality
- Various public consultation events have taken place with residents. Issues arising centred mainly around parking, access and construction traffic
- Prior submission of the application discussions took place with the Council's Police Architectural Liaison Officer.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1 Delivering Sustainable Development  
Planning and Climate Change Supplement to PPS1  
PPS9 Biodiversity and Geological Conservation  
PPG13 Transport

#### **2.2 Development Plans**

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design  
L1 Landscape Protection  
L5 Open Areas within existing urban areas  
L9 Species Protection

- L17 Water Environment
- L18 Water Environment
- EP1 Environmental Pollution
- T7 Cycle parking
- T8 Parking Standards
- T12 Transportation Development Control policy for new development
- LC4 Proposals for Educational and Community Facilities within existing urban areas

South Gloucestershire Core Strategy -Submission Draft (December 2010)  
CS1 High Quality Design

2.3 Supplementary Planning Guidance  
 Design Checklist SPD

**3. RELEVANT PLANNING HISTORY**

- 3.1 K670/13AP Erection of Community Hall and car parking  
Approved December 1980
- 3.2 K670/44 Construction of 60 car parking spaces  
Approved August 1993
- 3.3 K670/42 Erection of community hall  
Approved June 1989
- 3.3 K670/38 Erection of 2 detached house  
Approved 1985

**4. CONSULTATION RESPONSES**

- 4.1 Bitton Parish Council  
 Councillors discussed the application at length at a meeting last night. Overall they support the use of the site for a Methodist Church with community facilities as described in the application, but have some concerns which they would ask to be considered carefully.
  - 1. Parking arrangements. Councillors request that a management plan for parking arrangements is required to provide a sound basis for the operation of the site. Also, the agreement of the police to the parking arrangements should be sought. At present, a certain amount of anti-social behaviour and gatherings take place in the car park: it is felt that with the opening up of the rear parking area this could provide a 'hidden' space. It is therefore requested that a gate is required to be fitted between the front and rear parking areas so that the rear area is used only when demand is sufficient (as happens now). The application does not specify how many car parking spaces are included in the plans. Councillors consider that, as a minimum, it should not be less than the 60 currently available (in front of and behind North Common Village Hall) if the use of the site is to increase.

2. Fencing arrangements. This area of North Common is subject to the withdrawal of permitted development rights to the front of properties. As such, specific permission is required for fencing adjacent to the highway. This has been enforced by your authority and therefore it would seem out of place if a 1.8m fence was to be erected along the boundary with Millers Drive, even if on a temporary basis. The Council is concerned that this may be seen by others as a precedent. However, the need for security of the NE area of the site is acknowledged and Councillors therefore suggest that a condition is attached to any permission granted allowing a fence to be erected on a temporary basis (defined as a finite time period) inside and not before the planting of the new hedge, which must comprise significantly mature plants.
3. Site security. Councillors appreciate the need for site security. To this end they would ask for a condition requiring the installation of a gate or barrier at the front access to the site so that the entry of vehicles to the site can be controlled. The application variously refers to lighting of the outside areas 'at night' but also 'as necessary'. Clarification of the applicant's intention is needed. Lighting must be designed and contained so as not to affect neighbouring properties and controlled by conditions to ensure this.
4. Noise. Councillors request that conditions are applied to any permission granted limiting the hours of construction (7.30am-5.30pm Monday to Friday and Saturday mornings only with work on Saturday afternoons, Sundays and Bank Holidays prohibited). Similarly hours of use of the building should be limited – it was suggested to the same as apply to the use of the existing North Common village Hall. This would go some way to protecting the amenity of local residents.
5. Drainage. Some concerns were voiced about drainage of the site. At present the car parking area is not surfaced and this aids soak away of rainwater considerably. The application refers to parking bays being of permeable paving and tarmac access routes. The site lies in a dip and Councillors seek confirmation that this arrangement would not lead to any increase in the likelihood of flooding at the site or nearby.
6. Community use. Councillors support this application on the basis that it will provide additional community facilities for everyone, with access to all regardless of faith or culture. The site was passed to the community when local housing was built and this is a fundamental requirement of the future use of the land.

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

##### Public Rights of Way

The development may affect the nearest recorded public rights of way, reference PBN 8 which runs adjacent to the area outlined on the application. No objection in principle to this application subject to applicant being advised of informative.

Landscape Officer

No objection subject to the submission of a detailed landscaping plan.

Tree Officer

No objection subject to a condition requiring the submission of a tree survey plan.

Highway Officer

No objection subject to planning condition relating to access and car parking arrangements for the village hall during construction period.

Drainage Engineer

No objection subject to a planning condition requiring the submission of surface water drainage details and a mining report.

Coal Authority

No objection

**Other Representations**

4.3 Local Residents

3 letters have been received from local residents raising the following planning objections regarding the proposed development and have been summarised by the Planning Officer as follows:

- Existing problems with cars racing in the early hours
- Wildlife
- Design not in keeping and will be an eyesore
- Financial issues
- Why not refurbish existing church
- Community should be better informed of proposal
- Loss of open space
- Church should complement existing church hall, which is at near full capacity
- Is open land or green space not considered is of community value

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy LC4 of the South Gloucestershire Local Plan accepts the principle of development for community facilities within existing urban areas subject to the following criteria a) sites are accessible by foot and by bicycle b) would not impact on residential amenity c) would not have unacceptable environmental or transportation effects d) and would not give rise to unacceptable levels of on street parking. Other issues relating to Protected Species (L9), Landscape Protection (Policy L1), Drainage and environmental pollution (EP1 and EP2) are also relevant.

5.2 Design/Visual Amenity

The proposal is for a new church building on land adjacent to the existing village hall on Millers Drive, Warmley, currently used as car parking. The

surrounding context is comprised by Siston Brook and linear open space to the north and 1980's/90's residential estate layout.

- 5.3 The building is positioned on the northeast corner of the site at the entrance to the car park. It is of approximately 400m<sup>2</sup> in a spiral shape inspired by 'ammonite fossils' and will provide some surveillance to the highway and parking area.
- 5.4 Objections have been raised on the grounds the proposed development is close to the road frontage and is out of keeping with the area. The Officer is of the view regard should be had for the character of the area, which is predominantly two storey residential properties. The application site is considered large and the height of the proposed church is considered in keeping with the scale of surrounding properties. Whilst the Officer accepts the building is sited close to the road frontage, it is considered its mass and appearance will be broken up by the proposed two and single storey design and circular appearance. The Council's Urban Design Officer considers that the 'ammonite' form of the building provides an interesting intervention in the locality. The green sedum roof and photovoltaic roof are again interesting and welcome additions to the street scene.
- 5.5 Concerns have been raised by the Parish Council regarding the erection of fencing along the road frontage and its visual impact especially as the surrounding area has had its permitted development rights removed regarding enclosures. The Planning officer acknowledges this, but on the advice of the Council's architectural liaison officer regarding 'secure by design' matters, considers the erection of 1.80m high 'mesh' fencing to be appropriate and necessary in this particular location i.e. wildlife zone/private garden area and given that the site has been subject to anti social behaviour. The suggestion that it only be allowed on a temporary basis would not fully address the issue of security. The proposed fencing will not be erected along the entire frontage and will be open in appearance, which in turn will reduce its impact. The open design will allow for natural surveillance. Policy D1 of the South Gloucestershire Local Plan seeks to ensure that the overall layout and design of developments take account of personal safety, security and crime prevention.
- 5.6 With regards the issue of site security the Parish Council has requested the installation of gate or barrier along the proposed front access. The applicant has agreed to this and this will be subject to a planning condition. With regards proposed security lighting this will be conditioned to ensure there are no issues of light pollution for neighbouring residents. The agent has also agreed to the installation of a low level barrier in front of the existing access, to prohibit access of cars. It is envisaged this will be low key in appearance.
- 5.7 In terms of sustainability the scheme provides a strong intention to go beyond Part L of the building regs, by providing additional insulation, a *green* roof, photovoltaics, ground source heat pump and rainwater harvesting etc.

- 5.8 The Planning Officer is of the view that the proposed church will create a development of a distinctive character and will not harm the character or distinctiveness of the locality. Should planning permission be granted a condition would be imposed regarding materials. It is also considered that the scheme will significantly enhance the sites security which in turn should reduce incidences of anti social behaviour and especially car racing.
- 5.9 Residential Amenity  
The proposed church will be sited within the northeastern corner of the application site and the central two storey element in particular will be set back 28.0m from the front elevation of no.1 Nicholletes, & 21.0m from 27 Nicholletes sited on the opposite side of the road. Those properties sited rear of the church are separated by a landscape buffer and open space. The existing access runs along the rear gardens of 16 & 14 Millers Drive. This access will be closed and the existing driveway replaced with car parking, where there is an dense hedgerow in place along this boundary.
- 5.10 The Parish has requested a condition relating to hours of working. The Planning Officer can confirm that hours of working will be restricted to Monday-Friday 7.30-18.00 and Saturday 08.00-13.00 with no working on Sundays and public holidays.
- 5.11 The Parish has also requested the use of the building operate on the same hours as the Community Hall. The Officer can confirm the community hall has no restricted hours of operation. Planning permission was granted for a second hall in 1989 although not implemented but that was conditioned to operate between the hours of 08.00 and 24.00. This application proposes the use of the building to be 7 days a week 7.30am 10.00pm. The agent has confirmed that it is unlikely the building will be used every day at these times, but the later hours are proposed to allow a degree of flexibility. The Planning Officer is of the view that the introduction of a church with an already existing community use on the site would not have an unacceptable impact on levels of existing residential amenity in terms of unacceptable level of noise and disturbance. The Planning Officer is of the view if evening times were restricted this could impact on the operation of the church and in particular intention to open up the building to the wider community.
- 5.12 Landscape  
Concerns have been raised regarding the loss of open space. The site in question relates to an existing car park. There are areas of existing scrub and trees on the site, with a well vegetated northern boundary along Siston Brook. There are few trees of landscape merit although there are some mature trees along the road frontage and stream corridor worthy of retention. The vegetation associated with the stream corridor, together with the existing hedgerow are retained intact within the layout and most of the trees identified as significant within the tree survey are also retained. The proposals include a new 'wildlife zone' to the north of the building, which links into the stream corridor, which is welcomed and will accord with Core Strategy Policy CS1 (6), which encourages landscape schemes to promote biodiversity, as well as planting for amenity value.



- 5.13 A new hedge is indicated on the site plan, to enclose this area, however no detail is provided regarding species etc. There are also planting beds indicated within the new parking areas. A detailed planting plan should be submitted as a condition of planning including size, species, density of planting etc. for approval.
- 5.14 Concerns have been raised regarding this site in terms of its value to the community i.e. open green space. It is considered as most of the land subject to the development relates to car parking, its contribution is limited. However it is considered the site will be enhanced by additional landscaping areas and that significant landscaping areas and trees will be retained.
- 5.15 Trees  
The application is supported by a preliminary arboricultural survey and tree constraints plan which notes the existing trees and grades them in accordance with BS5837:2005. The majority of the existing trees were graded as C, with the exception of T12 Oak which was graded B. BS5837 :2005 states that Grade C trees should not be considered as a constraint to development. The grading of the existing trees is acceptable to South Gloucestershire Council.
- 5.16 The Oak tree T12 is indicated as retained on the proposed site layout along with a number of the other existing trees around the site. The proposed layout indicates parking area adjacent to retained trees, information will be required as the construction of these areas and the protection of the tree roots.
- 5.17 No objection is raised subject to the submission of a statement including details of a protective fencing plan, and method statement for any works within the Root Protection Area of the retained trees and details of replacement planting to maintain the screening offered by the existing trees.
- 5.18 The Tree Officer has advised the existing screen of trees running adjacent to Millers Drive is important and should be retained in some form and replacement planting undertaken if trees are removed. The Planning Officer accepts that as result of the scheme this will result in a number of trees to be removed from the site frontage to accommodate the new access and church, and these trees are category C. Three trees to the left of the new access and the oak and ash in the north eastern corner will be retained. It is considered that low lying planting may be more appropriate along the site frontage, as the Architectural Officer seeks to maintain open views into the site and car park for security reasons and this could be compromised if trees were replanted. Submission of landscaping details will be conditioned and full details can be considered in discussions with the tree officer and architectural liaison officer.
- 5.19 Ecology  
Concerns have been raised regarding wildlife interests on the site. The councils Ecology Officer has confirmed there is a badger sett located within an embankment to the Siston Brook on the northern boundary of the application site. The scheme is unlikely to have a direct impact upon the sett notwithstanding this; the submitted report recommends that a trial trench be dug on the northern boundary of the application site to confirm that no tunnels extend into the development area from the embankment. It also suggests that a

chain link fence could be left buried in the trench to prevent badger tunnels extending into the site in the future. No planning objection is raised on ecological grounds subject to a condition requiring that all development be subject to the assessment and recommendations contained in the survey.

5.20 Drainage

The Parish Council have requested confirmation that the proposed hard surfacing and the fact the site lies within a dip would not lead to any increase in the likelihood of flooding at the site or nearby.

5.21 The Council's Drainage Engineer has raised no objection subject to the imposition of a planning condition requiring the submission of surface water drainage details. In addition as the site lies within the former Bristol Coalfields, no mine shaft or adit must be filled or grouted in such a manner that underground mining drainage levels or culverts are likely to become blocked or sealed in order to avoid flooding or water emergence. A mining report should be provided for assessment and this will be subject to a planning conditions.

5.22 Coal Authority

Originally the Coal Authority raised an objection, however this has now been withdrawn in light of additional information provided by the agent.

5.23 Transportation Issues

The development proposes the relocation of the vehicular access onto Millers Drive further north towards Nicholettes. The relocation of the vehicular access is considered a betterment over the location of the existing access and will provide better visibility for all users of the site. Fifty car parking spaces, 4 disabled parking spaces and five cycle stands are proposed within the site boundary for use by both the existing Village Hall and the new Church. This level of parking is considered acceptable and is in line with the standards set out in Policy T8 of the South Gloucestershire Local Plan and therefore the Council is unable to insist on 60 spaces in total. No objection is therefore raised on highway safety grounds subject to a condition securing adequate access and car parking arrangements for the village hall during the construction of the building.

5.24 The Planning officer has liased with the Council's Police Architectural Liaison Officer regarding the proposed rear car parking area in light of concerns raised relating to existing anti social behaviour and gatherings within the existing car park. The officer has advised that he is satisfied with this proposed arrangement. There is an existing gate at the side of the community hall leading to the rear car park and this will be retained and operated by the existing caretaker. The agent has agreed to additional landscaping on the other side of the village hall, to restrict pedestrian access to the rear of the site this will be subject of the required landscaping scheme.

5.25 Future use of building

The Parish supports this application on the basis it will provide an additional community facility for everyone, especially as this site was passed to the community when the houses were built. For planning purposes the Council is unable to insist on this as the land in question is not identified as safeguarded

community land in the adopted local plan. Notwithstanding this, the applicant's supporting statement has stated that it is intended to allow the building to be made available to community groups and clubs and this is also necessary for financial reasons.

## 5.26 Other Issues

### Consultation

Concerns have been raised the community should be better informed of the proposal. Consultation events took prior the submission of the planning application. As part of this application all neighbours have been consulted in line with the Councils consultation standards .

### Why not refurbish existing church

This is not a material planning consideration as part of the consideration of this planning application.

## 6. **CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.
- a) The proposed development has been designed to positively enhance the character and appearance of the site and area taking account of materials, design, siting, height and scale of development. Policy D1
  - b) The proposed development has fully taken account of neighbouring residential amenities and thorough careful design and siting, the proposal will not materially harm the amenities of neighbouring properties by reason of overbearing impact, loss of privacy, unacceptable noise or disturbance- Policy LC4
  - c) The proposal offers on site car parking provision and turning facilities, safe access and will not have an unacceptable effect on highway safety -Policies T8 and T12.
  - d) The proposal will integrate existing and proposed landscaping to enhance visual amenities-Policies D1 and L1.
  - f) The proposed development will mitigate against harm to protected species - Policy L9.

- g) Drainage details are to be submitted to and approved by the Local Planning Authority to ensure satisfactory surface water drainage of the site and minimise the risk of flooding and pollution-Policy L18 and EP1.

**Contact Officer: Tracey Price**  
**Tel. No. 01454 863424**

### **CONDITIONS**

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

5. Prior the commencement of development a coal mining report shall be submitted to and approved in writing by the Local Planning Authority. All development shall be carried out in accordance with those approved details.

Reason

To prevent flooding, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Development shall be carried out subject to the assessment and recommendations relating to badgers contained in the survey report dated 5th May 2011 by the Badger Consultancy carried out on behalf of the applicants.

Reason

To protect the wildlife and the ecological interests of the site in accordance with Policy L9 of the South Gloucestershire Local Plan.

7. Prior the commencement of development details of the proposed gate/barrier relating to the new proposed access and gate details at the entrance of the overspill car park shall be submitted to and approved in writing by the Local Planning Authority. All development shall be carried out in accordance with those agreed details and shall be provided before the building is first occupied, and thereafter retained.

Reason

In the interests of security and crime prevention and to accord with Policy D 1 of the South Gloucestershire Local Plan.

8. Prior the commencement of development a management plan setting out the proposed access and car parking arrangements for users of the village hall and construction vehicles during the period of construction of the building shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason

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

10. The hours of working on site during the period of construction shall be restricted to Monday-Friday 7.30-18.00 and Saturday 8.00-13.00 and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. The car parking facilities for all vehicles and cycle parking on the plan hereby approved dwg.no.441/09/05E shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

12. Prior the commencement of development details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. All development shall be carried in accordance with those approved details.

In the interests of residential amenity and to accord with Policy LC4 of the South Gloucestershire Local Plan.

