



**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. 08/11

Date to Members: 25/02/11

Member's Deadline: 03/03/11 (5pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) to see what their views are, before referring the application.
- Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. **Please do not leave it to the last minute**
- Always make your referral request by e-mail to MemberReferral@southglos.gov.uk, where referrals can be picked up quickly by the Development Services Support Team. If in exceptional circumstances, you are unable to e-mail your 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.

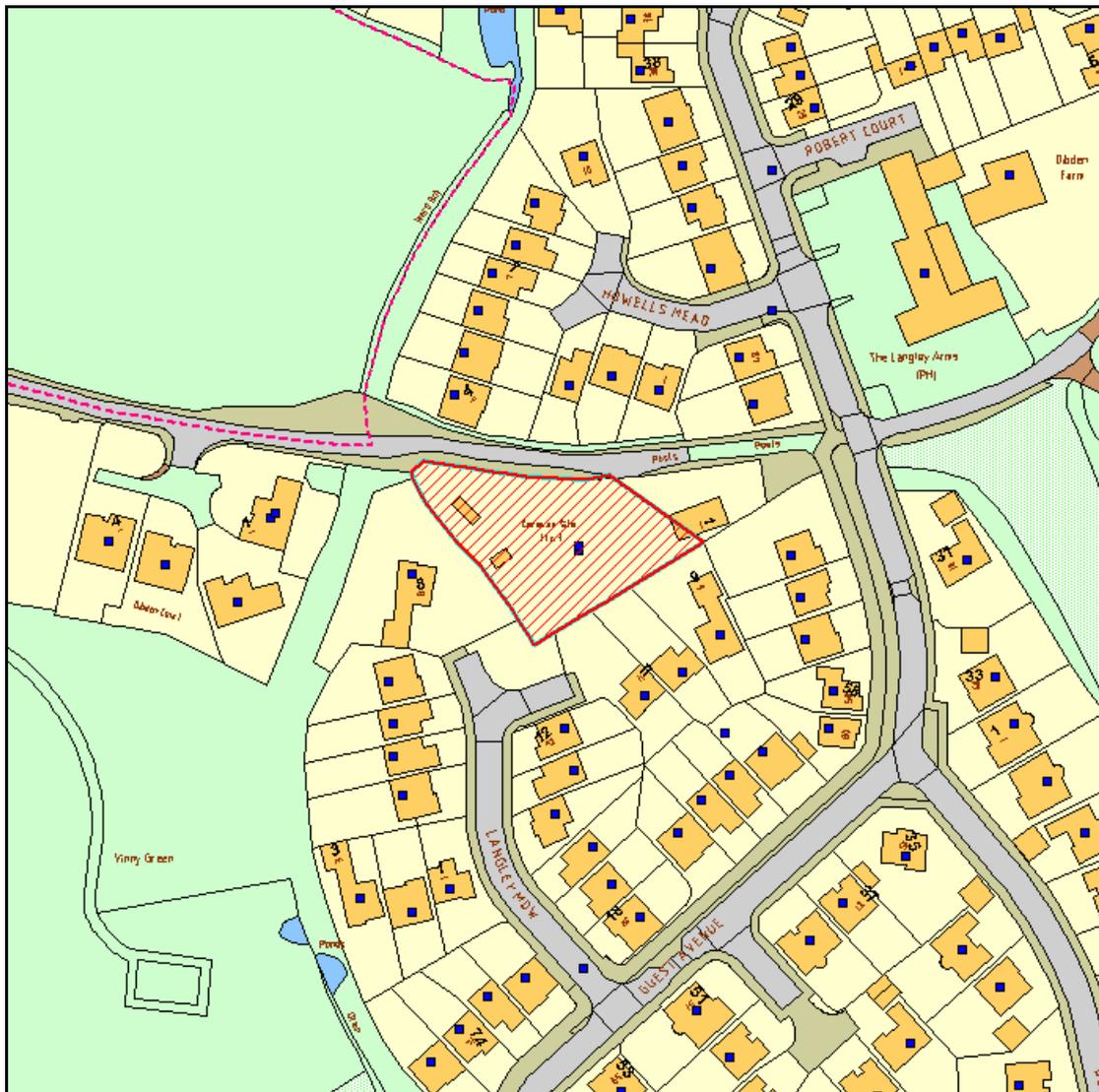
CIRCULATED SCHEDULE – 25 FEBRUARY 2011

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK10/2872/F	Approved Subject to	Land At Dibden Lane Dibden Lane Emersons Green South Gloucestershire BS16 7AF	Rodway	Mangotsfield Rural Parish Council
2	PK11/0074/F	Approve with Conditions	Land Adj To 253 Badminton Road Downend South Gloucestershire BS16 6NR	Emersons	Downend And Bromley Heath Parish Council
3	PK11/0130/F	Approve with Conditions	McDonalds Restaurant Ltd 38 West Walk Yate South Gloucestershire BS37 4AX	Yate Central	Yate Town
4	PK11/0162/F	Approve with Conditions	15 Heath Walk Downend South Gloucestershire BS16 6EZ	Downend	Downend And Bromley Heath Parish Council
5	PK11/0183/F	Approve with Conditions	67 Mount Hill Road Hanham South Gloucestershire	Hanham	Hanham Parish Council
6	PT10/0101/F	Refusal	The Barn At Lower Farm Itchington Road Tytherington South Gloucestershire	Ladden Brook	Tytherington Parish Council
7	PT10/3454/R3F	Deemed Consent	Thornbury Childrens Centre Gillingstool Thornbury South Gloucestershire BS35 2EG	Thornbury North	Thornbury Town Council
8	PT10/3457/F	Approve with Conditions	Vine House Lower Stone Road Rockhampton Berkeley South Gloucestershire GL13 9DT	Severn	Rockhampton Parish Council
9	PT10/3483/R3F	Approve without conditions	Cheswick/Hewlett Packard Development Bus Link Stoke Gifford South Gloucestershire BS16 1WL	Frenchay And Stoke Park	Stoke Gifford Parish Council
10	PT11/0059/F	Approve with Conditions	171 Gloucester Road Patchway South Gloucestershire BS34 6NA	Patchway	Patchway Town Council
11	PT11/0216/F	Approve with Conditions	55 Wrington Close Little Stoke South Gloucestershire BS34 6EX	Stoke Gifford	Stoke Gifford Parish Council
12	PT11/0219/CLE	Refusal	Glenwood Winterbourne Road Bradley Stoke South Gloucestershire BS34 8PT	Stoke Gifford	Bradley Stoke Town Council

ITEM 1

CIRCULATED SCHEDULE NO. 08/11 – 25 FEBRUARY 2011

App No.:	PK10/2872/F	Applicant:	Mr Keith Green
Site:	Land At Dibden Lane Dibden Lane Emersons Green Bristol South Gloucestershire	Date Reg:	15th November 2010
Proposal:	Erection of 2 no detached dwellings to include attached double garages, new access and associated works.	Parish:	Mangotsfield Rural Parish Council
Map Ref:	366441 177323	Ward:	Rodway
Application Category:	Minor	Target Date:	10th January 2011



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100023410, 2008. **N.T.S.** **PK10/2872/F**

REASON FOR REPORTING TO COMMITTEE/CIRCULATED SCHEDULE

The proposal has received both support and objections. Furthermore the application requires a Section 106 Agreement.