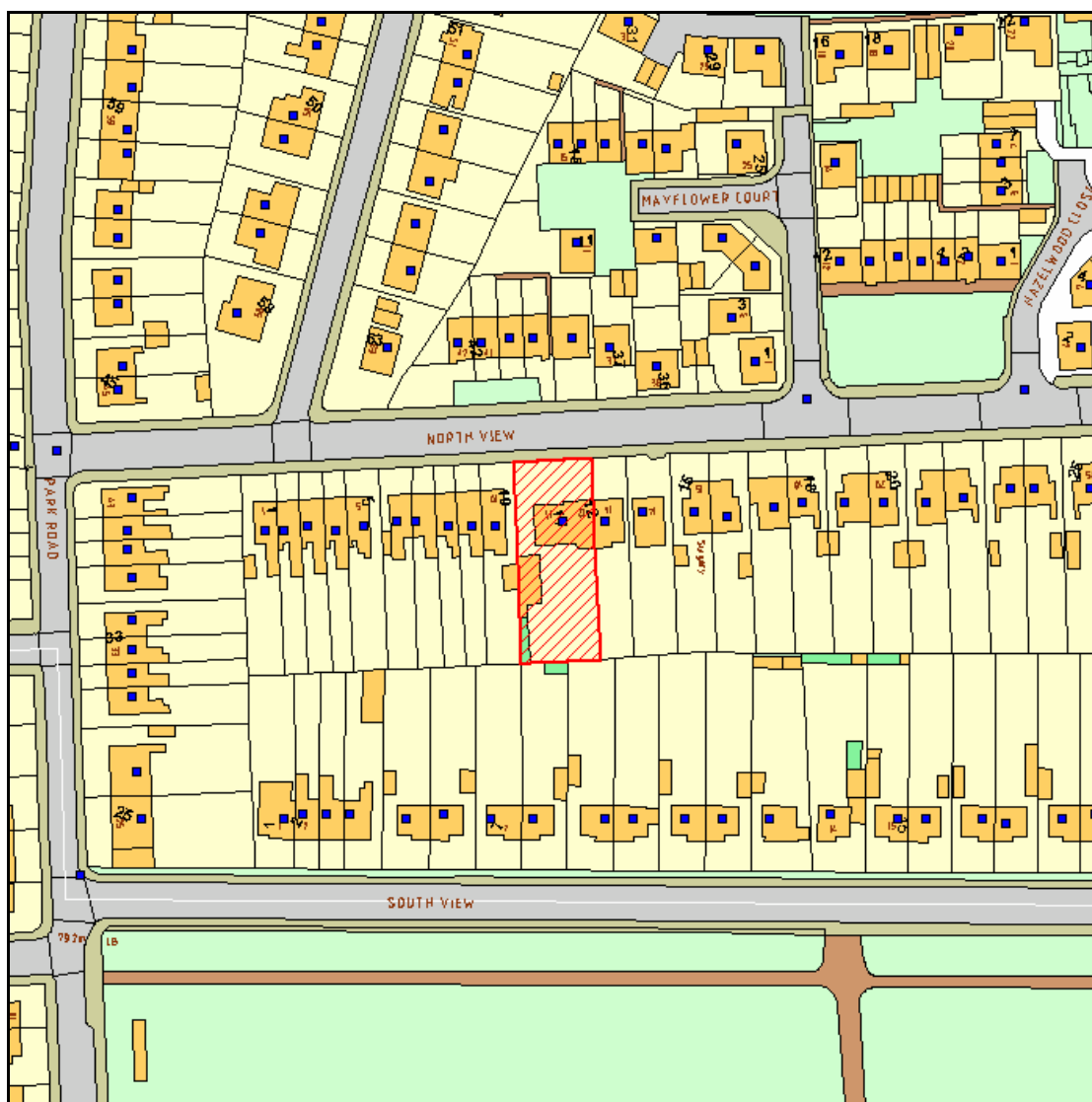
13. The building shall not be open to the public outside the following times 22.00-07.30

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 23/11 – 17 JUNE 2011**

<b>App No.:</b>	PK11/1371/F	<b>Applicant:</b>	Mr Lexington Burke
<b>Site:</b>	St Briavels 11 - 12 North View Staple Hill Bristol South Gloucestershire	<b>Date Reg:</b>	9th May 2011
<b>Proposal:</b>	Conversion of existing garage to form ancillary residential accommodation (Part retrospective). (Resubmission of PK10/3056/F)	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	365438 176244	<b>Ward:</b>	Downend
<b>Application Category:</b>	Householder	<b>Target Date:</b>	30th June 2011



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

Objections have been received which are contrary to the officer recommendation

### **1. THE PROPOSAL**

1.1 This application seeks retrospective planning permission for the conversion of an existing garage into an annex. The garage is detached and stands within the grounds of No. 11-12 North View, a street of semi-detached two storey houses. The host dwelling is similar to these but has a wide two storey side extension. The narrow double garage (4.1 metres wide) which has been converted stands slightly to the rear of the host dwelling, which has four windows in the side elevation facing the approach to the garage and a standard window pattern to the rear.

1.2 The converted garage is 9.8 metres long, measured externally and includes two elements, the garage itself and a flat roofed element to the rear of similar width. It is proposed to replace the garage doors with a pedestrian entrance, but otherwise no new openings would be introduced. There would be no separate residential curtilage created to serve the annex, leaving the existing house's garden wrapping around it on three sides. On street parking would be provided on the driveway for the residual dwelling to compensate for the loss of the garage, but no off street parking has been identified for the new dwelling.

1.3 This application succeeds a proposal to convert the garage into a separate dwelling, which was refused for the following reasons:

- \* Impact of the new dwelling within the regular street scene.

- \* The impact of the new dwelling on the residential amenity of the host dwelling in front of it.

- \* Substandard living conditions for occupiers of the proposed dwelling.

It should be noted that all three reasons for refusal relate to that application for a separate dwelling and the current proposal is for an annex which would be ancillary to the host dwelling. The current application is described as part retrospective, but the external works which have yet to be completed involve the proposed glazing and door to replace the garage doors.

### **2. POLICY CONTEXT**

2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPS3 Housing  
PPG13 Transportation

2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
H5 Residential Conversions



T8 Parking standards  
T12 Highway Safety

Core Strategy (submission draft)  
CS1 High quality design  
CS17 Housing diversity

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

- 3.1 PK10/3056/F Conversion of existing detached garage to form dwelling  
Refused

### **4. CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Heath Parish Council  
Objection - we support the reasons for refusal contained in the Notice of Decision issued by South Gloucestershire Council dated 11<sup>th</sup> January 2011, even though the revised application has been presented as conversion of existing garage to form ancillary residential accommodation .

- 4.2 Other Consultees [including internal consultees of the Council]  
Environmental Protection  
No reply received.

Sustainable Transportation

Even with the conversion of the existing garage, there would remain adequate parking area on the site. In view of this therefore, there are no highway objections to this proposal.

#### **Other Representations**

4.3 Local Residents

Two letters of objection was received, citing the following concerns:

- Plans have been inaccurately drawn and the back section is actually part of the boundary wall
- The application has not addressed the refusal reasons of the previous application.
- The application is stated to be part retrospective – surely the work has already been completed
- Adding a pedestrian front door would alter the street scene and it would appear to be a separate dwelling
- The garage should be reinstated as no party wall agreement was sought
- The garage cannot be habitable, especially for someone with impaired health
- This application could set a precedent
- Due to the flat roof having been altered in height, the guttering will need to be altered too, which could go between the two properties without an adequate soakaway

- The bedroom would be next to the boundary wall. No flues, overflows or ventilation are indicated and the neighbours would object to anything which would directly impact on their property

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The retrospective proposal stands to be assessed against the policies listed above in the light of all material considerations. Although the proposal is for the use of the garage as an annex, the context for the analysis of this proposal is set primarily by policy H5 of the adopted Local Plan, which sets five criteria to be met. These form the following headings.

### 5.2 Would the proposal prejudice the character of the area?

The street in which the site lies is of a regular appearance with largely regular residential curtilages. The proposed conversion of a garage would introduce an ancillary residential unit behind the established building line of the street. Where there are garages in North View they are used as such and are understood that way when moving down the street. The previous scheme for an independent dwelling was considered to be at odds with the legibility of the street, even though it utilises built form which is currently in place. When completed in accordance with the submitted plans, this proposal would not be different from the previously refused scheme in terms of visual impact, but the proposal has now been changed to ancillary accommodation and for that reason, it is seen as visually acceptable in this context. No changes would be made to the residential curtilage as a result of the proposal and following the loss of the garage for parking purposes, parking could still be provided on the driveway alongside the dwelling, in much the same way as parking would be provided for the dwelling itself. The impact of the proposal on the character of the surrounding area is therefore considered to accord with policy H5 in this regard.

### 5.3 Would the proposal prejudice the amenities of nearby occupiers?

There would be no new windows inserted to facilitate the conversion, other than a new window to replace the garage door at the front and one to replace an existing window in the rear elevation. Neither window would give a direct view of the neighbouring property. A condition is not considered necessary to remove the ability for windows to be added at a later date in the blank side elevation for two reasons: Any part of such a window which crosses the boundary would need permission from the neighbour and a flush window could have its view restricted by for instance a tree planted within the garden of the adjacent property. It is therefore considered that no overlooking would occur as a result of the proposal. The use of the garage by a family member of those living in the host dwelling is not considered to be likely to create any level of disturbance that would have an adverse impact upon residential amenity for the adjoining dwelling. Coming and going to the garage would be limited generally to between the garage and the host dwelling but crucially it would be linked to the host dwelling. The proposed development is considered to accord with policy H5 in this regard.

- 5.4 Would the proposal identify an acceptable level of off-street parking?  
No off-street parking has been identified to serve the site, but in the same way as the relationship between house and annex has been established above, parking for the annex would simply share the existing facility i.e. the driveway, if any additional parking is generated by the proposed annex in any event. It is considered that there is adequate off street parking within the site to serve both host dwelling and annex and this meets the Council's maximum parking requirement.
- 5.4 Would the proposal provide adequate amenity space?  
No amenity space to serve the proposed annex has been allocated, and while this was an issue with the previous proposal, it is considered that it would not be for an annex. Again, this is due to the annex's relationship to the host dwelling, meaning that a shared residential curtilage will suffice. Therefore, the previous refusal reason, related to a separate dwelling, is considered to have been overcome with the current proposal.
- 5.5 Is the property located within the existing urban area?  
The site is located within the urban area as identified by the proposals map to the adopted Local Plan.
- 5.6 Design  
Policy D1(A) of the adopted Local Plan, and broadly echoed in policy CS1 of the draft Core Strategy requires that design should demonstrate (inter alia) a layout which is informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality. For the reasons given at 5.2 above, the development is not considered to respect the character of the locality. The layout of the previous application was considered to affect the amenity of the site, in respect of the residential amenity of future occupiers, in that it was considered to be deficient in amenity space for a two bedroom independent dwelling. Measured externally, the site provides under 40 square metres of floorspace. Under this proposal, it is arranged to form a living room/kitchen, with a bedroom and shower room. The available space is considered to be sufficient for what would be in effect a one bedroom 'flat' and subject to the condition recommended below that the building is only used in conjunction with No. 11-12 North View, it is considered that the residential amenity of any future occupier would be adequate, that the previous refusal reason has been overcome and that the scheme accords with policy D1 in this regard. The proposed works to convert the building would involve the replacement of the existing garage door with a door and window. It is considered that these measures would aid the identification of the building as an annex, in conjunction with its location to the rear of the host dwelling and its scale. For these reasons, it is not considered to be expedient to ensure that the windows match those of the host dwelling. This part of the proposed development is considered to accord with policy D1 of the adopted Local Plan.
- 5.7 Other Issues  
The consultation process has raised a number of points not analysed above, as follows: Inaccuracy of plans – the proposal is for the conversion of an existing building and the plans are considered to be accurate enough for this purpose. The garage should be reinstated as no party wall agreement was sought – this

is a matter between the relevant parties and does not affect the planning permission for a change of use. The garage cannot be habitable, especially for someone with impaired health – whether the garage is converted to an acceptable standard for occupation will depend on compliance with the Building Regulations. The building is considered to be of an adequate size and contain adequate facilities for this purpose, given that the household will be part of that in the host dwelling. Due to the flat roof having been altered in height, the guttering will need to be altered too, which could go between the two properties without an adequate soakaway and the bedroom would be next to the boundary wall. No flues, overflows or ventilation are indicated and the neighbours would object to anything which would directly impact on their property – with regard to these points, planning permission would not affect these issues. If any subsequent works oversail the boundary, then this would be an issue for the neighbouring householder as there could be a potential for trespass. The adequacy of existing soakaways is not critical to the proposal as it would apply equally to the building whether it is used as a garage or an annex. This application could set a precedent – every application is determined on its own merits and the fact that one garage in the street is used as an annex has no bearing on future proposals.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposal would provide annex accommodation ancillary to the host dwelling, through the conversion of an existing building, which would have no adverse impact on the residential amenity of future or existing adjacent occupiers. The proposal accords with policies D1, H5, T8 and T12 of the adopted Local Plan.
- 6.3 The recommendation to approve permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 That planning permission is approved, subject to the condition shown below.

**Contact Officer: Chris Gosling**  
**Tel. No. 01454 863787**

## **CONDITIONS**

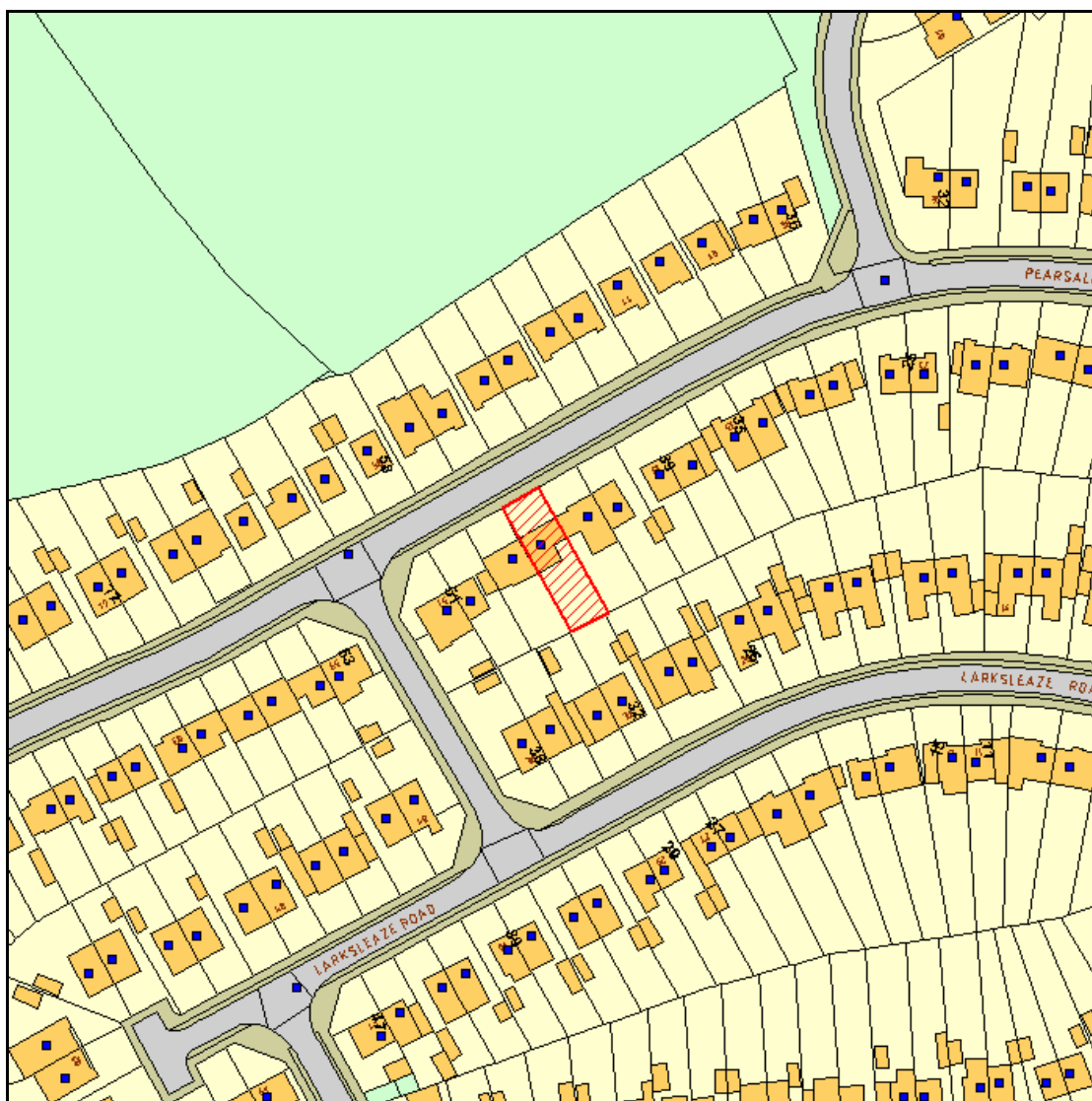
1. The annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 11-12 North View.

#### Reason

The building is not capable of being used as an independent unit of accommodation due to the impact this would have on the residential amenity of the host dwelling. To accord with policy H5 of the adopted South Gloucestershire Local Plan.

**CIRCULATED SCHEDULE NO. 23/11 – 17 JUNE 2011**

<b>App No.:</b>	PK11/1457/F	<b>Applicant:</b>	Mr M Girling
<b>Site:</b>	45 Pearsall Road Longwell Green South Gloucestershire BS30 9BB	<b>Date Reg:</b>	13th May 2011
<b>Proposal:</b>	Erection of two storey side extension and single storey front extension to provide additional living accommodation.	<b>Parish:</b>	Hanham Abbots Parish Council
<b>Map Ref:</b>	365470 170911	<b>Ward:</b>	Longwell Green
<b>Application Category:</b>	Householder	<b>Target Date:</b>	1st July 2011



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

This report appears on the Circulated Schedule due to an objection being received from a local resident.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of a two storey side and single storey front extension to provide additional living accommodation. The extension would measure 3.1 metres wide, 9.1 metres long and 7.1 metres high.
- 1.2 The application site relates to a two-storey semi-detached dwellinghouse situated in the established residential area of Kingswood.
- 1.3 During the course of the application amended plans were requested to reflect the correct titles of the plans. These were duly received.

### **2. POLICY CONTEXT**

2.1 National Guidance  
PPS1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Design in New Development

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

T8 Parking Standards

T12 Transportational Development Control

South Gloucestershire Core Strategy, Submission Draft December 2010

CS1 High Quality Design

2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted 2007)

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

3.1 None relevant

### **4. CONSULTATION RESPONSES**

4.1 Hanham Abbots Parish Council  
No objections

#### 4.2 Local Residents

One letter of objection has been received by a local resident. The comments received are summarised as:

- when the garage is knocked down will they make sure our garage is secure and also rendered to make good
- will there be a space between the garages large enough to obtain access if building works etc are required
- the garage will be coming up to the end of our kitchen and will block out a lot of light going into our kitchen; when they build on top this will also block out the light into our hallway
- can the plans be changed to ensure the extension does not block out all the light for the upstairs and kitchen

### 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. Policy D1 of the Local Plan requires all new development to be well designed and along with other criteria, respect and enhance the character, distinctiveness and amenity of both the site and locality. Policies T8 and T12 advise of maximum parking standards and seek to ensure that development will have no adverse impact on highway safety.

#### 5.2 Design and Visual Amenity

The existing dwellinghouse is a two-storey semi-detached property, with a spar render first floor exterior above a red brick ground floor exterior. The property has concrete roof tiles and benefits from white uPVC windows and is of a simple design. To facilitate the development an existing single storey attached garage, with rear entrance porch giving access into the garden will be demolished. To the rear the proposed two storey extension will be flush with the building line of the host dwellinghouse. An integral garage will be incorporated into its design, taking the front building line forward by 1.1 metres to match up with the building line of an existing porch. This extension will run the full length of the dwellinghouse and will measure 9.1 metres in length and 3.1 metres wide. The roof height of the extension will be slightly lower than that of the main dwellinghouse making it suitably subservient to it. Where the garage extension projects to the front, its roof will extend across and incorporate that of the existing front porch. Materials used in the construction of the proposal will match those of the existing dwellinghouse.

Given the scale and design along with the matching materials proposed it is deemed that the development accords with Policy D1 of the South Gloucestershire Local Plan (adopted) 2006.



### 5.3 Residential Amenity

To the front the existing dwellinghouse is separated from its neighbour at No. 43 Pearsall Road by a low level brick wall. To their sides both properties have single storey garages adjacent to one another and creating a continuous building line between the two dwellinghouses. The proposed two storey side extension would replace an existing single storey garage. Windows are proposed to the front and rear elevations but not on the side elevation. It is noted that No. 43 Pearsall Road has two windows in its first floor west side elevation but neither of these serve primary living spaces. It is also noted that No. 43 has a single storey rear extension projecting into the garden. This extension only extends across the width of the dwellinghouse and not the rear of its garage. This extension, serving the kitchen, has a ground floor window in its west elevation and a second window facing directly out onto the garden. This south facing window would not be affected by the proposed development. It is therefore judged that the proposed extension would not adversely affect the main living space of No. 43 Pearsall Road. To the rear the garden is bound on all sides by a 1.5 metre high wooden fence.

Given the above it is considered that there would be no issues of inter-visibility, loss of privacy or overbearing and sufficient amenity space would remain following the development. In addition, given the orientation of the property and the presence of a second window it is considered that there are no concerns relating to loss of daylight/sunlight on the neighbouring property. The impact on residential amenity is subsequently deemed acceptable.

### 5.4 Other matters

With regard to the issue of ensuring the existing garage at No.43 Pearsall Road is secure, that any render is made good and with regard to space left in between the two garages for maintenance, these are all civil matters between neighbours and cannot be covered under the remit of 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.
- 6.2 The proposed erection of a two storey side to provide additional living accommodation is considered to be in-keeping with the overall character of the dwelling and surrounding area in terms of its scale, design and the materials used. Furthermore, the existing level of residential amenity afforded to neighbouring properties is protected. As such the proposal accords with Policies D1, H4, 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 the application be **APPROVED** subject to the conditions below:

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

### **CONDITIONS**

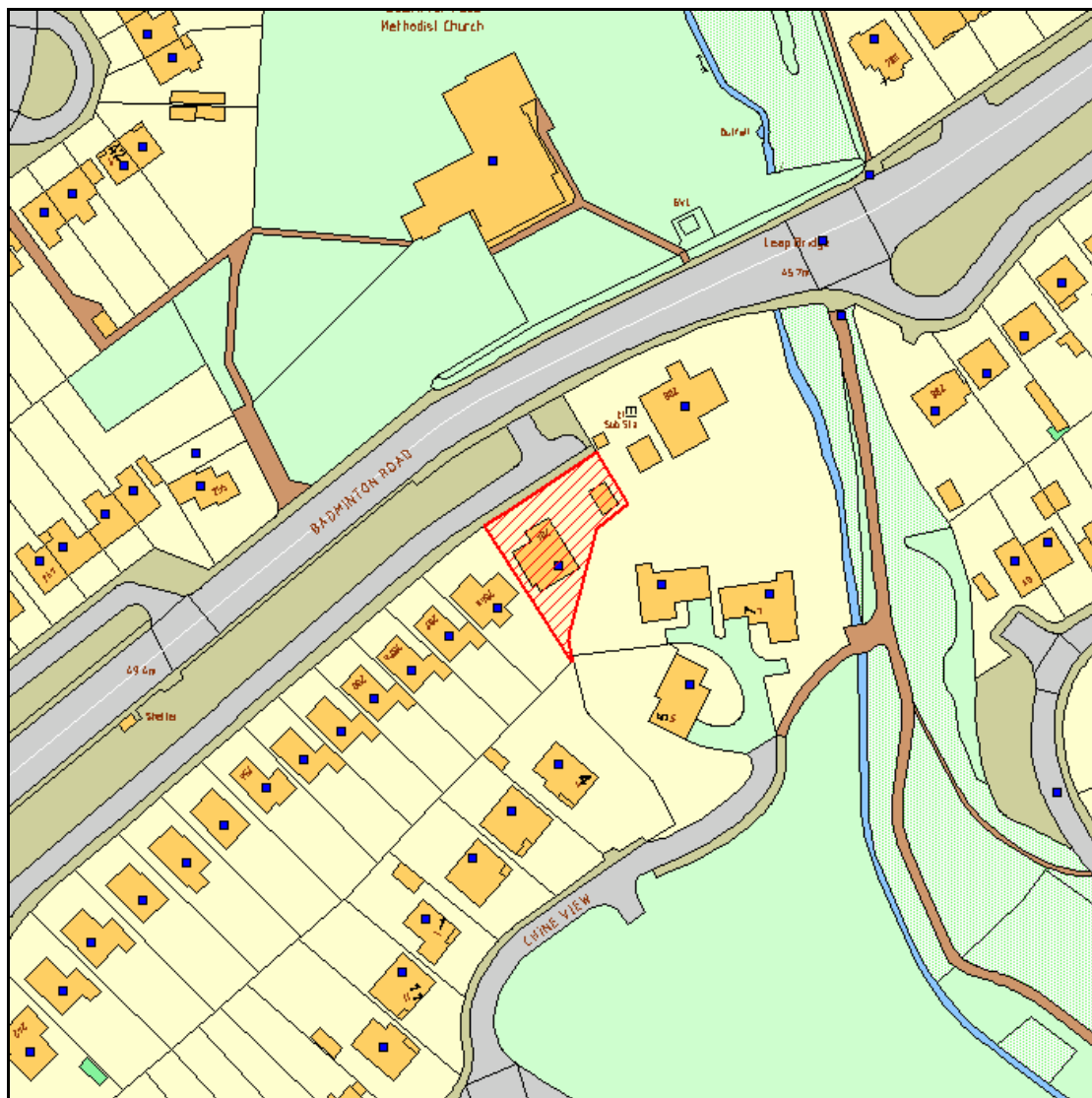
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

**CIRCULATED SCHEDULE NO. 23/11 – 17 JUNE 2011**

<b>App No.:</b>	PK11/1473/F	<b>Applicant:</b>	Mr And Mrs A Joy
<b>Site:</b>	264 Badminton Road Downend Bristol South Gloucestershire BS16 6NS	<b>Date Reg:</b>	18th May 2011
<b>Proposal:</b>	Erection of 1 no. detached dwelling with new vehicular and pedestrian access and associated works. (Resubmission of PK11/0619/F)	<b>Parish:</b>	Mangotsfield Rural Parish Council
<b>Map Ref:</b>	365693 177866	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Minor	<b>Target Date:</b>	11th July 2011



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 100023410, 2008. **N.T.S.** **PK11/1473/F**

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

This application has been referred to the Circulated Schedule following the receipt of objections from Mangotsfield Rural Parish Council and from a local resident, which are contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application relates to a plot within the curtilage of 264 Badminton Road, a detached 3-bedroom dwelling house located at the end of a cul-de-sac set parallel with Badminton Road. Within the curtilage of the dwelling is a separate garage/studio building currently used as a residential annex. The location is suburban in character with the properties to the rear located on the floor of an old quarry. A number of trees grow on the quarry edge, which are protected by Tree Preservation Order.
- 1.2 It is proposed to demolish the existing garage/studio building and replace it with a separate, two-bedroom chalet bungalow. Separate access and parking arrangements would be provided for the existing and proposed dwellings. The current proposal follows an earlier, similar scheme, which was withdrawn on officer advice, following concerns raised about loss of privacy from overlooking of the properties to the rear.

### **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 Core Strategy Submission Draft (Dec 2010)

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

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

- D1 - Design
- L1 - Landscape Protection and Enhancement
- L5 - Open Areas within the Existing Urban Areas and Defined Settlements.
- L17 & L18 - The Water Environment

- EP1 - Environmental Pollution
- EP2 - Flood Risk and Development
- EP6 - Contaminated Land
- EP7 - Unstable Land
- T7 - Cycle Parking
- T8 - Parking Standards
- T12 - Transportation Development Control Policy for New Development
- H2 - Proposals for Residential Development, Including Residential Institutions and Special Needs Accommodation, and Applications to Renew Permissions for Residential development, within the Existing Urban Area and Defined Settlement Boundaries.
- 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).

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist (SPD) – Approved 23<sup>rd</sup> August 2007.

Trees on Development Sites SPG Adopted Nov 2005

**3. RELEVANT PLANNING HISTORY**

3.1 K5695 - Demolish existing garage and rebuild incorporating art studio.  
Approved 6 June 1988

3.2 PK11/0619/F - Erection of 1no detached dwelling with access and associated works.  
Withdrawn 20 April 2011

**4. CONSULTATION RESPONSES**

4.1 Downend and Bromley Heath Parish Council  
No objection

4.2 Mangotsfield Rural Parish Council  
Objection – overdevelopment of the site.

4.2 Other Consultees [including internal consultees of the Council]

Sustainable Transport

No objection subject to conditions to satisfactorily secure the parking and access facilities.

Technical Support – Street Care

No objection subject to standard conditions and informatives.

### Environmental Protection

No objection subject to a condition to secure a contamination survey and mitigation if contamination found; having regard to proximity of former quarry in-fill.

### Tree Officer

No objections.

## **Other Representations**

### 4.3 Local Residents

1no e.mail of objection was received from the occupier of 6 Chine View. The concerns raised are summarised as follows:

- Loss of privacy due to overlooking from rear windows.
- Obscure glass could be changed to clear at a later date.
- Obscure glass is not an adequate protection from overlooking.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The site lies within the Urban Area, there is therefore no in-principle objection to the development of the site for residential use.

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 the land in what is a sustainable location, close to the centre of Downend, within easy distance of the shopping and community facilities and main bus routes. More than one additional dwelling could not realistically be accommodated on the plot and 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 bungalow would be modest in scale with a roof ridge set at 6.2m and eaves at 3.0m. The building’s foot-print would be larger than that of the existing annex, having a maximum length of 8.5m and maximum width of 7.6m, compared to 3m x 3.5m. There would be two bedrooms, a bathroom and a

- study in the roof space with a kitchen, lounge and dining room on the ground floor.
- 5.11 The materials to be used would be brick as existing and painted timber with plain tiles to match those existing. Officers are satisfied that the scale and design are acceptable in this setting.
- 5.12 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 proposed dwelling would however be viewed in the context of the existing buildings, which include a variety of scale and design, including bungalows. The proposal would replace an existing building and much of the existing garden area would be retained as amenity space. On balance therefore the proposed scale and design are acceptable.
- 5.13 Transportation Issues  
2no. parking spaces would be provided for both the existing and proposed dwellings and this level of provision satisfies the Council's maximum parking standards set out at Policy T8 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2008. Separate access points onto the cul-de-sac would also be provided. Adequate bin storage would be provided next to the parking spaces. Subject to conditions to secure the implementation of the parking spaces and surfacing in a bound permeable material to prevent stone scatter; officers are satisfied that the proposal would accord with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.14 Impact on Residential Amenity  
An area of 98 sq.m. of private garden space would be retained for the existing bungalow and an area of 62sq.m. provided to the side of the proposed bungalow. Given the proposed bungalow's small size and location close to the Town Centre, officers are satisfied that the amenity space provision is acceptable. The scheme is not therefore considered to be an overdevelopment of the site.
- 5.15 Given the scale and location of the proposed bungalow in relation to the existing properties, officers are satisfied that the proposal would not have a significant overbearing impact for adjoining occupiers. The existing hedges and trees would be retained on the rear and eastern side boundaries whilst a 1.8m high larch lap fence would be erected between existing no.264 and the proposed dwelling.
- 5.16 Concerns have been raised about loss of privacy due to overlooking of the properties to the rear. These properties lie at the bottom of the adjacent quarry, in Chine View. A number of photographs have been submitted by the occupier of no. 6 Chine View, which demonstrate the extent of potential overlooking; officers have also assessed the situation from the rear garden of no.5.
- 5.17 Notwithstanding the boundary vegetation, which would to some extent obscure overlooking, officers note that it is now intended that the proposed first floor rear window would be fixed and obscurely glazed or alternatively stained glass. Furthermore the proposed ground floor windows would be obscurely glazed



and fixed to a level of 1.7m with only the transoms above being clear glazed and opening.

5.18 Officers consider that obscure glazing as a means of preventing overlooking is perfectly acceptable and is a standard means of ensuring privacy, that can be secured by condition.

5.19 Any future increases in size of the proposed bungalow or insertion of additional/replacement windows or dormers, could be controlled by imposing a condition to remove all permitted development rights. Activity associated with the reasonable residential use of the proposed bungalow would not result in harm to neighbours from excessive noise.

5.20 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.

5.21 Landscape Issues

There is no vegetation of note within the actual application site itself. The TPO'd trees to the rear grow within the quarry walls. The applicant has sought advice from an independent Arboriculturalist who considered that the trees and their canopies would not be adversely affected by the proposal and the Council's Tree Officer concurs with this view. The proposal is therefore in accordance with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

5.22 Given that the site is within an existing garden, an assessment of the proposal in relation to Policy L5 has been made. The site is small and has very limited amenity value in terms of the visual amenity and character of the street scene and locality in general. For these reasons an objection on the grounds of loss of open space or loss of garden land is not in this case justified.

5.23 Environmental and Drainage Issues

Whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this would be on a temporary basis only and could be adequately mitigated for by imposing a condition to limit the hours of construction. Given that part of the former quarry was in-filled, officers have raised concerns about possible migration of land-fill gas. A condition to secure adequate site investigation and mitigation measures should contamination be found, is in this case justified. Subject to these conditions there are no objections on environmental grounds. In terms of drainage the Council's Drainage Engineer raises no objection to the proposal. A condition would however be required to secure the submission of a full drainage scheme to include SUDS, for approval before development could commence.

5.24 Affordable Housing

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

5.25 Education Service

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

5.26 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 Policies L1 and L5 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.

7. An appropriate scheme of drainage to include SUDS would be secured by condition in accordance with Policies EP1, EP2, L17 & L18 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

8. An appropriate scheme of site investigation and mitigation strategy would be secured having regard to possible land-fill gas migration in accordance with Policy EP1 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. 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, D, E, F, and G) or any minor operations as specified in Part 2 (Class A and B), 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 prevent overdevelopment of the site to retain the character of the locality and to protect residential amenity in accordance with Policies D1, H4 and H2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of The South Gloucestershire Core Strategy Submission Draft Dec 2010.

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

Reason

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

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

Reason

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

5. Prior to the first occupation of the dwelling hereby approved, the vehicular access arrangements and off street car parking spaces, for the existing and proposed dwellings hereby approved shall be provided in full accordance with the approved Proposed Block Plan and maintained as such thereafter.

Reason

In the interests of highway safety, and to accord with Policies T8 and T12 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 07.30hrs to 18.00hrs Mon to 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 residential amenity of the neighbouring occupiers and to accord with Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Prior to the first occupation or use of the dwellings hereby approved, the screen fence shown on the approved Block Plan shall be erected in the position indicated and retained as such thereafter.

Reason

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

8. Prior to the commencement of the development hereby approved, a Coal Mining Report appertaining to the site and if necessary a mitigation strategy for any mine workings or shafts found, shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure protection of the water environment and to prevent flooding in accordance with Policies L17 \_ L18, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

9. Notwithstanding the details shown on the approved plans, the driveways for the existing and proposed dwellings shall be surfaced with a bound and permeable material and maintained as such thereafter.

Reason 1

To prevent stone scatter onto the highway in the interests of highway safety and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

Reason 2

To ensure appropriate drainage and to prevent surface water run-off onto the highway in accordance with Policies L17 \_ L18 and EP1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

10. Any alteration to the public highway needed to create the vehicular accesses for the existing and approved dwellings, shall be carried out to the full written satisfaction of the Council's Street Care Manager prior to the first occupation of the dwelling hereby approved.

Reason

In the interests of highway safety in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

11. Prior to the commencement of development a survey of the site shall be undertaken to ascertain the level of land-fill gas migration and the results submitted to the Local Planning Authority. The survey shall be taken at such points and to such depth as the Local Planning Authority may stipulate. If necessary a scheme for the decontamination of the site shall be submitted to and approved in writing by the Local Planning Authority and the scheme as approved shall be fully implemented and completed before any residential unit hereby permitted is first occupied.