1. THE PROPOSAL

- 1.1 This application, which follows the approval (subject to a Section 106 agreement) of a scheme for three dwellings, is for the erection of two dwellings at a site accessed from Dibden Lane, an original country lane which retains that appearance, albeit within the Emersons Green established residential area. Both dwellings would be two storey, including accommodation in the roof and would have four bedrooms. A new shared access to serve the site is proposed off Dibden Lane, next to the existing access which serves a mobile home standing on land to the east of the site.
- 1.2 On all other sides of the site there is established two storey housing, which is generally set well back from the edges of the site, behind front or rear gardens and Dibden Lane itself. The site itself is currently un-occupied and is falling into a state of disrepair. The surface is largely finished with concrete. There are substantial trees around the edges of the site.

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
L1	Landscape Protection and Enhancement
T7	Cycle Parking
T8	Parking Standards
H4	Development within existing residential curtilages
H2	Residential Development
T12	Transportation Development Control

Core Strategy (submission draft)

CS1	High quality design
CS2	Green Infrastructure
CS16	Housing density
CS17	Housing diversity

3. RELEVANT PLANNING HISTORY

- 3.1 The history to the site is somewhat unclear. Previously the site has been used for the stationing of a mobile home for a number of years although no formal planning consent was ever gained for this use of the land.

- 3.2 PK08/2555/F Demolition of existing mobile home to facilitate the erection of 3 no. detached dwellings with associated detached double garage and works. Withdrawn September 2008
- 3.3 PK09/0662/F Demolition of mobile home to facilitate the erection of three dwellings Refused May 2009
- 3.4 PK09/5096/F Demolition of mobile home to facilitate the erection of three dwellings Approved subject to S106 February 2010

4. CONSULTATION RESPONSES

4.1 Mangotsfield Rural Parish Council

No objection in principle, but comment that house A would be too close to the mobile home.

4.2 Other Consultees [including internal consultees of the Council] Sustainable Transportation

A planning application for residential development on the same site was considered in 2009. The approval for that scheme was conditional to completion of a s106 legal agreement to provide 1) minor road widening plus 2) construction of a turning head at the end of the road (i.e. Dibden lane).

The s106 legal agreement was signed and sealed on 29th January 2010.

The current application is for two dwellings on the same site as opposed to three dwellings (associated with the earlier planning approval PK09/5096/F). Whilst the density of the development has been reduced, the transportation requirements (for the road widening and construction of turning area) remain unchanged. The applicant intends to implement the highway works and these works are shown on the drawing (i.e. proposed site Plan) no. 02 dated 10/10.

Site access – A new proposed access serving the new development would have visibility splays of 2m by 33m and that is considered acceptable. There would have to be a planning condition to provide and maintain such visibility splays.

Parking - There would be two parking spaces on the site for each dwelling and that is in compliance with the South Gloucestershire parking standards.

In consideration of the above, there are no highway objections to this proposal subject to applicant first entering into a S106 legal agreement with the Council to the following effect:

1. Widen Dibden Lane (in front of the application site) and provide turning area as shown in principal on drawing No. (02) together with all associated works.

Other planning conditions

2. Prior to occupation of any dwellings on site, provide and maintain parking spaces as shown on the approved plan.

3. Provide visibility splays of 2m by 33m from the site access onto Dibden Lane and maintain such visibility splays free from any obstructions above height of 0.9m from carriageway level.

Technical Services Unit

No objection in principle, subject to a condition requiring submission of a drainage details and details of hard paving to the front of houses. Further to receiving evidence that there is a legal agreement in place regarding the septic tank under the development site, this will satisfy Street Care as the foul drainage for both the application site and the adjoining site will be connected to a public foul sewer. The tank drainage system will be redundant if this is agreed.

Tree Officer

I have no objections to this application but would recommend a condition stating that all works must comply with the arboricultural report supplied with the application.

Coal Authority

No objection in principle. Suggest informative to be included on decision notice.

Environmental Protection

No objection in principle. Informatives suggested.

Other Representations

4.3 Local Residents

Three letters were received, commenting on the proposal, one supporting the proposal and two objecting. The issues of concerns are as follows:

- The front of house A would face the rear of houses on Howell's Mead and although there is a lane and trees in between, at three storeys it would block out some light
- The access to serve the site off Dibden Lane would lead to noise and disturbance at the rear of properties on Howell's Mead
- Insufficient parking provision at two spaces per dwelling
- The proposed dwellings would be out of line with the properties in Langley Mow and overlooking would occur at the proposed three storey height.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The site is located within the existing built up area. In accordance with Policy H2, new residential development will normally be permitted subject to compliance with several criteria. Several protected trees also grown on or within close proximity to the site and therefore Policy L1 is of importance to ensure that the trees are not damaged during construction. An arboricultural report has been submitted to accompany the application.

Other policies relating to parking and highway safety are particularly applicable in this instance because of the location of the site off of a single carriageway lane.

- 5.2 Policy H2 of the adopted local plan allows for residential development on this site providing the following criteria are satisfied:

(a) Development would not have unacceptable environmental or transportation effects, and would not significantly prejudice residential amenity; and

Transportation

Given the site's location in Emerson's Green it is considered that there would be no objection to the principal of residential development on this land in terms of highway safety, particularly given that the currently proposed two dwellings would generate less traffic than the previously approved three. The main highway issues are as follows:

Access Road

The width of the existing road (tarmac area) along the application site frontage varies between 2.4m to 3.2m and at such a width is clearly inadequate for two-way traffic movement. Pedestrians and cyclists could be at risk because of the increased vehicular movements the development would create, albeit at a lower level than from the three houses already approved. It should be noted that Dibden Lane is designated a safe route to school. For this reason, it is considered that some widening and the creation of visibility splays to serve the site access is necessary to maintain road safety for all. The applicant is proposing to widen the existing road along his site frontage along Dibden Lane to achieve this through hedge trimming and access widening. The proposed highway works would need to be subject to a Section 106 agreement with the Council.