Reason

To ensure that adequate measures have been taken to mitigate against soil contamination/contaminated land to accord with Policies EP1/EP6 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. No windows other than those shown on the plans hereby approved shall be inserted at any time in the rear elevation of the dwelling hereby approved.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

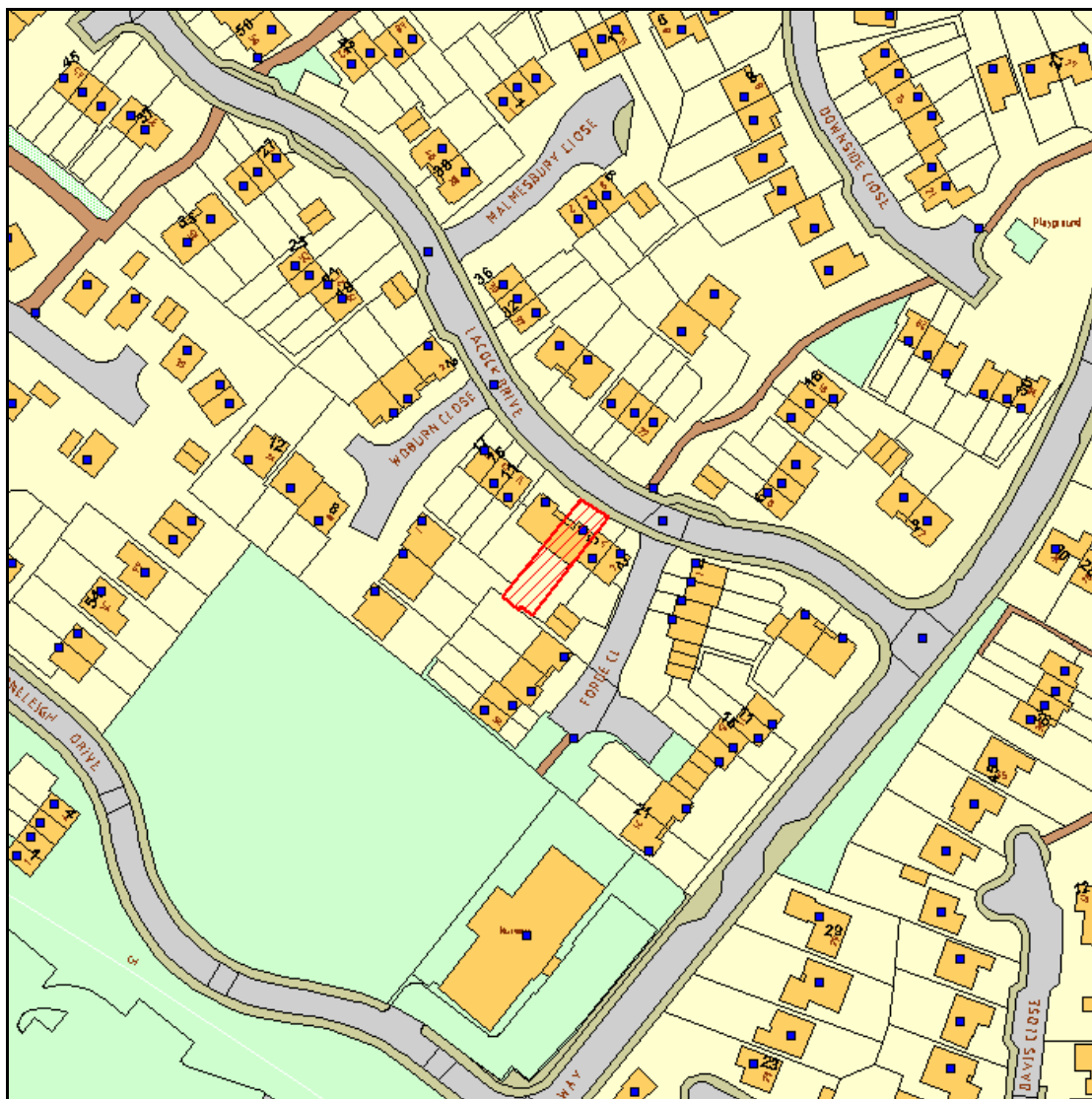
13. For windows in the rear elevation of the dwelling hereby approved, the first floor glazing in total and ground floor glazing to a height of 1.7m only, shall at all times be of obscured glass to a level 3 standard or above and be permanently fixed in a closed position.

Reason

To prevent overlooking and to protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 23/11 – 17 JUNE 2011

<b>App No.:</b>	PK11/1530/F	<b>Applicant:</b>	Mr R Davis
<b>Site:</b>	7 Lacock Drive Barrs Court South Gloucestershire BS30 7HD	<b>Date Reg:</b>	18th May 2011
<b>Proposal:</b>	Installation of rear dormer window and Velux window to facilitate loft conversion. Installation of window to side elevation.	<b>Parish:</b>	Oldland Parish Council
<b>Map Ref:</b>	365791 172366	<b>Ward:</b>	Parkwall
<b>Application Category:</b>	Householder	<b>Target Date:</b>	13th July 2011



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

This application appears on the Circulated Schedule following an objection from a local resident.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the installation of a rear dormer window and velux window to facilitate a loft conversion and the installation of a window to a side elevation.
- 1.2 The application site relates to a modern terraced dwellinghouse situated within the established residential area of Barrs Court.
- 1.3 During the course of the application amended plans were requested to specify the proposed internal usage of the loft conversion. These were duly received.

### **2. POLICY CONTEXT**

2.1 National Guidance  
PPS1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Design in New Development

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

South Gloucestershire Core Strategy, Submission Draft December 2010

CS1 High Quality Design

2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted 2007)

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

3.1 PK01/3516/PDR                      Erection of rear conservatory  
Approved                                      19<sup>th</sup> February 2002

### **4. CONSULTATION RESPONSES**

4.1 Oldland Parish Council  
No comments

#### **Other Representations**

4.2 Local Residents  
One letter of objection has been received by a local resident who comments:  
- that the dormer window will be out of keeping with the character of the surrounding houses

- the structure would have an overbearing impact on her property
- a velux window would suffice
- the construction would be very unsightly and would add to the already overuse of the limited space at no. 7 Lacock Drive

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

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

### 5.2 Design and Visual Amenity

The application site is attached to its neighbour to the east at No. 5 Lacock Drive but its front building line is stepped back slightly from this property. It is attached to its neighbour to the west at No.9 Lacock Drive by means of their respective single garages. No. 7 Lacock Drive is a red brick modern dwellinghouse with a ground level bay window incorporating the front entrance. An ornate dormer window is located above the single garage door.

For clarity the two elements of the application will be considered separately.

#### Installation of a rear dormer window and velux window

The proposal involves the addition of a rear dormer and velux to facilitate the conversion of the loft to additional living accommodation. The proposed dormer and velux are of an appropriate standard in design and are modest in size. The proposal would incorporate materials to match those of the existing dormer to the front of the dwellinghouse, thereby assisting their successful integration with the host dwelling. Whilst rear dormers are not a common feature within the area, given the location of the dwelling set within a modern estate and given the variety of the designs of properties in close proximity to the application site, it is considered that the design would not cause demonstrable harm to the character and appearance of the principle dwelling and street scene. Furthermore, it is considered that the proposal makes good use of the available space within the footprint of the host dwellinghouse.

#### Installation of a window to a side elevation

The side window to the north west elevation would measure approximately 1 metre by 0.6 metres and be of white uPVC to match window materials of the existing dwellinghouse. As such it is considered to be of an appropriate standard in design and suitable to the character of the host dwellinghouse and area in general.

Given the scale, design and proposed materials the rear dormer window, rear velux window and the side elevation window are considered to accord with Policy D1 of the South Gloucestershire Local Plan (adopted) 2006.



### 5.3 Residential Amenity

#### Installation of a rear dormer window and velux window

The proposed dormer and velux window will be situated on the southwest roof elevation of the application property. The rear of the dwellinghouse is set forward of the rear of No. 5 Lacock Drive and at right angles to the rear garden of No. 4 Forde Close. Given the location and position of the proposal, it is not considered that the development would result in any significant increase in overlooking or loss of privacy over and above existing levels. As such it is considered that there are no issues of inter-visibility or loss of privacy. Further, there are no concerns relating to loss of daylight/sunlight and sufficient garden space would remain to serve the property.

Therefore, given the location of the dormer and velux, and given the fact that there would be no increase in footprint, it is not considered that the proposal would have any overshadowing or overbearing effect on the neighbouring dwellings. The impact on residential amenity is subsequently deemed acceptable.

#### Installation of a window to a side elevation

With regard to the side window this would be at right angles to the roofs and front dormer windows of the existing garages of Nos. 7 and 9 Lacock Drive. A condition would be placed on the window to ensure it was obscure glazed and prevent any issues of intervisibility.

In this way it is considered that the proposal would not have any overshadowing or overbearing impact on the neighbours and the proposal would not result in any overlooking or loss of privacy. Furthermore, there are no concerns relating to loss of daylight/sunlight and sufficient garden space will remain to serve the property. In this way the impact on residential amenity is subsequently deemed acceptable.

With regard to the above it is considered that the proposed development accords with Policy H4 of the South Gloucestershire Local Plan (adopted) 2006.

## 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposal for the installation of a rear dormer window and velux window to facilitate a loft conversion and the installation of a window to a side elevation is of an appropriate standard in design and would incorporate materials to match the existing dwelling. As such it is considered that the proposal would respect

the character and appearance of both the principal dwelling and street scene in general in accordance with Policy D1. The proposal would not have any impact on neighbouring residential amenities and would remain in compliance with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

## **7. RECOMMENDATION**

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

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

## **CONDITIONS**

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

Reason

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

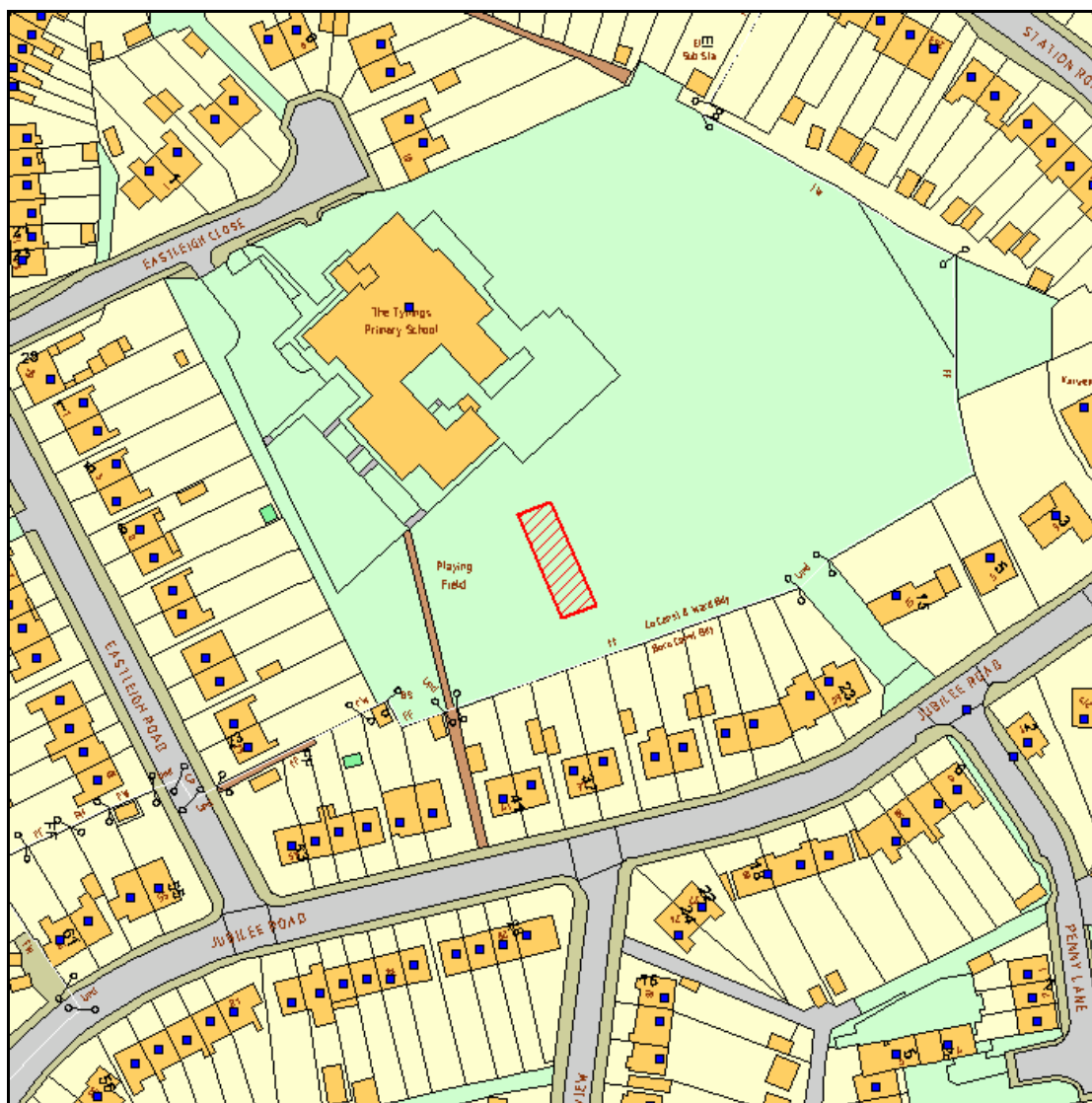
2. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed first floor window on the northwest side elevation shall be glazed with obscure glass to level 3 standard or above

Reason

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

## CIRCULATED SCHEDULE NO. 23/11 – 17 JUNE 2011

<b>App No.:</b>	PK11/1548/R3F	<b>Applicant:</b>	South Gloucestershire Council
<b>Site:</b>	The Tynings Primary School Eastleigh Close Kingswood South Gloucestershire BS16 4SG	<b>Date Reg:</b>	19th May 2011
<b>Proposal:</b>	Erection of single storey Elliott building for use as temporary teaching accommodation for a period of 7 years.	<b>Parish:</b>	None
<b>Map Ref:</b>	365472 175539	<b>Ward:</b>	Staple Hill
<b>Application Category:</b>	Minor	<b>Target Date:</b>	12th July 2011



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100023410, 2008.

**N.T.S.**

**PK11/1548/R3F**

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

This application has been forwarded to the Council's Circulated Schedule of applications for Member consideration as representation has been received raising concerns contrary to the Officer recommendation and it proposes development on land in the ownership of South Gloucestershire Council.

### **1. THE PROPOSAL**

1.1 The application site is situated within a residential suburb between Kingswood and Staple Hill. The site is bounded by residential development on all sides with vehicular access onto Eastleigh Close in the north west corner and a further pedestrian access in the south west corner from Jubilee Road. The site comprises a single storey primary school building situated towards the north west corner with other ancillary buildings and playing fields to the south and east.

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

1.2 The application proposes erection of single storey Elliott building for use as temporary teaching accommodation for a period of 7 years.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG13	Transport

#### 2.2 Development Plans

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

D1	Design
LC4	Expansion of Educational Facilities within the urban area
T8	Parking Standards
T12	Transportation for New Development
L17 & L18	The Water Environment

##### South Gloucestershire Core Strategy – Submission Draft December 2010

CS1	High Quality Design
CS8	Improving Accessibility
CS9	Environmental Resources
CS23	Community Facilities and Cultural Heritage

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist – August 2007

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

3.1 P87/4055 Two extensions to existing playgrounds

(tarpaving to match existing) (Previous ID: K246/1)

No objection 02.03.1987

3.2 P98/4568

Erection of single storey front extension  
Approval 16.09.1998

3.3 PK03/3783/R3F

Erection of single storey extension to form staff room, meeting room and head office with disabled access to new patio.  
Deemed Consent 02.02.2004

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

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

Sustainable Transport – No objection

##### **Other Representations**

##### 4.3 Local Residents

9 objections received from the occupiers of 8 Eastleigh Close, 1 Eastleigh Road, 37 Jubilee Road and 31 Jubilee Road and 6 11111 letters from owners/residents/interested parties of 35 Jubilee Road address raising the following concerns:

- Increase in traffic on Eastleigh Road, Eastleigh Close, Meadow View, Rodway View and Jubilee Road and parking from parents
- Other entrances to the school should be considered to spread traffic. An unused entrances on Jubilee Road and Station Road should be made available.
- Location of the building is inappropriate and visually intrusive
- Building should be located where previous temporary classrooms have been situated which is less intrusive to neighbouring occupiers and benefits from existing utilities still being in place
- Proposal would overlook rear private gardens
- Gardens currently flood and the location of the proposed building is susceptible to flooding and poor drainage and a stream/culvert is situated on the site. The proposal would exacerbate this situation and private gardens would experience increased flood issues.
- A new drainage system should be installed to cope with the extra concentration of surface water
- Although the proposal is for a 7 year temporary consent there is concern that the building will become permanent
- The timescale for the increase in pupil numbers and need for the building has been rushed creating a flawed proposal. The original 1.5 year timescale has been scrapped.
- The views of local residents put forward in the pre application consultation have been ignored

- Building would be a huge eyesore
- Too close to the boundary
- Loss of outlook and open aspect
- A commitment made by the school to no buildings close to the neighbours has been breached
- There are other more appropriate locations for the building within the extensive field
- The building would result in 60 extra pupils at the school with the associated increase in traffic and parking
- There is no reference in the application of the ground being returned to its former state after the temporary consent expires. This should be subject to a condition if granted.
- Children will be physically isolated from the main school in this location
- The building would block views across and within the site to the detriment of child safety

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy LC4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing schools within the urban area, providing there would be no detrimental impact in terms of residential amenity, environmental or transportation effects, the site is highly accessible on foot or by bike and the proposal would not give rise to an unacceptable level of on street parking. Policies T8 related to parking standards and T12 related to highway safety are also a material consideration.

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.

### 5.2 Context

The proposal is to provide a building for additional teaching floorspace to provide two classrooms and a group room. The building is proposed for a temporary period of 7 years. The building is necessary to redistribute existing classes and through the need to accommodate an additional reception class in the school (Key Stage One). The additional class is necessary to meet an immediate need for additional school places for the next educational year (Sept

2011) within South Gloucestershire, which comprises 135 additional school places in 5 schools and an increased need for the following year 2012.

### 5.3 Visual impact and location

The proposal would be located in a position between the main school building and the rear of nos 33 and 35 Jubilee Road and between the activity area and the school football pitch. The location has been chosen as it is close to the main service infrastructure on the west side of the school building and will not impede on existing school facilities.

The building is of standard design for temporary class building and within the context of the school it sits comfortably. The proposed building would be screened well from views outside the school site with only glimpses afforded through gaps between dwellings on Jubilee Road. Considering the standard design and visual screening of the building, the proposal is considered to be acceptable and in keeping with the character of the site and would respect the character distinctiveness and amenity of the surrounding area. As such it is considered that the design of the proposal accords with the criteria of Policy D1.

### 5.4 Residential amenity

The proposal would be situated a minimum distance of 11m from the rear gardens of the dwellings on Jubilee Road and 30m from the rear elevations. The building would be some 45m from the rear boundaries of the dwellings on Eastleigh Road. The building would measure 3m in height, 8.5m width and 26m length. Considering the distance to the dwellings on Eastleigh Road and Jubilee Road and the position of the building at right angles to Jubilee Road, the proposal is considered not to prejudice the amenity of neighbouring occupiers in terms of loss of daylight/sunlight, overshadowing or overbearing/bulky development or result in a loss of outlook from the adjacent dwellings.

The loss of a private view when not falling within loss of outlook in this case would relate to a private interest and would therefore carry little weight as a planning consideration.

### 5.5 Highway matters and accessibility

The proposal would result in an increase of one Key Stage One class within the school. In previous years the intake has been 30 children. In September 2011 this will increase to 60 children, an increase of 30. The total number of pupils at present is just over 200 (208 in Oct 2009). The additional class would therefore result in approximately 12.6% increase in numbers. Pedestrian and vehicle movements to and from the school are intensive in mornings between 8 and 9am and afternoons around 3pm. There are existing issues related to intensive traffic movements at these times in the local area and on street parking problems. The consideration in this case relates to the increase in traffic to be generated by the proposal and whether that increase is materially harmful. The Council's admissions policy is determined with an emphasis on distance from school. Normally the intake for the school is one class per year

and the intake of children come from houses in the immediate area. As such a large number of pupils travel to school on foot. However, inevitably, a number of pupils will travel by car. The increase in pupil numbers for 2011 of 12.6% is considered not to be sufficient to create material harm or result in a material increase in traffic in the area or result in a material increase in on street parking. Additionally, the parking issues would take place intensively at only short periods twice a day on weekdays only during term time. As such the proposal is considered to be acceptable in highway safety terms.

## 5.6 Flooding and drainage

The proposal is situated outside any area sensitive to flood as defined by the Environment Agency flood records. The proposal would not result in any additional surface water discharged when compared to the existing situation. The application drawings show two proposed soakaways on the east side of the building. The soakaways will manage and distribute surface water from the building and in the area of the soakaways. Therefore considering the proposal will not increase the amount of surface water and the proposed soakaways will manage surface water more efficiently than at present, the proposal would result in no additional material issues in relation to surface water and flooding, infact the existing situation is likely to be improved. As the proposed building would be temporary in nature, it would be positioned on slabs rather than on a permanent footing. As such no below ground works are proposed, other than to provide soakaways. On this basis there is unlikely to be any significant ground water disturbance as a result of the development.

The necessity and appropriateness of soakaways will be subject to a percolation test and as such the details of the final means of surface water disposal will be subject to a condition.

## 5.7 Other issues

Representations received questioned the appropriateness of the proposed location, as previously, temporary classrooms were located on the east side of the school. In recent years an ecological area, composting facility and an established planted maze have been provided on the east side of the school. The school Head Teacher has indicated that the proposed location would result in the least disruption or loss of existing facilities. Representations received questioned why the building is proposed at right angles to the rear gardens of the dwellings on Jubilee Road and not more closely associate with the main school building. This location was chosen so the windows of the classrooms would face away from the dwellings on Jubilee Road in the interest of limiting any impact on the local residents. Additionally the position was chosen to ensure the retention of the school football pitch which is limited in terms of location by its size and by the poor ground conditions on the east side of the site. There are no other more appropriate or available locations within the school site for the building. Notwithstanding the consideration given to the position of the building, the proposal, as explained in the paragraphs 5.3 and 5.4, is considered to be acceptable in visual impact terms.



Concern has been raised by local residents that two entrances to the site from Station Road and Jubilee Road are currently not in full use. Bringing them into use would spread traffic to and from the site. The Council is carrying out consultations in relation to the existing traffic and parking issues related to the school and is working with the Council's Highways Officers in order to provide solutions. For the reasons given in par 5.5 the proposal is considered to be acceptable in highway safety terms and as such it is not considered necessary and it would not be reasonable to increase accessibility to the school through this application.

## 5.8 Summary

It is recognised that there is concern from local residents in relation to the impact of the proposed development. It is considered that the proposal would have no significant additional impact on the amenity of the area and the local residents. Additionally, the proposal is a fundamental requirement for the school to meet their obligation for additional school places for the years to come. On this basis the benefits of the proposed development and considered to outweigh significantly any potential concerns.

## 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report. A summary of reasons for granting planning permission in accordance with article 22 of the town and country planning (general development procedure) order 1995 (as amended) is given below.
  - a) Due to its scale and position in relation to the adjacent dwellings, the proposed development is considered not to give rise to a material loss of amenity to the adjacent occupiers. The development therefore accords to Policy LC4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
  - b) It has been assessed that the proposed development been designed to respect and maintain the massing, scale, proportions, materials and overall design and character of the street scene and surrounding area. The development therefore accords to Policy D1 and LC4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.
  - c) The proposal would result in no significant increase in traffic and on street parking issues and as such is considered to be acceptable in highway safety terms. The development therefore accords to Policy T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
  - d) The proposal would result in no material increase in surface water and would provide an effective method of surface water disposal. The proposal

would also have no significant impact in relation to ground water. The development therefore accords to Policy L17 and L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

## **7. RECOMMENDATION**

- 7.1 Consent is GRANTED subject to the conditions and informatives as outlined in the attached decision notice:

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

### **CONDITIONS**

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

Reason

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

2. The building hereby permitted shall be removed and the land restored to its former condition on or before 01.07.2018 in accordance with the scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason

The form and appearance of the building(s) is out of character with the surrounding area and is permitted for a limited period only because of the special circumstances of the case.

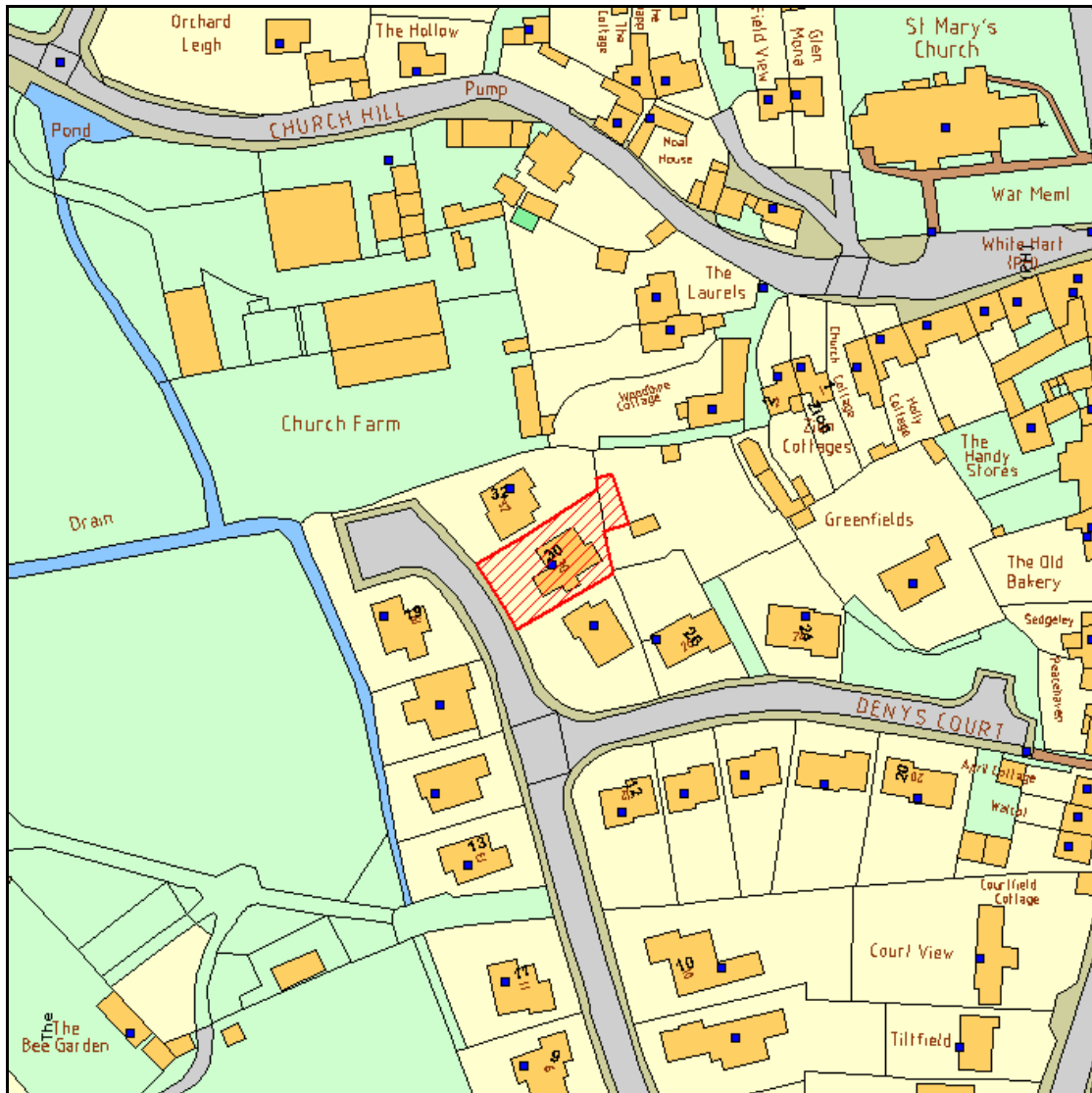
3. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning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

Reason

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

**CIRCULATED SCHEDULE NO. 23/11 – 17 JUNE 2011**

<b>App No.:</b>	PT11/0907/CLP	<b>Applicant:</b>	Mr S Peacock
<b>Site:</b>	30 Denys Court Olveston Bristol South Gloucestershire BS35 4DW	<b>Date Reg:</b>	13th May 2011
<b>Proposal:</b>	Application for Certificate of Lawfulness for the proposed conversion of an existing double garage to a kitchen and conversion of an existing playroom to a single garage.	<b>Parish:</b>	Olveston Parish Council
<b>Map Ref:</b>	359992 187193	<b>Ward:</b>	Severn
<b>Application Category:</b>	Minor	<b>Target Date:</b>	30th June 2011



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 100023410, 2008. **N.T.S.** **PT11/0907/CLP**

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

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

### **1. THE PROPOSAL**

- 1.1 This application seeks a Certificate of Lawfulness for the proposed conversion of an existing double garage to a kitchen and the conversion of an existing playroom to a single garage.
- 1.2 The application site comprises a detached two storey property situated on the eastern side of the cul-de-sac Denys Court. The dwelling is situated in the established residential area of Olveston, which is washed over by the Green Belt and falls within the Olveston Conservation Area.

### **2. POLICY CONTEXT**

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

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

- 3.1 P88/3202, erection of single storey extension to form dining room, 14/12/88, approval.
- 3.2 N2723/4, erection of 14 detached dwellings with integral garages (outline), 03/02/77, approval.
- 3.3 N2723/4AP4, erection of detached dwellinghouse and integral garage (details following outline). To be read in conjunction with planning permission no. N2723/4, 25/05/78.
- 3.4 N2723/4AP7, erection of a detached house with integral garage (details following outline). To be read in conjunction with planning permission no. 2723/4, 12/07/79, approval.
- 3.5 N2723/9, erection of nine detached dwellings and garages and three terraced dwellings on approximately 1.8 acres of land. Construction of new pedestrian and vehicular access, estate road and associated ancillary works, (in accordance with the amended plans received by the Council on 8th and 21st December 1981 and on 18th February 1982), 02/04/82, approval.

### **4. CONSULTATION RESPONSES**

- 4.1 Olveston Parish Council  
No objection
- 4.2 Conservation  
No objection

## **Other Representations**

- 4.3 Local Residents  
No comments received

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Analysis**

The applicant is seeking a Certificate to state that the proposed development is lawful. It is not a planning application where the relative merits of the scheme are assessed against policy; it is an evidential test of whether it would be lawful to proceed with the proposal. The key evidential test in this case is whether the proposal falls within the permitted development rights afforded to householders. The proposed development relates to the conversion of an existing double garage to a kitchen and the conversion of an existing playroom to a garage. This involves the replacement of an existing ground floor window with a garage door, the replacement and infilling of an existing garage door with a window, the installation of 2no. velux rooflights, the installation of a ground floor window in the site elevation and alterations to the front driveway. Therefore, the main issues to consider are whether the proposal complies with Schedule 2, Part 1 (Development within the Curtilage of a dwellinghouse), Class A (The Enlargement, Improvement or Other Alteration of a Dwellinghouse), Class C (Any Other Alteration to the Roof of a Dwellinghouse) and Class F (The Provision within the Curtilage of a Hard Surface for any Purpose Incidental to the Enjoyment of the Dwellinghouse). The proposal would be contained within the curtilage of the host dwelling. Condition B in the original consent of the property (N2723/4) states that *“Notwithstanding any other condition hereto attached, no gates, fences, walls or other structures of any description shall be erected on the site without prior written consent of the Council”*. It is considered that the condition does not remove the permitted development rights of the property outright and whilst the condition refers to walls or structures, the proposal relates to the alteration and making good of an existing wall of the dwelling. It is considered that the conditions main purpose is for new extensions to the dwellinghouse and the construction of new boundary walls given the open character of the estate.

- 5.2 The application comprises internal alterations to convert an existing integral garage to ancillary living accommodation and existing living accommodation to a garage. The conversion of these parts of the dwelling, as well as the associated external alterations comprising the replacement of a window with a garage door and the replacement and infilling of a garage door with a window are considered to fall within Class A of the General Permitted Development Order as an alteration to the dwellinghouse. The proposal does not involve extending any part of the dwelling, therefore, it is not in conflict with Condition B in the original consent of the dwelling. However, the plans indicate that the garage door infill will be rendered to match the existing dwelling and this satisfies criterion A.3(A) of the General Permitted Development Order, which requires that materials used in any exterior work match the existing dwelling. The application site is located within a Conservation Area, the only relevant criterion in Class A.2 is (a) and this does not permit the cladding in a Conservation Area of any part of the exterior of the dwellinghouse with stone,

artificial stone, pebble dash, render, timber, plastic or tiles. The main purpose of this criterion is to ensure an acceptable standard of appearance of a dwellinghouse within a Conservation Area. Whilst render is a material precluded from the list, which is acceptable within a Conservation Area, the existing property, as well as the surrounding properties in Denys Court, are rendered. Evidence has been submitted implying that the materials would match the existing dwelling and on this basis, given the render would only be applied to the small infill of the garage door, it is considered that it is an alteration, which would not materially affect the appearance of the dwelling. On the balance of probability, the proposal is not therefore, in conflict with Class A.2.

- 5.3 The ground floor front lean-to over the proposed kitchen would comprise 2no. velux rooflights. Given that the rooflights would be installed into a single storey part of the roof, they would not be higher than the highest part of the original roof. The only other relevant criterion in Class C states that the rooflights should not protrude more than 150mm beyond the plane of the original roof. The agent has confirmed in writing that the rooflights would not protrude more than 150mm beyond the plane of the roof.
- 5.4 The plans demonstrate alterations to the existing driveway to facilitate the converted garage. The driveway will be contained within the curtilage of the dwellinghouse and the applicant has confirmed in writing that the driveway will drain onto a grass area within the curtilage of the dwelling. Given the scale of the driveway, it is considered that it would function as incidental to the main dwelling. The proposal, therefore, complies with the criteria in Class F.
- 5.5 Given the above, it is considered that on the balance of probability, the proposal falls within permitted development within the curtilage of a dwellinghouse under Part1, Classes A, C and F of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

## **6. RECOMMENDATION**

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

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

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

## CIRCULATED SCHEDULE NO. 23/11 – 17 JUNE 2011

<b>App No.:</b>	PT11/1090/F	<b>Applicant:</b>	Mr M Holway
<b>Site:</b>	339 Church Road Frampton Cotterell Bristol South Gloucestershire BS36 2AB	<b>Date Reg:</b>	16th May 2011
<b>Proposal:</b>	Alterations to roofline, extension of front and rear dormers and erection of single storey side extension to provide additional living accommodation.	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	366563 181985	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Householder	<b>Target Date:</b>	6th July 2011



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100023410, 2008.

**N.T.S.**

**PT11/1090/F**

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

This application appears on the Circulated Schedule because objections have been received from neighbouring occupiers, which are contrary to the Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for alterations to roofline, extension of front and rear dormers and the erection of a single storey side extension to provide additional living accommodation.
- 1.2 The application site comprises a single storey semi detached chalet style dwelling situated on the southern side of Church Road within the established residential area of Frampton Cotterell.

### **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  
  
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 Frampton Cotterell Parish Council  
No objection

#### **Other Representations**

- 4.3 Local Residents  
Two letters of objection have been received from neighbouring occupiers. The occupiers object for the following reasons:

- Loss of privacy
- Loss of outlook
- Devaluation of property



The objection relating to the devaluation of property is considered to be outside the scope of this application and is not a relevant planning consideration when assessing the merits of this scheme.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Planning policy H4 of the South Gloucestershire Local Plan (adopted) January 2006 allows for the principle of the proposed development. The main issues to consider are the appearance and form of the proposal (policies D1 and H4 of the Local Plan) and the impact on the residential amenity of neighbouring occupiers (policy H4 of the Local Plan).

### **5.2 Appearance/Form**

The proposal would extend the existing ridge apex across to convert the existing hipped roof to a gable. In addition, a single storey side extension is proposed flush with the rear elevation and measuring approximately 2.3 metres in width and 5 metres in length to form a breakfast room and utility area. The existing front and rear flat roof dormers would be extended across the build. The surrounding properties are primarily single storey chalet style. Given that the proposal would convert the existing hip to a gable it would not materially affect the scale of the existing dwelling, therefore, it is considered that the proposal would not be significantly adversely out of keeping with the character of the surrounding built form. The host dwelling is set back from the street; therefore, the proposal would not be adversely prominent from views from the surrounding area. The roof of the existing front projecting dining room impedes the dormer window extension and this dictates the scale and siting of the fenestration, which appears somewhat unbalanced compared to the rear elevation. Notwithstanding this, the applicant has specified that the materials proposed consisting of painted render for the walls, concrete double pantiles for the roof and white uPVC fenestration would match the existing dwelling and it is considered that the proposal achieves an acceptable standard of design to comply with policy D1 of the South Gloucestershire Local Plan (adopted) January 2006. A condition to ensure matching materials are used is therefore, not required.

### **5.3 Residential Amenity**

Two letters of objection have been received from neighbouring occupiers on the basis of loss of privacy. The neighbouring property is located forward of the host dwelling so that its rear elevation is partly overlapped by the host dwelling. Two first floor windows are proposed in the side of the proposed extension and the windows would directly face the garden area of the neighbouring property. The proposed windows would serve a bathroom and a hallway and amended plans have been received demonstrating that the windows would be fixed shut, with the exception of a small top opener for the bathroom and obscure glazed. In addition, the position of the internal staircase is such that would not allow any views from the landing window. There would also be a gap of approximately 3.4 metres to the neighbouring boundary and this would help to reduce the impact that the windows would have on the neighbouring occupiers. Although the door and window proposed in the single storey side extension

would be within close proximity to the neighbouring boundary, the boundary is secured by a closed 2 metre high timber fence and this is sufficient to ensure that the proposal would not have a significant adverse impact on the privacy of the neighbouring occupiers. Therefore, whilst the concerns of the neighbouring occupiers are noted, it is not considered that the proposal would result in a significant adverse loss of privacy to the neighbouring occupiers.