There is currently no suitable turning area at the end of Dibden Lane and therefore service vehicles needing access to the site are forced to reverse long distances. This is not acceptable in road safety terms. As part of the proposal, the applicant is proposing to construct a turning area suitable for vehicles up to and including the size of a refuse lorry. An appropriate condition is shown below to ensure a suitable turning area is provided.

Site access - There is a single shared access proposed as part of this scheme. This would be situated appropriately at the part of the site closest to Guest Avenue. It has been designed to provide visibility splays of 2m by 33m, this would require some of the existing hedge to be removed and the new hedge would have to be replanted behind the required splay. These measures are considered to be adequate to maintain existing levels of highway safety.

Parking – Any off-site overspill parking could compromise highway safety along the lane and at the junction, so a minimum of 2 off street parking spaces are required for each dwelling, these are shown as provided within garages, with a further two spaces for visitors also proposed. Because of the nature of the carriageway, the over-riding need to provide on site parking means that in this

location the Councils maximum parking standards may not be appropriate and additional spaces are required.

For the reasons outlined above, it is considered that the revised proposed development would not have a detrimental impact on highway safety and that this part of policy H2 is satisfied, subject to conditions and the applicants entering into a Section 106 Agreement, as detailed below.

Residential Amenity

Because of the relatively isolated nature of the site, the distance from the neighbouring properties and the quite extensive vegetation surrounding the site, it is not considered that the development would have any detrimental impact upon existing levels of residential amenity for the neighbouring occupiers. The siting of the dwellings does not allow for any direct intervisibility between habitable room window or any unacceptable levels of overlooking or overshadowing between the proposed and existing dwellings, given the existing landscaping. And the distances between existing and proposed houses of a minimum of 15 metres (not including garages) is considered to be acceptable.

Concerns have been raised through the consultation process that there could be some intervisibility between the proposed new dwellings and the surrounding housing, arising mainly from the orientation of the two proposed dwellings.

There is also the relationship of the proposed dwellings to the occupied mobile home next to the site to consider. This stands to the east of the site and a 2 metre high fence is proposed between the new houses and the mobile home. Given that the plans show only small, secondary windows in the side elevations of the nearest dwelling, it is considered that the proposed design would not compromise the existing level of residential amenity enjoyed by the adjoining mobile home.

The two proposed dwellings are shown as at 90 degrees to each other with all window to window and window to wall angles being at 45 degrees or above. This proposal for two dwellings is considered to meet the requirements of Policy H2 of the Adopted South Gloucestershire Local Plan and have overcome the previous refusal reason.

5.3 **(b) The maximum density compatible with the site and its surroundings is achieved; and**

This is considered to be the major factor which has changed between the previously approved scheme and the current one. A density calculation on the site gives a density of approximately 20 dwellings per hectare. Whilst this density is low in comparison to the surrounding properties, because of the location at the site at the end of a narrow lane it is considered that it would be unwise to encourage higher densities in this location, even though the previously approved scheme could still be implemented, having regard to the change to PPS3 last year which removed the national indicative minimum housing density for new sites.

5.4 **(c) The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination.**

The site is located centrally within a residential estate. There are no identified issues or surrounding land uses that would result in any disturbance.

5.5 Design

The proposed dwellings are large and their mass is increased by the adjoining double garages, but are essentially two storey, with rooms in the roof lit by rooflights and one small dormer. It is considered that their proportions are not too large for the site and the reduction in the number of units is sufficient to prevent the layout from being too cramped. The site's context, surrounded by trees, is considered to allow for a different architectural approach in comparison to the surrounding houses, as the site forms its own enclosed 'cell'. The brick and concrete pantiles proposed, together with band courses to help break up the mass of the dwellings is considered to be appropriate and respectful of local distinctiveness. A condition appears below requiring the submission of materials samples. Furthermore, the orientation and window placement in the dwellings would allow for some solar gain. Overall, it is considered that the design approach conforms to policy D1 of the adopted Local Plan and policy CS1 of the draft Core Strategy.

5.6 Trees/Landscaping

A tree survey and Tree Protection Plan accompany this application. These show that all works lie outside of the proposed development. The Councils tree officer is satisfied with the proposed tree protection and a condition shown below requires construction and tree protection in compliance with the plans.

5.7 Other Issues

Drainage is to be connected to a public foul sewer and the septic tank which serves the mobile home on the adjacent land would be redundant under this proposal. The two parties involved will need to agree on these measures and a condition shown below requires the applicants to submit a drainage plan to demonstrate how this will be achieved. There is no drainage objection in principle to this proposal.

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 two dwellings within an established residential area without compromising existing levels of highway safety, according with policy T12 of the adopted Local Plan and without compromising existing levels of residential amenity, according with policy H2. The design is acceptable and widens the choice of housing in the locality, according with policies D1 and L1 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 authority be delegated to the Director of Planning, Transportation and the Strategic Environment to grant permission, subject to the conditions set out below and the applicant first voluntarily entering into an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

a) Widen Dibden Lane (in front of the application site) and provide the turning area as shown on drawing No. (02) together with all associated works.

The reason for the agreement is as follows:

a) To ensure that vehicles exiting the site do not cause additional harm to highway safety for all users of the highway.

- 7.2 That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.

- 7.3 Should the agreement not be completed within 6 months of the date of the Committee resolution that delegated authority be given to the Director of Planning, Transportation and the Strategic Environment to refuse the application.

Contact Officer: Chris Gosling
Tel. No. 01454 863787

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 off-street parking facilities shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose. The parking spaces must be provided and maintained as such at all times thereafter.

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.

3. Prior to the first occupation of any of the dwellings hereby permitted, visibility splays of 2m by 33m from the site access onto Dibden Lane must be provided and maintained as such at all times thereafter. The visibility splays must be kept free from any obstruction over 0.9 metres in height measured from carriageway level.

Reason

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

4. 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.

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

Reason

To protect the character and appearance of the area and to ensure an adequate degree of privacy is afforded to each of the proposed dwellings. To accord with Policies H4, H2 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, details of all new planting on the site, 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 H2 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. The tree protection as specified in the Arboricultural Report dated October 2010 must be erected prior to the commencement of any development on site and must remain in place at all times during the construction process.