- 5.4 Given the single storey form of the side extension, as well as the fact that the hip to gable enlargement would be contained within the existing footprint of the dwelling; and the orientation and siting of the dwellings, it is considered that it would not significantly adversely affect the residential amenity of the neighbouring occupiers through loss of outlook or natural light.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report for the following reasons:

The proposal would not be adversely out of keeping with the character of the surrounding built form in terms of scale, form, siting and materials and would not have a significant adverse impact on the visual amenity of the surrounding area – policies D1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

Amended plans have been received which indicate that the first floor side glazing will be obscure glazed and fixed shut with the exception of a small top opener, therefore, the proposal would not have a significant adverse impact on the privacy of the neighbouring occupiers. The scale and form of the proposal and the location and orientation of the existing built form, are such that the proposal would not have a significant adverse impact on the neighbouring occupiers through loss of natural light or outlook – policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.

## **7. RECOMMENDATION**

- 7.1 Planning Permission is GRANTED subject to the following conditions.

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

## **CONDITIONS**

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

Reason

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

2. The first floor windows in the western elevation of the property shall at all times be obscure glazed and fixed shut with the exception of the top opener for the bathroom, as shown on plan no. 339CR.JUNE11.P.1.A A received on 13th June 2011.

Reason

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

## CIRCULATED SCHEDULE NO. 23/11 – 17 JUNE 2011

<b>App No.:</b>	PT11/1320/F	<b>Applicant:</b>	Mr M Summerhayes
<b>Site:</b>	8 Pine Grove Filton Bristol South Gloucestershire BS7 0SL	<b>Date Reg:</b>	3rd May 2011
<b>Proposal:</b>	Erection of two storey side and single storey rear extension to form additional living accommodation. Erection of front porch.	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	360024 178398	<b>Ward:</b>	Filton
<b>Application Category:</b>	Householder	<b>Target Date:</b>	28th June 2011



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**N.T.S.**

**PT11/1320/F**

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

The application appears on the Circulated Schedule following receipt of comments from Filton Town Council which are contrary of Case Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks planning permission for the erection of a two storey side, single storey rear extension, and a front porch.
- 1.2 The application site relates to a semi-detached dwelling and its associated curtilage. The site lies in a well-established residential area within the Bristol North Fringe Urban Area.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1: Delivering Sustainable Development

#### 2.2 Development Plans

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

D1: Achieving Good Quality Design In New Development

H4: Development within Existing Residential Curtilage

#### 2.3 Emerging Development Plans

##### South Gloucestershire Core Strategy -Submission Draft (December 2010)

CS1: High Quality Design

#### 2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007

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

- 3.1 None.

### **4. CONSULTATION RESPONSES**

#### 4.1 Filton Town Council

No objection in principle but concerns over extra parking in a very narrow and already congested street.

#### 4.2 Local Residents

None.

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

#### 5.1 Principle of Development

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

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

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

### 5.3 Visual Amenity

The proposed development comprises of a two-storey side extension, single storey rear extension, and a front porch. It is considered that the design of the proposal in terms of its scale, massing, and detailing would maintain the proportions and symmetry of the existing dwelling. Moreover the development would be finished in materials to match the host property. On this basis, it is concluded that the proposed development would respect the character and appearance of existing dwelling and the surrounding local area.

### 5.4 Residential Amenity

The application site is situated between two existing dwellings (Nos. 6 & 10 Pine Grove). The proposed two-storey extension would be confined within the existing building lines of the adjacent properties and therefore would not give rise to an overbearing effect. Due to the scale and size of the single storey extension it is considered that it would not result in an overbearing effect on the residential amenity of neighbouring occupiers. Furthermore the proposal would not include any windows that would afford direct inter-visibility between nearby properties. On this basis, it is concluded that the proposed development would not materially harm residential amenity.

### 5.5 Highways

It is noted that the Town Council is concerned with regard to the lack of off street parking. It is acknowledged that the proposed garage would be sub-standard and therefore would be very unlikely to be used for a car. Notwithstanding this, the applicant has submitted an amended plan, which has demonstrated that it would be possible to provide an additional parking space on the front garden. It is acknowledged that a wider dropped kerb would reduce the amount of on-street parking. This is unfortunate however the driveway and drop kerb are permitted development and therefore could be carried out without planning permission. Accordingly the loss of on-street parking can only be given minimal weight. It is recommended that a condition be attached to ensure the parking spaces are laid out in accordance with the amended plan. On this basis, it is concluded that the provision of two off-street parking spaces proposed development would not give rise to adverse levels of on-street parking and would accord with the Council's maximum parking standards.

## 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- a) The proposal would not give rise to an adverse overbearing effect or a material loss of privacy to nearby occupiers. The development therefore accords to policies H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
  - b) The proposal would respect the overall design and character of the existing dwelling and the surrounding area. The development therefore accords to policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (Adopted) 2007.
  - c) The proposal would not prejudice highway safety and would have an acceptable level of parking provision. The development therefore accords to policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

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

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

### CONDITIONS

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

Reason

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

Prior to the first use of the extension hereby permitted the parking spaces shall be laid out in accordance with Drg. No. Z-496-0004 Rev A.

Reason

To ensure to appropriate level of off-street parking and to accord with policies T12 and T8 of the South Gloucestershire Local Plan (adopted) January 2006.

## CIRCULATED SCHEDULE NO. 23/11 – 17 JUNE 2011

<b>App No.:</b>	PT11/1352/F	<b>Applicant:</b>	The Diocese Of Bristol
<b>Site:</b>	The Vicarage The Glebe Pilning Bristol South Gloucestershire	<b>Date Reg:</b>	24th May 2011
<b>Proposal:</b>	Erection of close-boarded boundary fencing on top of existing wall to a maximum overall height of 1.85 metres (Retrospective).	<b>Parish:</b>	Pilning And Severn Beach Parish Council
<b>Map Ref:</b>	355359 185188	<b>Ward:</b>	Pilning And Severn Beach
<b>Application Category:</b>	Householder	<b>Target Date:</b>	



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**PT11/1352/F**



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

This application appears on the Circulated Schedule following the receipt of an objection from Pilning and Severn Beach Parish Council which is contrary to the Case Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks retrospective planning permission for the erection of a close-boarded boundary fence on top of an existing wall along the frontage of the site. The wall and fence have a maximum height of 1.85 metres.
- 1.2 The application site relates to a detached dwelling and its associated curtilage. The site is situated within a well established residential area within the Pilning settlement boundary. The site lies within the Environment Agency Flood Zone 3a.
- 1.3 This planning application has followed an enforcement investigation (COM/11/0270/OD)

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1: Delivering Sustainable Development  
PPS25: Development and Flood Risk

#### **2.2 Development Plans**

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

D1: Achieving Good Quality Design in New Development  
L1: Landscape Protection and Enhancement  
H4: Development within Existing Residential Curtilages

#### **2.3 Emerging Development Plans**

##### **South Gloucestershire Core Strategy -Submission Draft (December 2010)**

CS1: High Quality Design

#### **2.3 Supplementary Planning Guidance**

South Gloucestershire Design Checklist SPD (adopted) January 2006

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

- 3.1 None.

### **4. CONSULTATION RESPONSES**

#### **4.1 Pilning and Severn Beach Parish Council**

The Parish Council feels that such a fence is out of keeping with a centre of village environment. The height of the fence and wall is somewhat

overpowering. If the fence is retain in its present form it should be conditional upon the use of colour, perhaps green, in order to fit in more aesthetically with the surroundings.

#### 4.2 Local Residents

In response to this planning application one letter of support has been received. The main points are summarised below: -

- a) The house was previously vacant, untidy and often vandalised.
- b) The original boundary trees were set alight.
- c) The erection of a fence has improved function, safety and upkeep of boundary.
- d) The footpaths in Pilning are often hazardous to people.
- e) Please consider the sense in proceeding with this matter.

### 5. ANALYSIS OF PROPOSAL

#### 5.1 Principle of Development

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

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

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

#### 5.3 Visual Amenity

This application is considering a retrospective close-boarded boundary fence that has been erected above an existing brick wall. The fence was erected after a large proportion of the original boundary hedge was set alight and was significantly damaged. The applicant has provided a summary of anti-social behaviour which has led to the applicant taking "emergency action" to secure the boundary of the site.

5.4 It is acknowledged that the Parish Council are concerned that the close-boarded fence is out of keeping with the area. After visiting the site, it is noted that the fence is very prominent and is widely visible from the street (Redwick Road). Notwithstanding this, after viewing the surrounding area it was found that there were a broad variety of boundary treatments, including timber fences, hedgerows, and brick walls. It was therefore considered that the boundary treatments within the street scene are not uniform and do not have a particularly distinctive character. On this basis, it was concluded that the close-boarded boundary fence does not materially harm the character and appearance of the street scene.

5.5 It is noted that the Parish Council have requested a condition to ensure that the fence would be coloured green. Notwithstanding this it is considered that the fence would naturally weather to a greyish colour and therefore a condition would not be necessary to make the scheme acceptable.

5.6 Residential Amenity

In view of the location and scale of the proposed fence it is considered that it would not harm the residential amenity of nearby occupiers.

## 6. CONCLUSION

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

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

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

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

## 7. RECOMMENDATION

7.1 Planning permission to be **GRANTED**.

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

**CIRCULATED SCHEDULE NO. 23/11 – 23 JUNE 2011**

<b>App No.:</b>	PT11/1381/CLE	<b>Applicant:</b>	National Wildlife Conservation Park
<b>Site:</b>	Mansion House Hollywood Tower Estate Hollywood Lane Easter Compton Bristol	<b>Date Reg:</b>	6th May 2011
<b>Proposal:</b>	Application for Certificate of Lawfulness for an existing mixed use as office and Conference facilities (Sui Generis)	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	357445 181351	<b>Ward:</b>	Almondsbury
<b>Application Category:</b>	Minor	<b>Target Date:</b>	28th June 2011



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**PT11/1381/CLE**

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

This application appears on the Circulated Schedule because it comprises a Certificate of Lawfulness in respect of an existing use.

### **1. THE PROPOSAL**

- 1.1 The application seeks a Certificate of Lawfulness in respect of the use of a building for a mix of office and conference facilities. The Local Planning Authority considers that this mixed use would form a Sui Generis use.
- 1.2 The application relates to Hollywood Tower Mansion, a Grade II listed building that forms part of the Hollywood Tower Estate, Easter Compton. The application site is located beyond any settlement boundary and within the open Green Belt.

### **2. POLICY CONTEXT**

- 2.1 Because the application is for a Certificate of Lawfulness the policy context is not directly relevant and therefore the planning merits are not under consideration. The applicant need only prove that on the balance of probabilities that the current use of the building has remained the same for a continuous period of 10 years up to and including the date of this application.

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

- 3.1 N7797: Erection of covered passageway between existing offices. Permitted: 24 December 1981
- 3.2 N366/LBC: Incidental demolition to facilitate erection of covered passageway to link offices. Permitted: 24 December 1981
- 3.3 N3171/2: Change of use of building from residential to offices (renewal of temporary consent). Permitted: 4 March 1982
- 3.4 N3171/4: Construction of additional car parking areas and widening of access drive. Permitted: 21 October 1982
- 3.5 N366/1/LBC: Construction of additional car parking areas and widening of existing access drive. Permitted: 21 October 1982
- 3.6 P84/1013: Construction of car park for 42 cars. Permitted: 4 March 1984
- 3.7 P90/2820: Change of use of building from residential to offices (Class B1). Permitted: 18 December 1990
- 3.8 P91/2475: Construction of car park for 42 cars. Permitted: 4 December 1991
- 3.9 P92/1236: Construction of extension to car park to provide 10 additional spaces. Permitted: 29 April 1992

- 3.10 PT00/2782/LB: Conversion of storeroom into disabled WC. Permitted: 6 December 2000
- 3.11 PT08/2900/F: Erection of built facilities, fencing, enclosures and other ancillary facilities pursuant to planning permission SG8742 (Change of use from agricultural estate to Zoological Gardens); part full application and part outline application with the following matters reserved: appearance, landscaping, layout and scale. Permitted: 23 July 2010
- 3.12 PT09/0874/F: Erection of biomass boiler in walled garden. Permitted: 3 July 2009
- 3.13 PT09/0875: External works to facilitate erection of biomass boiler in walled garden. Permitted: 3 July 2009

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

- 4.1 Almondsbury Parish Council  
No objection
- 4.2 Other Consultees  
Landscape Officer: no comment  
Conservation Officer: listed building consent required for any alterations  
Highways DC: no comment

#### **Other Representations**

- 4.3 Local Residents  
No comments received

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

- 5.1 The application relates to Hollywood Tower Mansion, a Grade II listed building that now provides office and conference facilities. The issue for consideration is whether this use as office and conference facilities has remained the same for a continuous period of 10 years up to the date of this application. This application is purely an evidential test irrespective of planning merit, and is judged on the balance of probability.
- 5.2 Site History  
There have been two planning applications for the change of use of these premises to provide office accommodation; the first was approved in 1982 and the second in 1990. These permissions did not include the use of the building for conference facilities.
- 5.3 Evidence in Support of the Application  
The application is made by the National Wildlife Conservation Park and is supported by an affidavit written by the tenant of the Hollywood Tower Estate who advises that she has been in occupation since August 1<sup>st</sup> 2000. This statement is supported by a number of floor plans.

- 5.4 It is advised that that the writer initially occupied the East Wing of the Mansion House at which time the Sure Foundation occupied the West Wing; this is shown on drawing 'LM1' (with the East wing shown in green and the West Wing shown in red). Since 2000, the writer has 'run a business from the property as a conference centre' with part of the building also sub let for office purposes.
- 5.5 In 2003, the Sure Foundation vacated the West Wing and the writer took lease of the whole property. The conference facilities were extended into this part of the building with the exception of some rooms that were sub-let. This arrangement survives today and is shown by floor plans 'LM2'.
- 5.6 Further explanation of these uses is given with the conference centre involving letting rooms on a daily basis, catering (hot & cold food) and the provision of projectors, LCD screens etc. Eight clients are listed and include South Gloucestershire Council, the NHS and the Environment Agency.
- 5.7 In view of the above, the writer confirms that it is their understanding that whilst the property has previously had the benefit of planning permission for a B1 (office) use, it is their opinion that the facility has been occupied as a mixed B1 / D1 use since 2000.
- 5.8 Conflicting Evidence  
The sworn evidence provided is accepted as true unless contradictory evidence indicates otherwise. In this instance, no contradictory evidence has been received.
- 5.9 Analysis of Evidence  
The evidence received indicates that the building has been used for a mix of office and conferencing facilities for a period of 10 whilst at the time of the officer site visit, these uses still appeared to be operating today. Notwithstanding this, there was an element of concern in respect of the use of the west wing prior to 2003 given that the evidence largely neglects this period apart from to say that it was occupied by the sure Foundation. As such, the agent has confirmed that this was for office accommodation. On this basis, it is considered that on the balance of probabilities, the building has been operated as an office and conference venue for at least 10 years up to and including the date of this application.
- 5.10 Outstanding Issues  
The premises comprise a Grade II Listed Building; comments from the Councils Conservation Officer confirm that any works to facilitate this change of use are likely to have required Listed Building Consent; works carried out without consent will be unauthorised. There is no time limit after which the works become lawful.
- 5.11 Notwithstanding the above, listed building legislation forms a separate statutory code thus this issue is considered to have no bearing on the consideration of this application. Accordingly, this dictates that a breach of the listed building legislation does not prevent the issue of this Certificate of Lawfulness (if appropriate); however at the same time, it also means the issue of this certificate would not make lawful a breach of the listed building legislation.

## 6. RECOMMENDATION

6.1 A Certificate of Lawful Use is **GRANTED**.

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

### CONDITIONS

1. The applicant has demonstrated that on the balance of probability that the building has been occupied as a mixed use comprising Office and Conference Facilities (Sui Generis) for a continuous period of 10 years up to and including the date of this application.



## CIRCULATED SCHEDULE NO. 23/11 – 17 JUNE 2011

<b>App No.:</b>	PT11/1397/F	<b>Applicant:</b>	H And M Construction
<b>Site:</b>	2 Northville Road Filton South Gloucestershire BS7 0RG	<b>Date Reg:</b>	6th May 2011
<b>Proposal:</b>	Erection of first floor extension to facilitate change of use from retail shop (Class A1) to 1 no dwelling (Class C3) with parking space and associated works	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	359933 178209	<b>Ward:</b>	Filton
<b>Application Category:</b>	Minor	<b>Target Date:</b>	28th June 2011



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PT11/1397/F

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

This application appears on the Circulated Schedule as representations were made contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of a first floor extension to facilitate change of use from retail shop (Class A1) to 1 no dwelling (Class C3) with parking space and associated
- 1.2 The application site relates to a single storey semi detached property which is currently a shop, located on Northville Road, Filton within the established urban area. The property the shop is attached to is two storey and has a shop at ground floor level with living accommodation on the first floor.
- 1.3 The proposal consists of taking the roof up to the ridge height of the neighbouring property and converting the property into a 3 bedroom flat with small garden at the rear and a parking space to the front. Revised plans were received following Officer's concerns regarding the design of the proposed dwelling.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS4	Planning for Sustainable Economic Growth
PPG13	Transport

#### **2.2 Development Plans**

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

D1	Achieving Good Quality Design
EP1	Environmental Pollution
H2	Proposals for Residential Development within the Defined Settlement Boundaries
H5	Residential Conversions, and Re-use of buildings for Residential Purposes
L1	Landscape Protection and Enhancement
L5	Open Areas within Defined Settlements
RT8	Small Scale Retail Uses within the Urban Areas and the Boundaries of Small Settlements
RT11	Retention of Local Shops, Parades, Village Shops and Public Houses
T8	Parking Standards
T12	Transportation Development Control Policy for new Development

## Emerging Development Plan

### Core Strategy Proposed Changes Submission Publication Draft (December 2010)

CS1	High Quality Design
CS5	Location of Development
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007

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

- 3.1 No relevant history.

### **4. CONSULTATION RESPONSES**

- 4.1 Filton Town Council  
No objection.

- 4.2 Other Consultees

Transportation  
No objection.

#### **Other Representations**

- 4.3 Local Residents  
Two letters of objection were received raising the following concerns:

- Proposed wall in front of house will prevent vehicle from parking in adjacent bay in front of no. 4 Northville Road.
- Bin storage below bedroom windows.
- Third bedroom may block light into conservatory.
- Bin store adjacent to front door of shop is inappropriate.

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

- 5.1 Principle of Development

Policy RT11 of the South Gloucestershire Local Plan (March) 2006 sets out the criteria which must be satisfied in order for the change of use of existing retail premises to be allowed.

Policy H2 of the Local Plan incorporates current planning advice contained within PPS3 and allows for new residential development within the boundaries of settlements. Policy H5 of the Local Plan specifically deals with conversions of non-residential properties for residential use which are allowed subject to the

proposal not prejudicing residential amenity, the character of the area, identifying an acceptable level of off street parking and providing adequate amenity space.

## 5.2 Loss of (Use Class A1) Retail Shop

The applicant's Design and Access statement states that the existing premises has been empty for approximately 2 years and has been advertised during this time but with no interested tenants coming forward. The property is located off Gloucester Road North shopping Parade and also has the shops on Filton Avenue running parallel with it, approximately 800 m away. The property is not defined as either a primary or secondary shopping frontage in the Local Plan. Northville Road is primarily a residential street and given the close proximity of so many independent retail units, it is not considered that the loss of this A1 shop use would be detrimental to the vitality, viability, retail and social function of the local shopping parades. There are satisfactory alternative retail facilities available in the locality. The proposal is therefore in accordance with criterion A. and B. of policy RT11 of the Local Plan.

## 5.3 Density

The proposal would see the existing property increase from a single storey unit to a two storey residential property. The provision of 1no. new dwelling on this site is considered appropriate in terms of density.

## 5.4 Design / Visual Amenity

No's 2 and 4 Northville Road were built approximately in the 1930s. The existing visual appearance of the two properties is uneven as no.2 is single storey and also wider at the front than the property it is attached to. The original proposal kept this width and extended on to first floor level. Following Officer's concerns about the design this plan was amended to match the width of no. 4 Northville Road and make the two properties symmetrical in terms of their size and form when viewed from Northville Road. The front door of the proposed new dwelling was also moved to the opposite side and larger ground floor windows put in to give the property more of an appearance as a residential dwelling. Materials are to match existing and this is considered acceptable. Overall, the remodelling of the property is considered to incorporate good design and in terms of visual amenity will provide an improvement to the streetscene.

## 5.5 Residential Amenity

None of the new fenestration proposed facing the front or rear will directly overlook into neighbouring habitable rooms and so there would be no undue loss of privacy. The increase in size of the property to provide a first floor would result in the ridge height being increased to match no. 4 Northville Road. The mass of the new build would be adjacent to no. 4 and therefore would not be overbearing or provide any undue loss of light to the neighbouring property, which is south facing and so already benefits from plenty of sun during daytime hours.

## 5.6 Amenity Space

There will be a small amount of rear garden space to serve occupiers of the property. There is access to nearby recreation paths and open space within the locality and wider area and this is considered acceptable.

## 5.7 Transportation

The proposed dwelling would typically generate significantly less traffic than a shop of the same size so this conversion is acceptable in principle. The level of parking (car/cycles) provided accords with standards though the construction of a boundary wall will make manoeuvring into the proposed parking space awkward but achievable.

Concern has been raised over the potential impact the proposed wall may have on the access to the neighbouring retail unit. Whilst it is acknowledged that a physical barrier could slightly compromise access, as all vehicle movements concerned take place over private land then this is not considered a material planning issue. If the neighbour (no. 4 Northville Road) has a prescriptive "right of way" over this land then this would be a legal issue between both parties involved rather than a planning matter. If the neighbour were to drop additional kerbs, in consultation with the Council's highway maintenance team, then this may alleviate the issue.

The proposal would not prejudice highway safety and the proposal is therefore acceptable.

## 5.8 Bin Storage

Concern was raised regarding the bin storage being provided close to the neighbouring property, this has been amended so that the bin storage is now at the side of the new dwelling adjacent to the access lane.

## 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.

a) The proposal does not prejudice residential amenity or the character of the area, and identifies an acceptable level of off street parking and provides adequate amenity space. The development therefore accords to Policy D1, T8, T12 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (Adopted) 2007.

- b) The proposal has been designed to respect and maintain the massing scale, proportions, materials and overall design and character of the existing dwelling. The development therefore accords to Policy D1 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (Adopted) 2007.
- c) The proposed change of use would not be detrimental to the vitality, viability, retail and social function of the local shopping parades and there are satisfactory alternative retail facilities available in the locality. The development therefore accords to Policy RT11 of the South Gloucestershire Local Plan (Adopted) January 2006

## **7. RECOMMENDATION**

7.1 That planning permission is **GRANTED** subject to the conditions below.

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

### **CONDITIONS**

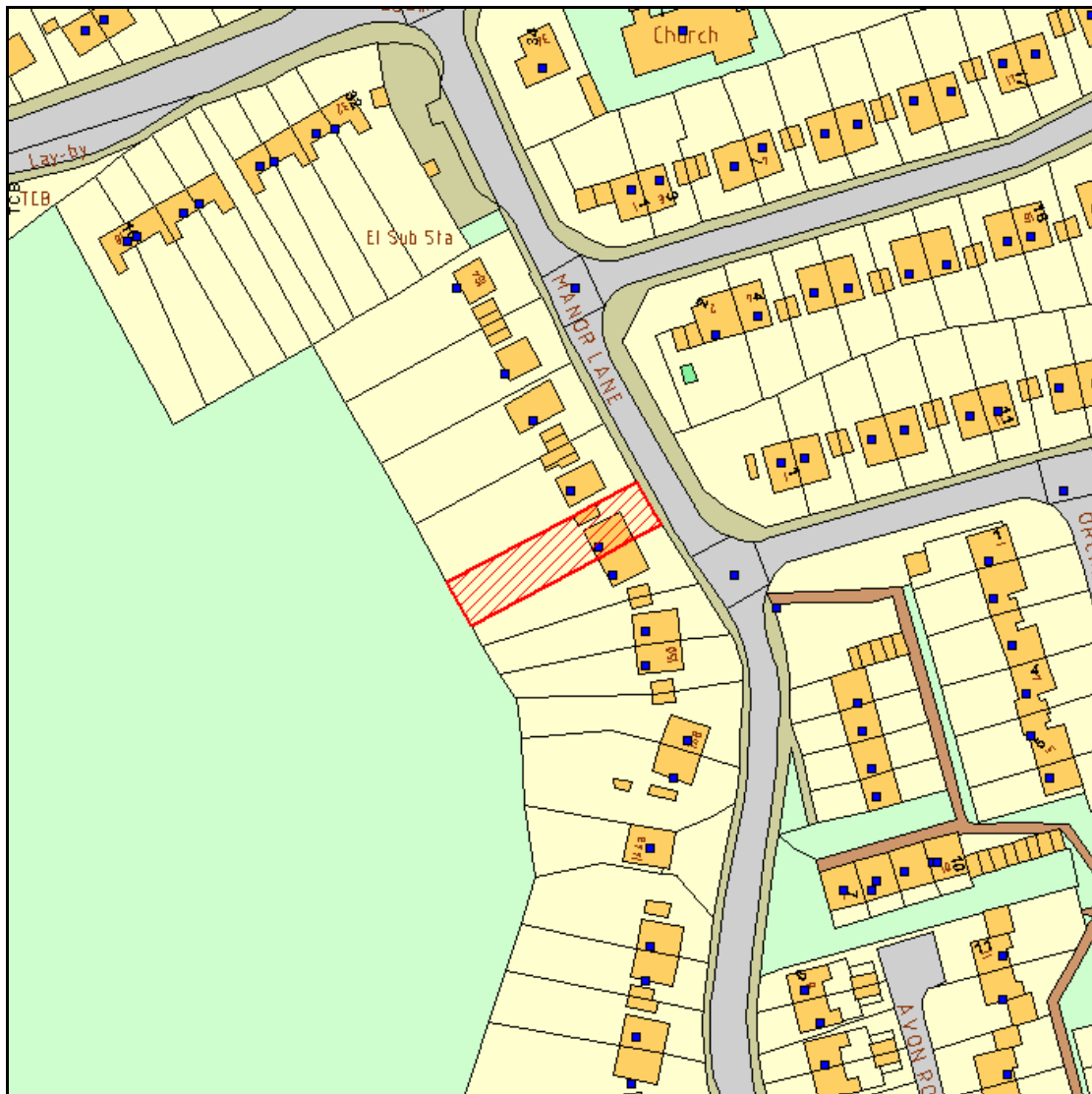
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

**CIRCULATED SCHEDULE NO. 23/11 – 17 JUNE 2011**

<b>App No.:</b>	PT11/1413/F	<b>Applicant:</b>	Mr M Colborn
<b>Site:</b>	156 Manor Lane Charfield Wotton Under Edge South Gloucestershire GL12 8TW	<b>Date Reg:</b>	9th May 2011
<b>Proposal:</b>	Erection of two storey side and single storey rear extension to form additional living accommodation.	<b>Parish:</b>	Charfield Parish Council
<b>Map Ref:</b>	371973 192037	<b>Ward:</b>	Charfield
<b>Application Category:</b>	Householder	<b>Target Date:</b>	29th June 2011



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 100023410, 2008. **N.T.S.** **PT11/1413/F**

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

This application has been referred to the Councils Circulated Schedule in view of the letter of objection received from a neighbouring resident.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a two-storey side and single-storey rear extension that would provide additional living accommodation.
- 1.2 The application relates to a chalet style semi-detached dwelling on the west side of Manor Lane, Charfield within the settlement boundary.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1: Delivering Sustainable Development  
PPG12: Transport
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006  
D1: Achieving Good Quality Design in New Development  
H4: Development within Existing Residential Curtilages  
T8: Parking Standards  
T12: Transportation Development Control Policy for New Development  
  
South Gloucestershire Core Strategy -Submission Draft (December 2010)  
CS1: High Quality Design  
CS17: Housing Diversity
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted)

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

- 3.1 None

### **4. CONSULTATION RESPONSES**

- 4.1 Charfield Parish Council  
No comments received
- 4.2 Other Consultees  
Highways DC: no objection
- 4.3 Summary of Local Residents Comments  
One letter received expressing the following concerns:
  - The proposal is overbearing on the neighbouring property;
  - The proposal will extend within 5ft of the neighbouring property;



- The increase in size of the dwelling equates to approximately 50%;
  - It is out of keeping with other semi-detached properties in the locality;
  - It will result in a loss of daylight to the neighbouring property;
  - The new dropped curb will be closer to the congested Manor Lane/ Underhill Road junction;
  - The neighbours already suffer from double parking – this also impacts on the local bus service.
- 4.4 The neighbour has advised that these windows comprise a ground floor kitchen window (with a further window to the front of the property) and a first floor bathroom/ toilet window (the only window serving this room).

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

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

### 5.2 Design/ Visual Amenity

The application relates to a chalet style two-storey semi-detached unit on the west side of Manor Lane, Charfield and seeks planning permission for a two-storey side extension and a single-storey rear addition.

5.3 The side extension would replace an existing detached garage and WC and provide a cycle store, utility and family room on the ground floor with two bedrooms above. As part of these works, the existing flat roofed front dormer window would also be enlarged with this to extend near the full width of the enlarged dwelling. Similarly, the flat roofed rear dormer that already extends near the full width of the dwelling would be continued across the roof of the proposal. This side extension would measure 3m in width and would extend to within 1.2m of the side boundary.

5.4 The single-storey rear extension would comprise a lean-to addition that would measure 3m in depth and some 6.7m in width. This would be sited to the rear of the proposed side extension and thus would be inset from the shared boundary with the attached property.

5.5 In response, the proposal would imbalance this existing pair of semi-detached dwellings although it is noted that the attached dwelling already benefits from a full-length front dormer and a single-storey front extension. It is also noted that there are other examples of similar side additions (no. 148- PT02/0746/F and no. 150- P97/1048) thus for these reasons, and with a subservient form of extension not generally well suited to properties of this type, there is no design/ visual amenity objection.

### 5.6 Residential Amenity

The attached property stands to the south and appears devoid of any rear extensions. Nonetheless, the rear extension would be well screened by a 1.8m high (approx.) close-boarded fence supplemented by a hedgerow that restricts views between gardens with this extension also inset almost 3.5m from the boundary. For these reasons, and with the two-storey side extension to the far

side, it is not considered that any significant adverse impact in residential amenity would be caused.

- 5.7 Concerning that property to the north, this is a detached dwelling but of similar design and also inset from the shared boundary albeit with only a pathway to this side. There appear two side-facing windows within this dwelling: a ground floor kitchen window towards the front and a second floor bathroom window. The neighbour has raised concern in respect of the loss of light to these windows and the size and proximity of the build. The rear of the property is well screened by a 1.8m high close-boarded (approx.) boundary fence and hedgerow screening to the neighbours side.
- 5.8 In response, the bathroom window comprises a secondary opening whilst the kitchen is also understood to benefit from a front window (with the main outlook from this property to the front and rear). With regards to the size of the extension, as noted this is considered to be acceptable in design terms and with an area of spacing retained to flank boundary. For these reasons, it is considered that any refusal reason in respect of the more limited impact on residential amenity would not form the basis of a sustainable objection. This is having regard also to the single-storey nature of the rear extension proposed.
- 5.9 All other neighbouring dwellings are positioned at an appreciable distance from the site of the proposal. On this basis, it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.10 Highway Safety  
The proposal would remove the existing garage but there is sufficient space to park a vehicle to the front of the property whilst the applicant also intends to create a further area of hardstanding. Accordingly, there is no transportation objection to this application with the Councils Highways Officer also satisfied with the proximity of the road junction given the classification of the roads.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.
- 6.3 Planning permission is granted for the following reasons:
1. The design, scale and massing of the extension is considered to be in keeping with that of the host dwelling and the neighbouring properties. The proposal is therefore considered to accord with Planning Policies D1 (Achieving Good Quality Design in New Development) and H4 (Development within Residential Curtilages) of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The proposal would not cause any significant adverse impact in residential amenity and would accord with Planning Policy H4 (Development within Residential Curtilages) of the South Gloucestershire Local Plan (Adopted) January 2006.
3. The proposal is considered to be acceptable in highway safety terms and would accord with Planning Policies T8 (Parking Standards) and T12 (Transportation Development Control Policy for New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.

## **7. RECOMMENDATION**

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

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

### **CONDITIONS**

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

Reason

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

2. 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. No windows other than those shown on the plans hereby approved shall be inserted at any time in the north elevation of the property.

Reason

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

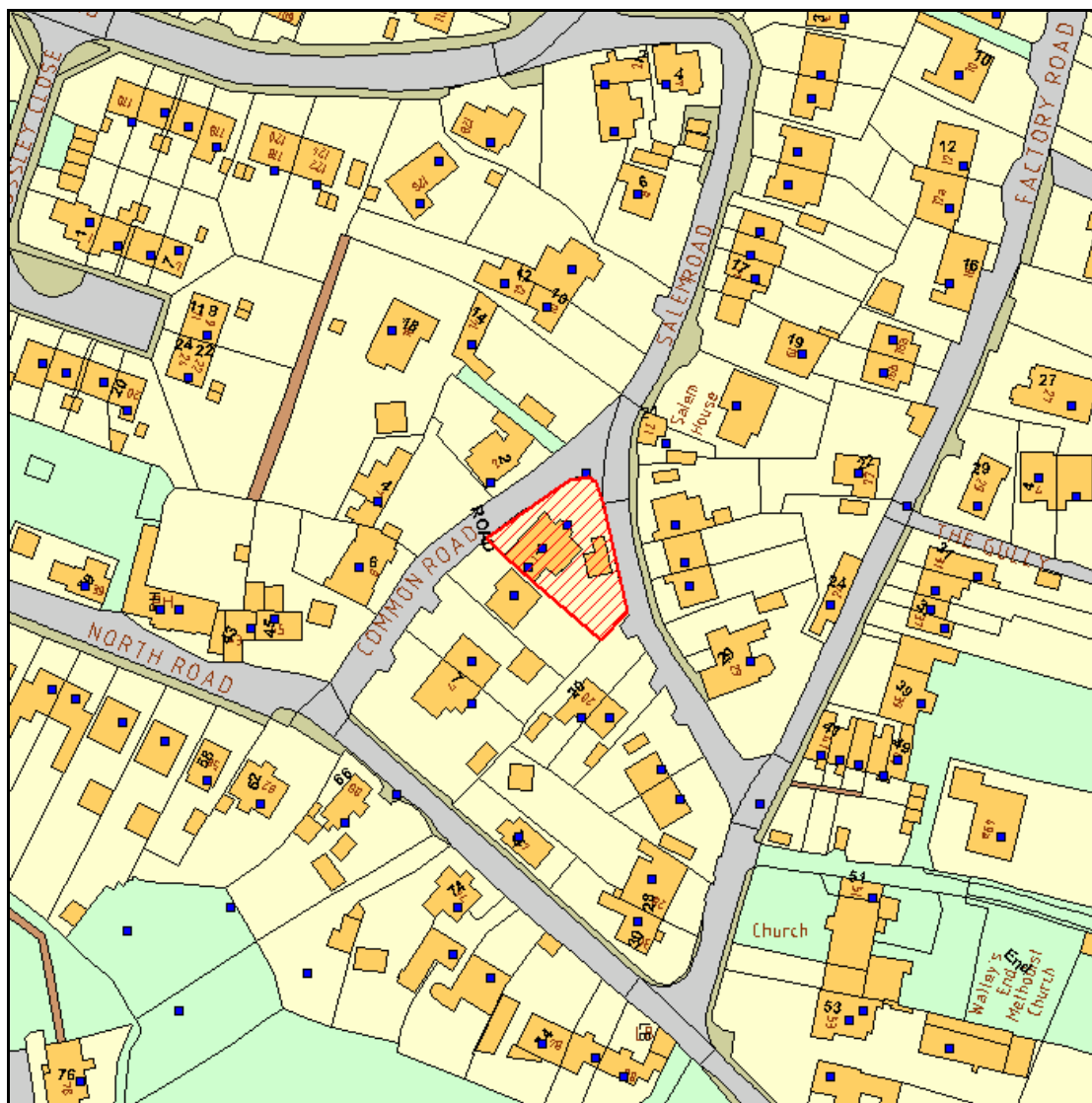
4. The glazing in the ground floor utility window shall at all times be of obscured glass to a level 3 standard or above.