Reason

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

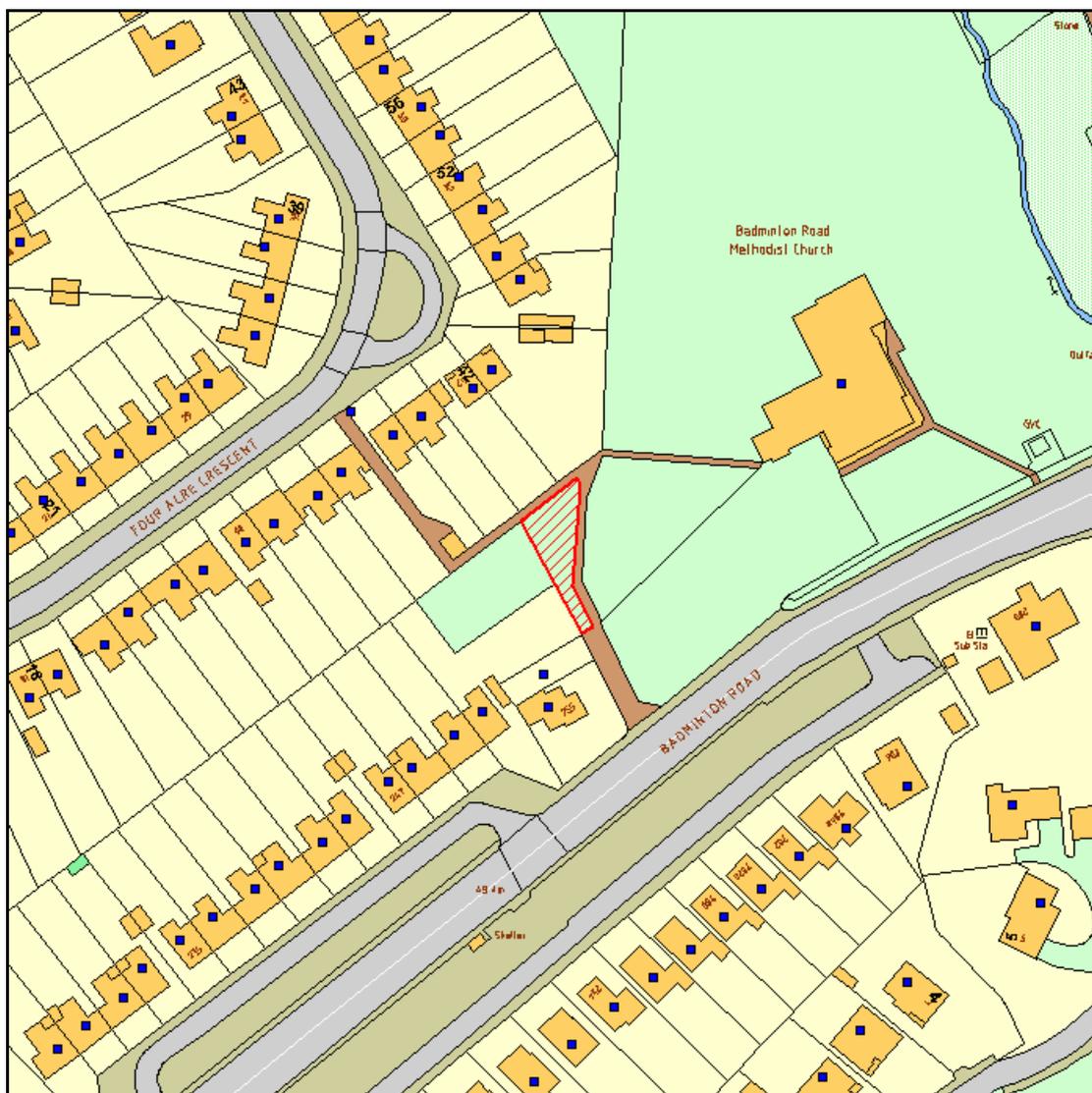
8. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning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

Reason

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

CIRCULATED SCHEDULE NO. 08/11 – 25 FEBRUARY 2011

App No.:	PK11/0074/F	Applicant:	Mr I Mason
Site:	Land Adj To 253 Badminton Road Downend Bristol South Gloucestershire BS16 6NR	Date Reg:	12th January 2011
Proposal:	Erection of 1 no. dwelling and associated works. (Resubmission of PK07/0933/F)	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365603 177882	Ward:	Emersons Green
Application Category:	Minor	Target Date:	8th March 2011



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 100023410, 2008. **N.T.S.** **PK11/0074/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due the receipt of letters of objection from neighbouring residents and concerns raised by the Parish Council.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a two storey detached three bedroom dwelling on the land to the side of 253 Badminton Road, Downend. The proposal would include the insertion of a vehicle turntable.
- 1.2 The application site is former builders yard and is located within a residential area of Downend.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG3 Housing as revised June 9th 2010
PPG13 Transport
Ministerial Statement 9th June 2010
PPG13 Transportation
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H2 Proposals for Residential Development within the Existing Urban Area
L1 Landscape Protection and Enhancement
T8 Parking Standards
T12 Transportation Development Control
L17 & L18 The Water Environment
EP1 Environmental Protection
L9 Species Protection
- South Gloucestershire Core Strategy, Submission Draft Decemeber 2010
CS1 High Quality Design
CS16 Housing Density
CS17 Housing Diversity
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 PK05/1898/F Erection of 1no. detached dwelling and detached garage with parking access and associated works.
Refused 19th August 2005
- 3.2 PK07/2368/F Erection of single storey rear extension to form additional living accommodation.

Approved September 2007

- 3.3 PK07/0933/F Erection of 1no. detached dwelling with associated works.
Approved subject to section 278 agreement which was never fulfilled.

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
Objection, insufficient parking for a 3-bed family home, more suited to a smaller 2 bed home. Who owns and maintains the tarmac section of the driveway and what facility will be made for pedestrians using this drive as part of their route top Four Acre Crescent?

Downend and Bromley Heath Parish Council Council's Open Spaces committee have enquired from South Gloucestershire Council as to the current public right of way status of this tarmac driveway.

- 4.2 Sustainable Transport
No objections subject to the attachment of conditions
- 4.3 Ecology
No objections subject to the attachment of conditions
- 4.4 Environmental Protection
No objections subject to the attachment of the standard working hours informative.

Other Representations

- 4.5 Local Residents
Four letters of objection have been received stating the following concerns:
- Proposed building would be overbearing and lead to a loss of outlook for neighbouring properties due to its close proximity.
 - Reduction in privacy due to it being close to neighbouring properties
 - Vehicular access is narrow and shared by pedestrians
 - Children use the route raising issues of safety
 - Access to and from the main road for a vehicle would potentially be dangerous,
 - A neighbouring property obscures the view into and out of the lane
 - Proposed rear windows overlook neighbouring property, one window is directly opposite a bathroom window
 - The dwelling is only 7ft away from a neighbouring rear garden
 - Over-development of a small site
 - Inadequate on site parking
 - Deterioration in safety of footpath
 - Risk to new property due to close proximity to the footpath.
 - Access conflicts with the public footpath connecting Fouracre Crescent and Badminton Road

- Bus stop and layby on Badminton road is only a few feet away from the footpath leading to the proposed dwelling, vehicles entering or leaving the site would obscure views raising highway safety issues
- Proposed dwelling would be out of character with the area and would be overbearing

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of development on the site has already been accepted under PK07/0933/F. The scale and design of the proposed dwelling has been altered in the current application.

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

The South Gloucestershire Plan (Adopted) 2006 identifies the site as lying within the urban area. Policy H2 allows for new residential development providing that the following criteria are complied with:-

5.2 **(a) Development would not have unacceptable environmental or transportation effects; and would not significantly prejudice residential amenity.**

In the interests of clarity these two issues will be discussed in turn.

Transportation Issues

A similar planning application for a new dwelling on the same site was considered and approved by the Council in 2007, subject to a section 278 Agreement of the Highways Act 1980. As such the principle for a dwelling at this site has already been agreed. The section 278 agreement was never completed and as such this permission was not issued. It should be noted that the works to Badminton Road that the previous section 278 agreement related to, have been completed. As such no financial contribution could be justified or would be required as part of the current application.

The site is located on the land to the rear of 255 Badminton Road, and the proposed access into the new dwelling utilises an access lane that runs along the eastern boundary of No. 255.

The exact use of the land has not been established but the applicant claims that the land has been used as a builder's yard in the past. It is clear that there is a vehicular access to the site and that there are vehicular access gates. The application is for 1no. three bedroom dwelling that will only have a relatively low number of vehicle movements. Should the applicant choose to re-use the site as a builder's yard, vehicular movements are likely to be well in excess of that one would reasonable expect from a small dwelling. On balance therefore, it is

considered that the highway implications from the granting of planning permission for a small three bedroomed property and significantly less than the use of the site as a builders yard.

Access to the development is via a short access lane –a class 4 (unclassified) road - with a public footpath running along the side which connects Badminton Road to Fouracre Crescent. The public footpath is an adopted footpath but is not a public right of way. The access lane is fully surfaced and is approximately 4m in total width. As part of the proposal, the applicant is proposing to ensure that part of the access lane is designated for pedestrians. The scheme proposes a change in surface colour with markings and the use of white lining to help retaining a sense of footpath along the access lane. It is considered that change in surface colour would help to retain a sense of footpath whilst not further reducing the width of the access way. Given that the proposal is for one dwelling only, vehicle movements are not expected to be high in order to cause issues of conflict between pedestrians and cars on this access lane

Parking requirement for three bedroom dwelling is 2 parking spaces but the applicant proposes one parking space on the site. Due to restricted space on site, it is not possible to provide a standard size turning area but the applicant is proposing to build a turntable on site in order for the vehicle to be able to turn on site and exit the access in forwards gear. A condition would be attached to any consent granted to ensure that full details of the turntable are submitted to the Council for written agreement prior to the commencement of any development on the site. A further condition would then be added to ensure that the turntable is installed and maintained. In light of the above, it is considered that vehicles can both enter and leave the site in a forwards gear.

Consequently the proposal is considered acceptable in highways terms subject to the attachment of conditions.

Residential Amenity

Whilst the proposed property is larger than the previous dwelling proposed as part of PK07/0933/F, the location of windows is similar apart from the insertion of a rear habitable room window. The internal layout has been designed so that only landing windows are on the south west elevation, with a first floor bathroom and bedroom window facing the front of the site and a first floor bedroom window facing the Methodist Church.

Whilst concern has been raised from neighbouring residents regarding overlooking and loss of privacy, it is not considered that the proposed dwelling will have any impact upon the properties along Fouracre Crescent that have their rear gardens running towards the site. The new dwelling will be standard height and a proportion of this building would be partially screened from view by the existing vegetation to the rear of gardens of No. 40 and 42 Fouracre Crescent that has significant height. One first floor rear elevation window is proposed. This window would serve a bedroom and whilst it is accepted that the insertion of a habitable room window would result in an increase in overlooking to the rear of the gardens of No's 40, 42 and 44 Fouracre Crescent, given the depth of these gardens and the fact that this will be a bedroom window, in combination with the existing levels of overlooking

experienced by these properties from the neighbouring dwellings, it is not considered that this aspect of the proposal would result in any significant harm over and above the existing situation to warrant the refusal of the application. Furthermore given the distance the property is located away from the neighbouring dwellings, over 25 metres, there are no concerns regarding inter-visibility between windows.

To the west of the site lie the rear gardens of the dwellings on Badminton Road. Two side elevation windows are proposed on the western elevation, both of which would serve the stair case, as such there will be no impact on residential amenity of these neighbouring properties by way of loss of privacy or overlooking.

There are two windows to be inserted into the front elevation of the proposed dwelling at first floor level. The one closest to the neighbouring property No. 255 Badminton Road, would serve a bathroom, the other would serve a bedroom. It is accepted that there is potential for occupiers of this new dwelling to look out of this front window and overlook the garden of No. 255. However, this front bedroom window would be set back behind the front gable and as such, given the orientation of the property, views across the rear of No. 255 would be very limited.

Due to the distances between the proposed dwelling and the neighbouring dwellings, there are no issues of overbearing. Similarly given the distance the proposal is located from the neighbouring dwellings, over 25 metres to the rear of No. 42 Fouracre Crescent or the rear of No. 255 Badminton Road, it is not considered that the dwelling would result in any loss of outlook.

The new dwelling is to be afforded its own private garden. The garden will be to the side and rear of the dwelling and will be accessed via the kitchen or living area. It is accepted that the garden is not very large however the level of garden provided is adequate to allow for sitting outside and the outdoor drying of clothes. The garden is therefore considered to be a sufficient size to accommodate all the needs of the modest dwelling.

From the previous application, it is accepted that there is some dispute over a right of access for the neighbouring properties to access their rear gardens via the site. This however is a legal issue and must be remedied outside of the planning system. The issue of land ownership and covenants is not for discussion as part of the planning application. However, for the avoidance of doubt, informatives would be attached to the decision notice to ensure that the applicant / agent is aware that planning permission does not grant rights to carry out works on land outside of the control of the applicant and that consent must be sought from the owner of the land.

5.3 **(b) The maximum density compatible with the sites location, its accessibility and surroundings is achieved.**

Under new government guidance whilst there is no longer a national minimum density target, PPS3 seeks to ensure the most efficient use of land. Officers are satisfied that having regard to the sites constraints, the pattern and scale of

existing development, access and impact on residential amenity, no more than one additional dwelling as proposed could be accommodated on the site.