Reason

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

## CIRCULATED SCHEDULE NO. 23/11 – 17 JUNE 2011

<b>App No.:</b>	PT11/1459/RVC	<b>Applicant:</b>	UK Screeders Ltd
<b>Site:</b>	1 Common Road Winterbourne South Gloucestershire BS36 1QE	<b>Date Reg:</b>	16th May 2011
<b>Proposal:</b>	Removal of condition 3 of PT08/2751/F which states, the dwellings hereby permitted shall not be occupied until the hard and soft landscaping works and the car parking spaces, shown on 27/05A have been completed	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365750 181139	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Minor	<b>Target Date:</b>	6th July 2011



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100023410, 2008.

**N.T.S.**

**PT11/1459/RVC**

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

This application appears on the Circulated Schedule following the receipt of objections from Winterbourne Parish Council and local residents that were contrary to the Case Officers recommendation.

### **1. THE PROPOSAL**

1.1 The applicant seeks planning permission for the removal of condition 3 attached to the appeal decision relating to PT08/2751/F (APP/P0119/A/08/2092289). This condition stated:

*3) Prior to the occupation of any dwellings the hard and soft landscape works and the car parking spaces shown on the approved plans shall be provided.*

1.2 The applicant has not implemented the parking areas and landscaping in accordance with the approved plan (Drg. No. 27/05 dated 9 October 2011). This is because the area of hardstanding has been extended across the frontage of Plot 02. The original plans showed that this area should have comprised of a front garden for Plot 02. On this basis, the development is contrary to the approved plan and is in breach of condition 3 of the appeal decision.

1.3 To overcome this, the applicant has submitted a new planning application to remove this condition. Attached to this application is an amended plan (Drg. No. 27/05 A dated 16 May 2011) which shows the amended area of hardstanding.

1.4 The application site relates to a recently completed residential scheme for three dwellings. The site lies in a well-established residential area within the Winterbourne settlement boundary.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1: Delivering Sustainable Development  
PPS3: Housing  
PPG13: Transport

#### **2.2 Development Plans**

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

D1: Achieving Good Quality Design In New Development  
L1: Landscape Protection and Enhancement  
T8: Parking Standards  
T12: Transportation Development Control Policy for New Development  
H2: Proposals for Residential Development within Existing Settlement Boundaries  
H4: Development within Existing Residential Curtilages

## 2.3 Emerging Development Plans

### South Gloucestershire Core Strategy -Submission Draft (December 2010)

CS1:	High Quality Design
CS5:	Location of Development
CS9:	Managing the Environment and Heritage
CS34:	Rural Areas

## 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) January 2006

## 3. RELEVANT PLANNING HISTORY

- 3.1 P93/1751 Alteration to building to facilitate the change of use of part of ground floor from retail to residential. (From class A1 to class C3 of the town and country planning (use classes) order 1987)  
Approved 14.07.1993.
- 3.2 PT07/3145/O Demolition of 1 no. existing dwelling to facilitate the erection of 2 no. three bedroom dwellings, 2 no. two bedroom dwellings and associated works (Outline) with siting/layout, scale and access to be considered. All other matters to be reserved.  
Refused 13.12.2007 – Allowed at appeal (APP/P0119/A/08/2092289).
- 3.3 PT08/0666/F Demolition of existing dwelling to facilitate 3 no. houses with car parking, access, landscaping and associated works.  
Withdrawn 13.01.2009.
- 3.5 PT08/2751/F Demolition of existing dwelling to facilitate erection of 3 no. dwellings with car parking, access, landscaping and associated works.(Re-Submission of PT08/0666/F)  
Refused 14.11.2008.
- 3.6 PT10/0118/NMA Non Material Amendment to application PT08/2751/F to allow insertion of 2no. rooflights to north west roof slope.  
Objection 08.02.2010.

## 4. CONSULTATION RESPONSES

### 4.1 Winterbourne Parish Council

Strong Objection: This condition, which was placed on this application by the Appeal board, must be maintained. The removal of the condition would lead to more cars being parked on the road, which would lead to further traffic congestion problems in this area.

### 4.2 Highways Authority

No objection.

#### 4.3 Local Residents

Three letters have been received in response to this planning application. The main issues have been summarised below: -

- a) Rules should not be changed for a development that disregards them.
- b) The condition was put on for good reason.
- c) The development cannot be occupied, but people are living there.
- d) There are parking problems in the area.
- e) The boundary wall has been moved further into the road and therefore reduces manoeuvrability of the road, particularly for refuse vehicles.
- f) The conditions were imposed by a Planning Inspector and therefore should not be removed.
- g) The mass of the building requires softening and therefore the condition should be imposed.

### 5. ANALYSIS OF PROPOSAL

5.1 This planning application seeks the removal of condition 3 of the appeal decision (Ref: APP/P0119/A/08/2092289). This condition prevented the occupancy of the dwellinghouses until the landscaping and parking areas had been implemented in accordance with the approved details. The applicant has not implemented the parking area in accordance with the approved plan and it is understood that a number of the units are now occupied. On this basis, the applicant is clearly in breach of condition 3 and is at risk from formal enforcement action.

5.2 This planning application seeks to regularise the unauthorised parking area and the breach of condition. The applicant has suggested that the condition be removed in its entirety. Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition(s) previously imposed on a planning permission. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide that the original condition(s) should continue. The original planning permission will continue to subsist whatever the outcome of the application under section 73. (Circular 11/95, Para 4, pg. 7).

5.3 Therefore, the key issues to address under this application are the impact of the larger hardstanding on the visual amenity of the street scene, and any transportation effects.

#### 5.4 Visual Amenity

The unauthorised development comprises of an extension to the approved parking area adjacent to Common Road. The additional hardstanding has replaced an area that was designated under the approved application as an area of front garden.

5.5 It is acknowledged that the area of front garden to the front of Plot 02 would have provided an attractive frontage to the development that would have softened the visual impact of the dwellings. Equally, after visiting the site and the surrounding area, it was noted that a characteristic of the area was the

natural stonewalls and driveways that are situated between the dwellings and the highway. It is noted that the unauthorised driveway would be larger than many of the driveways in the area. However, the development would still preserve general character of this part of Winterbourne.

- 5.6 It is important to note that condition 3, attached by the Planning Inspector, did not require the landscape and parking areas to be retained for the perpetuity of the development. Additionally, the Planning Inspector did not consider it necessary to remove permitted development rights. These would have been reasonable steps if the Inspector had considered that an extension to driveway would have been materially harmful to the character of the street scene. It should also be noted that if the applicant had been implemented the development in accordance with the approved plan then the dwelling would have benefited from permitted development rights. The applicant could have then undertaken the works that are being considered under this planning application without the need for a planning application.
- 5.7 On this basis, it is concluded that the retrospective driveway would not materially harm the character of the street scene. It is therefore recommended that the condition be varied to the following wording:

*The hard and soft landscape works and the car parking spaces (as shown on Drg. No. 27/05 A) shall be maintained in accordance with the approved plans.*

- 5.8 Notwithstanding this, it is considered that any further extension of driveway across the frontage of the plots would start to erode the character and appearance of this part of Winterbourne. Therefore, for the avoidance of any doubt, it is recommended that an additional condition be attached to remove the permitted development rights for any new hardstanding.
- 5.9 Transportation  
It is acknowledged that the Parish Council and local residents are concerned with regard to congestion and parking problems in the surrounding area. The extended driveway would provide an additional parking space. This would lead to there being five spaces shared between the three dwellings. It is considered that this would accord with the Council's Parking Standard and it would reduce the pressure of on-street parking. Furthermore, the Highways Authority is satisfied that the driveway would not materially harm the highway safety. It is therefore concluded that the development does not give rise to adverse transportation effects.
- 5.10 It is acknowledged that a local resident is concerned with regard to a boundary wall that has encroached into the public highway. This matter has been investigated by an enforcement enquiry and it was found that there was indeed a small encroachment. The Council's Street Care department then investigated this matter separately and no objection was raised to the relocated wall. On this basis it was not expedient for the Council to take action with the available evidence.



#### 5.11 Schedule of Conditions

It is noted that the appeal decision included conditions (1 & 2) relating to the commencement of development and for the approval of detailed design of certain parts of the scheme. These conditions are no longer necessary because the scheme has been commenced and the conditions have been discharged.

### 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) It has been concluded that planning permission should be granted to vary condition 3 attached to appeal decision (Ref: APP/P0119/A/08/2092289). It is considered that the extended driveway would not materially harm the visual amenity of the street scene or give rise to adverse transportation effects. The application therefore accords with Policy D1, L1, T8, T12, H2, and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

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

### 7. RECOMMENDATION

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

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

### CONDITIONS

1. The hard and soft landscape works and the car parking spaces (as shown on Drg. No. 27/05 A) shall be maintained in accordance with the approved plans.

Reason 1

To ensure the hard and soft landscaping is maintained in accordance with the approved details, and to accord with Policy D1, L1, and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

Reason 2

To ensure that the parking spaces are retained for the perpetuity of the development to maintain a provision of off-street parking, and to accord with Policy T8 and T12 of the South Gloucestershire Local Plan (adopted) January 2006.

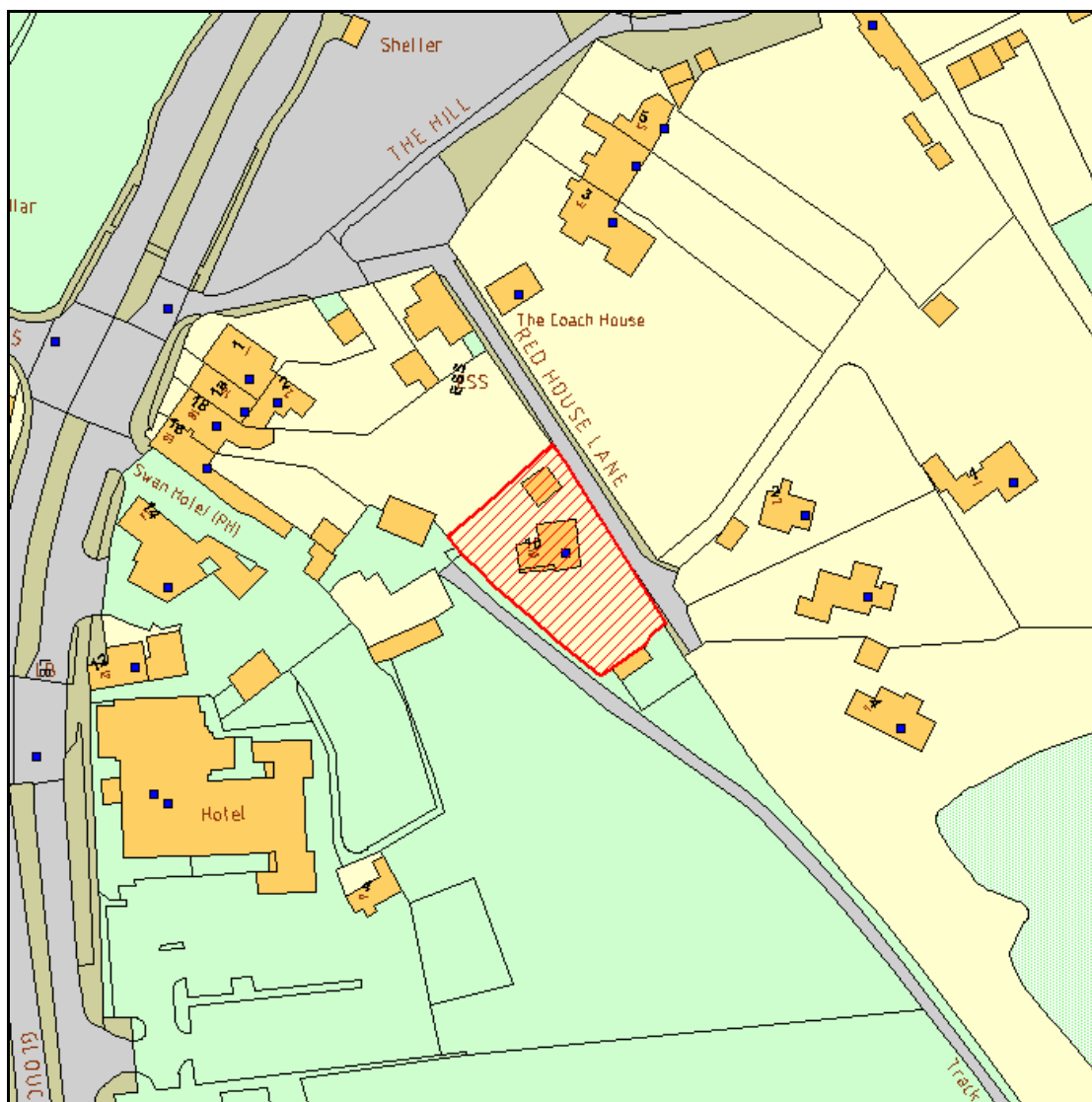
2. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Class F ) other than such development or operations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

Reason

To prevent any further extension of the driveway, to protect the character and appearance of the street scene, and to accord with Policy D1, L1, and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

### CIRCULATED SCHEDULE NO. 23/11 – 17 JUNE 2011

<b>App No.:</b>	PT11/1523/F	<b>Applicant:</b>	Mr N Collard
<b>Site:</b>	Third Acre 10 Gloucester Road Almondsbury South Gloucestershire	<b>Date Reg:</b>	16th May 2011
<b>Proposal:</b>	Erection of single storey side extension to form additional living accommodation. Erection of detached garage with workshop over.	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	360680 183804	<b>Ward:</b>	Almondsbury
<b>Application Category:</b>	Householder	<b>Target Date:</b>	12th July 2011



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100023410, 2008. **N.T.S.** **PT11/1523/F**

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

This application appears on the Circulated Schedule following the receipt of comments from Almondsbury Parish Council which were contrary to the Case Officer's recommendation.

### **1. THE PROPOSAL**

1.1 The applicant seeks planning permission for the following developments:

- Erection of single storey side extension.
- Erection of detached garage with workshop over.

1.2 The application site relates to a detached dwelling, garage, and residential curtilage. The site is within the Almondsbury settlement boundary and it is designated as Green Belt.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1: Delivering Sustainable Development

PPG2: Green Belt

#### 2.2 Development Plans

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

D1: Achieving Good Quality Design In New Development

H4: Development within Existing Residential Curtilages

GB1: Development within the Green Belt

#### 2.3 Emerging Development Plans

##### South Gloucestershire Core Strategy (Proposed Changes Draft) December 2010

CS1: High Quality Design

#### 2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2008

South Gloucestershire Development within the Green Belt SPD (Adopted) 2008

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

3.1 None.

### **4. CONSULTATION RESPONSES**

#### 4.1 Almondsbury Parish Council

Although Almondsbury Parish Council have no objections to this planning application, however the workshop should be controlled and not cause a nuisance to neighbours.

4.2 SGC Landscape Officer  
No objection.

4.3 Local Residents  
None received.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

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

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

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

5.3 Policy GB1 of the Local Plan allow for the limited extension and alteration of existing dwelling provided that it does not result in a disproportionate addition over and above the size of the original dwelling.

### 5.4 Residential Amenity

The application site is situated in fairly detached isolated location in relation to the neighbouring properties. On this basis, it is considered that the proposed development would not materially harm the residential amenity of nearby neighbouring occupiers.

5.5 It is acknowledged that the Parish Council is concerned that the proposed workshop may cause disturbance to local residents and has requested that its use be controlled. Notwithstanding this, in view of the scale of the proposed workshop Officers are satisfied that it would only be used for purposes that are ancillary to the main dwellinghouse. It is entirely reasonable for a householder to have a small ancillary workshop and these are commonplace in residential areas. Nevertheless, if the use of the building were to be used for commercial activities it would be beyond any reasonable definition of ancillary and therefore planning permission would be required for a change of use. On this basis, it is not reasonable or necessary in this instance to attach a condition to control or restrict the use of the workshop. This is because the condition would not pass the test of conditions set out under Circular 11/95.

### 5.6 Visual Amenity

The proposed extension to the dwelling would be situated on the side elevation and would extend the existing single storey part of house to the front building line. This proposal would be subservient and proportionate to the existing dwelling in terms of its height, scale, and massing. Moreover its detailing and materials would respect the existing dwelling. On this basis, it is considered

that the proposed extension would respect the character and appearance of the existing dwelling and the surrounding residential area.

The proposed garage/workshop would replace the existing single story flat roof garage. The new garage would be one and a half storeys in scale and would be of a traditional design with a dual-pitch roof. The building would be finished in render and tiles to match the existing dwelling. It is considered that the building would be proportionate to the host dwelling and would respect the character of the surrounding residential area. Furthermore the proposal has been assessed by the Council's Landscape Officer and they raised no objection.

#### 5.7 Green Belt

The application site is situated within the Almondsbury settlement boundary, and is "washed over" by Green Belt. Within such locations alterations to dwellings are considered to be appropriate development, providing that the extension would not result in a disproportionate addition over and above the original dwelling, and would not harm the openness of the Green Belt. Moreover, the same policy also allows for limited infilling within the boundaries of settlements providing it does not harm the openness of the Green Belt.

5.8 It is considered that the proposed extension and garage would result in a negligible volume increase to the size of the original dwelling. It is therefore considered that the proposal would constitute a proportionate extension. Moreover the application the site is situated within Almondsbury settlement boundary. This is an area that the Local Planning Authority has allocated in the development plan as an appropriate location for new residential development. The openness of the Green Belt around the application site is already limited by virtue of the existing buildings within the Almondsbury settlement. In addition to this, the design of the extension and garage would be acceptable and would appear visually proportionate to the existing dwelling. On this basis, it is concluded that the proposed extension and garage would not result in any material harm to the openness of the Green Belt, and would accord with the five purposes of including land within the Green Belt (as identified in PPG2).

## 6. CONCLUSION

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

- a) The proposal would not give rise to an adverse overbearing effect or a material loss of privacy to nearby occupiers. The development therefore accords to Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) The proposal would respect the overall design and character of the existing dwelling and the surrounding area. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (Adopted) 2007.

- c) The proposal would not result in a disproportionate addition over and above the size of the original dwelling and would not prejudice the openness of the Green Belt. The development therefore accords to policies H4 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Development in the Green Belt SPD (Adopted) 2007.

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

## 7. **RECOMMENDATION**

7.1 Planning permission to be **GRANTED** subject to the following condition.

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

## **CONDITIONS**

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

Reason

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