5.4 **(c) The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination.**

The new dwelling would be surrounded by residential gardens and a church and would be subjected to no greater levels of noise, dust, pollutants etc than the existing dwellings in the vicinity.

5.5 **(d) Provision for education, leisure, recreation etc. in the vicinity is adequate to meet the needs arising from the proposal.**

The proposal is only for 1 dwelling and therefore would not have a significant impact on the area in terms of service provision.

5.6 Design / Visual Amenity

The dwelling will be viewed against a variety of building designs, although the predominant property type is standard rendered semi-detached properties. It is considered that the appearance of the resultant building would be well proportioned and would be in keeping with the scale of the surrounding dwellings. The adjacent chapel is relatively modern construction finished with buff brick. The application states that the proposed dwelling would have concrete roof tiles and its walls will have a render finish. Conditions will be attached to any consent granted to ensure that details of the finishing materials are submitted to the Council and agreed in writing prior to the commencement of development.

Whilst the proposal would be visible from Badminton Road the dwelling would be significantly set back away from the highway. Given the simple design and modest dimension, in combination with the variety of building designs in the vicinity, it is considered that the proposal would not be harmful to the character and appearance of the street scene.

5.7 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 attaching an informative outlining the hours of construction. There are therefore no objections on environmental grounds. In terms of drainage the Councils Drainage Engineer has raised no objection to the proposal. A condition would however be required to secure the submission of a full drainage scheme for approval before development could commence.

5.8 Ecology

The application site comprises a former builder's yard (used for the storage of materials) adjoining residential gardens. It is considered that the site has some limited potential for use by reptiles (slowworms) and adjoins a series of residential gardens which would provide good habitat for a variety of wildlife, including hedgehogs and slow-worms.

Slowworms are protected under the Wildlife & Countryside Act 1981 (as amended) and CROW Act 2000. They are also listed on the South Gloucestershire Biodiversity Action Plan as a species for which the Council will require specific measures to conserve and enhance populations. Additionally, hedgehogs are a Priority Species nationally and included on both the UK and South Gloucestershire Biodiversity Action Plans.

Given the above, and the fact that the site has become quite overgrown since the previous application in 2007, the site should be surveyed for the two species ahead of any development commencing. If either is found to be present, an appropriate mitigation strategy will need to be drawn up and agreed with the Council.

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 dwelling is of an appropriate standard in design and would not detrimentally affect the character of the area. Furthermore the proposal would not harm the amenities of the neighbouring properties by reason of loss of privacy, inter-visibility or overbearing impact. As such the proposal accords with Policies D1 and H2 of the South Gloucestershire Local Plan (Adopted) 2006.

The proposal offers adequate parking provision and will not adversely affect the surrounding highway network or public footpath, as such the proposal accords with Policies T8 and T12 of the South Gloucestershire Local Plan Adopted January 2006

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

7. RECOMMENDATION

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

Contact Officer: Kirstie Henshaw
Tel. No. 01454 865207

CONDITIONS

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

Reason

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

2. Prior to occupation of the dwelling the parking and turning area shall be provided in accordance with the approved plans and subsequently maintain these satisfactory thereafter. The turntable shall be kept clear of obstruction and operational at all times for the manoeuvring of vehicles.

Reason:

In the interests of highway safety, and to accord with Policy T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to occupation of the dwelling the pedestrian footpath along the access lane will be demarked in accordance with the plans hereby approved, drawing no. PL01 received 22nd February 2011, and subsequently maintained thereafter.

Reason:

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

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

Reason:

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

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

Reason:

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

6. Prior to the commencement of works on site, a dilapidation survey of the public highway (the access lane that leads to the site) shall be carried prepared in conjunction with the Councils street care manger. Any damage arising from the construction traffic accessing the site shall be put right to full satisfaction of the Council street care manager.

Reason:

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

7. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, and E), other than such

development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason:

To ensure the provision of adequate levels of amenity space to serve the new dwelling. Also to accord with Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Prior to the commencement of development, the site be surveyed by a suitably qualified person for reptiles and hedgehogs, at a suitable time of year. If present, a mitigation strategy should be drawn up and agreed in writing with the Council to safeguard the species present on site. All work should be carried out in accordance with the agreed strategy.

Reason

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

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

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H2 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

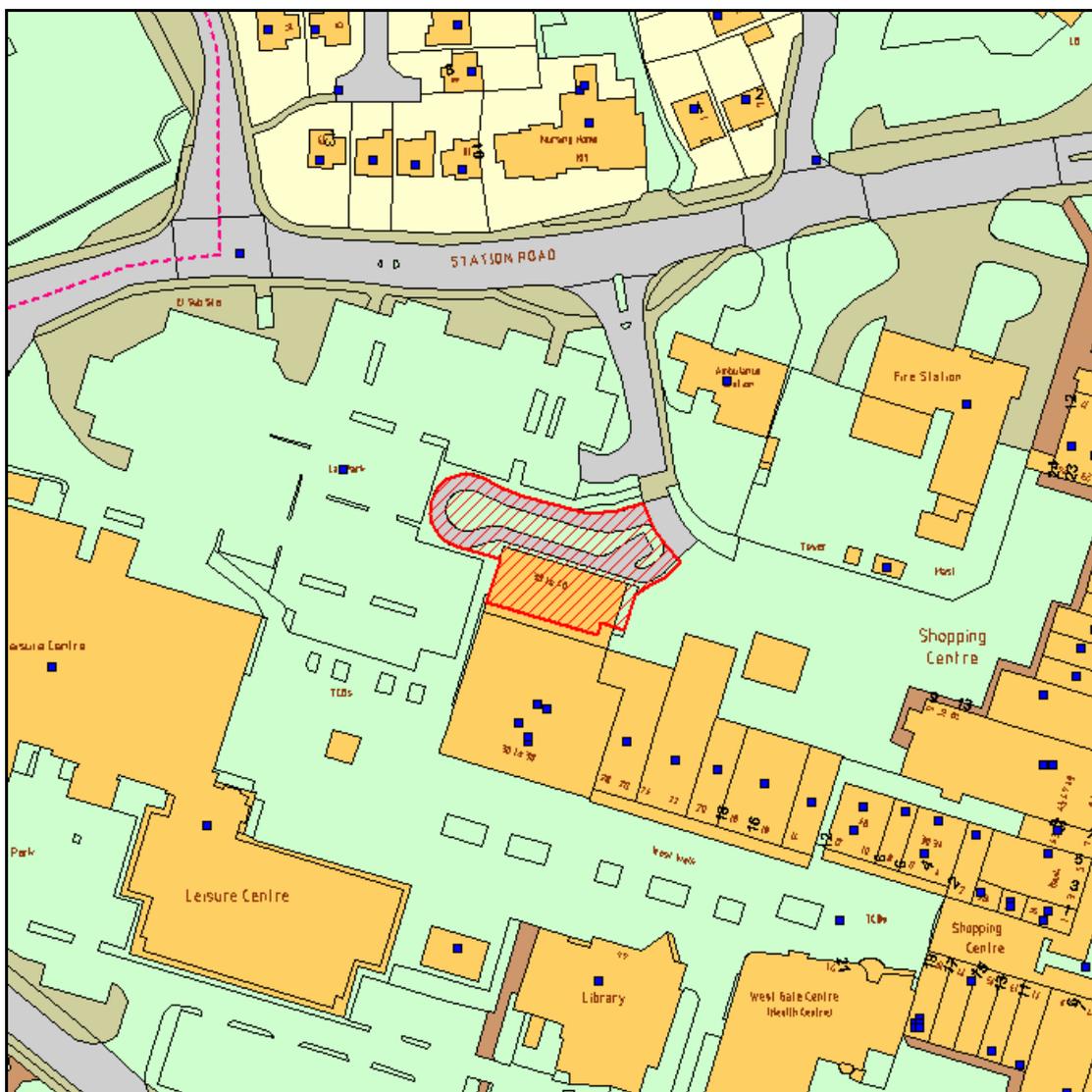
10. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems SUDS and confirmation of hydrological conditions e.g. soil permeability, watercourses, mining culverts)within the development shall be submitted for approval in writing to the Local Planning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

Reason

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

CIRCULATED SCHEDULE NO. 08/11 – 25 FEBRUARY 2011

App No.:	PK11/0130/F	Applicant:	McDonalds Restaurant Ltd
Site:	McDonalds Restaurant Ltd 38 West Walk Yate South Gloucestershire	Date Reg:	18th January 2011
Proposal:	Alterations to drive thru lane, relocation of order booth and additional cladding, installation of customer order display and canopy, lighting columns and associated works.	Parish:	Yate Town Council
Map Ref:	371301 182504	Ward:	Yate Central
Application Category:	Minor	Target Date:	14th March 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

An objection has been received from the Town Council which is not in line with the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission to make five distinct changes to the exterior of the existing McDonalds fast food drive-through takeaway situated in Yate Town Centre. The submitted drawings also include details of signage which has been applied for under two applications for advertisement consent which have been submitted at the same time.
- 1.2 The exiting building is single storey, built of buff brick and stands on the eastern side of the most westerly car park, accessed from Station Road, which serves the town centre. The proposed development is as follows:
- alterations to the drive through lane
 - relocation of order booth, within same elevation
 - additional aluminium cladding
 - installation of customer order display and canopy
 - erection of lighting columns and associated works

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
T12 Highway safety
- South Gloucestershire Core Strategy Pre-submission Publication Draft (March 2010)
CS1 High Quality Design

3. RELEVANT PLANNING HISTORY

- 3.1 PK02/1716/F Change of use of rear part of A1 unit to A3 (hot food takeaway) – Approved.
- 3.2 PK03/1587/F Installation of shop front and alteration of drive-through elevation – Approved.

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
Object due to signage being overbearing and light pollution.

- 4.2 Other Consultees [including internal consultees of the Council]
Sustainable Transportation
No objection

Other Representations

- 4.3 Local Residents/ Businesses
No replies received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The policies govern design and highway safety, the latter issue applying in this instance only to the alterations to the drive-through lane. The elements of development applied for will be examined in turn.

5.2 Alterations to drive-through lane

The change which requires planning permission is the widening of the carriageway, with its edge defined by kerbing, where it transcribes a semi circle to the north of the unit. This would extend the bend by 1 metre on the inside. It is considered that the visual implications of this development are minimal and not harmful. Sustainable Transportation have recorded no objection to the proposal and it is considered to be acceptable in terms of highway safety as it makes manoeuvring easier which protects the pedestrian flow across the lane, to and from the shopping centre. Existing pedestrian warning signage will be retained. The proposal is considered to accord with policies D1 and T12 of the adopted Local Plan.

5.3 Relocation of Order Booth

This booth is currently in the northern elevation of the building, facing Station Road at a distance. The proposal is to move the window from near the front of the building to a more central position, re-using the existing window. In terms of re-use of existing materials this measure is sustainable and accords with policy D1 in this respect. In visual terms, it is considered that the proposal would make a minor and insignificant change to the appearance of the building, again according with policy D1.

5.4 Aluminium Cladding

It is proposed that the cladding should go underneath the windows of the pay and collect windows. This is considered to enable these elements of the building stand out from the rest of the northern elevation and allows the function of the building to be better read and understood. This legibility is considered to be good design that accords with policy D1.

5.5 Installation of customer order display and canopy

In advance of the pay booth, at the end of the semi-circular bend, it is proposed to erect a customer order point, which takes the form of a post up to 3 metres in height including a fibreglass canopy with a maximum span of 3.5 metres. While this is an unusual feature for the car park surroundings, it is considered that it would be understood to be part of the takeaway and its functionality has

determined the design. It is considered that this part of the proposal also accords with policy D1.

5.6 Erection of lighting columns and associated works

Lighting columns are proposed to illuminate the drive through area. These would be on 1.8 metre columns and it is considered that lighting this area would aid pedestrian safety after dark. The design of the lights is somewhat ornate, but not to such an extent that they would be inappropriate in this car park location. As there would be no harm to visual amenity, it is considered that this element of the proposal would accord with policy D1 of the adopted Local Plan.

5.7 Other Issues

The Town Council has objected on the basis of the signage. Signs are shown on these plans as part of an overall scheme, but the signs have to be applied for under advertisement consent, which has happened. Approving this planning application would not give advertisement consent, even though the signs have been indicated as they can only be displayed with consent through the advertisement regulations.

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 update this prominent building with relatively minor visual effect and no harm to visual amenity or road safety occurring. The proposal accords with policies D1 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

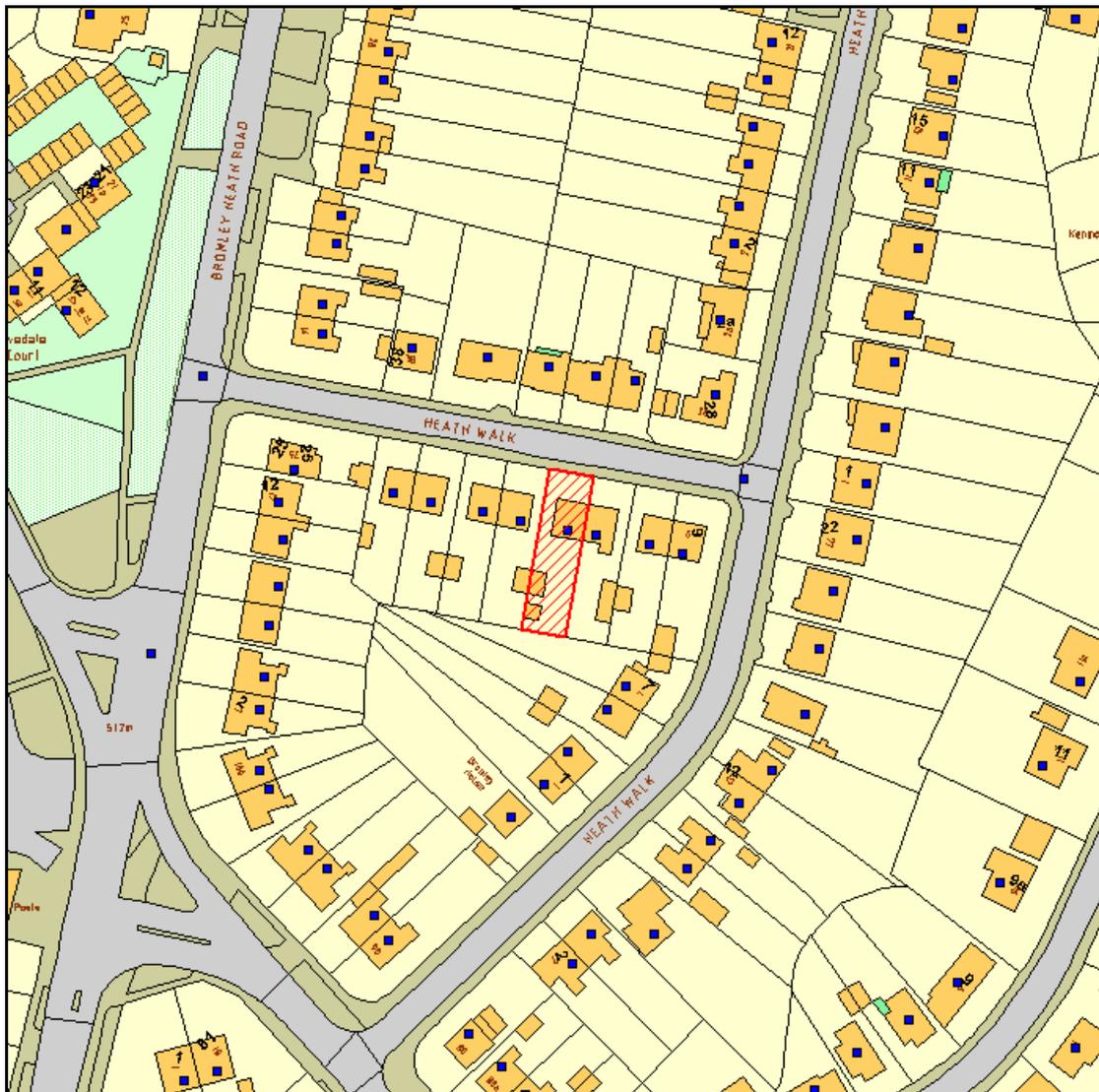
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 08/11 – 25 FEBRUARY 2011

App No.:	PK11/0162/F	Applicant:	Mr L English
Site:	15 Heath Walk Downend Bristol South Gloucestershire BS16 6EZ	Date Reg:	26th January 2011
Proposal:	Erection of single storey rear extension to provide additional living accommodation and construction of raised decking area.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	364798 177300	Ward:	Downend
Application Category:	Householder	Target Date:	22nd March 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

A neighbour objection has been received which is not in line with the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single storey rear extension to form a sun room and downstairs toilet, together with a covered raised deck area, which would be accessed from the proposed extension. The proposed extension would project 4 metres beyond the common back building line of the two semis, with the covered decking coming a further 1.2 metres into the garden, just above existing ground level. The decked area would be finished with a balustrade with two shallow steps down into the garden at the side of the extension. The boundary treatment dividing the two properties at present is a trellis topped 1.8 metre tall fence.
- 1.2 This section of Heath Walk is a street of semi detached properties, constructed of render and tile. The materials indicated for the proposed extension are shown as matching those of the host dwelling.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 House Extensions
- South Gloucestershire Core Strategy Publication Draft (December 2010)
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
Design Checklist (2007)

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
No objection
- 4.2 Other Consultees [including internal consultees of the Council]
None

Other Representations

4.3 Local Residents

One letter of objection was received, citing the following concerns:

- The proposed depth of the extension at 4 metres is excessive and does not comply with Bristol City Council's design guidance
- The proposed extension would be more than twice the height of the current fence between the properties
- The extension would overshadow the most private part of the adjoining garden, resulting in substantial loss of sunlight to the garden and the living room
- Standing on the decking would give people an uninterrupted view of the adjacent rear garden causing loss of privacy
- Increased noise and disturbance
- The design of the proposed extension differs from that of the house and is therefore visually out of keeping
- The roof slope should be decreased to 12.5 degrees, or cut back or tapered in line with Bristol City Council design guidance
- This proposal would set a precedent for unacceptable and un-neighbourly extensions in the locality, with particular regard to its elevated form
- The proposal is therefore contrary to policies D1A, D1G, H4A and H4B of the adopted Local Plan

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The two policies in the Development Plan that apply are D1 and H4, giving rise to two issues to be examined, the impact of the proposal on visual amenity and residential amenity.

5.2 Design/ Visual Amenity

The materials proposed to be used in the construction of the extension would match those of the host dwelling and this is considered to be appropriate. The design has been kept simple, with a shallow apex roof. The extension would present a blank side elevation to the adjoining property, with its only window facing into the garden of the site. French doors at the end of the extension would lead onto the 1.2 metres of decking with the overhanging roof. The design is considered to be acceptable and accords with policy D1 and the relevant criterion of policy H4 of the adopted Local Plan.

5.3 Residential Amenity

The proposal is for a sun lounge which would extend 4 metres into the rear garden, with the roof projecting further to overhang an open 1.2 metres. The extension itself is taken to be 4.2 metres deep, as the only element which would project further is a shallow apex roof. The 4 metre degree of projection is considered to be acceptable in that it would not diminish existing levels of residential amenity. The roof would continue further and be propped at its end, but this element is considered to be akin to an open porch with minimal

additional impact. The consultation process has raised concerns over the decking which could provide views into the adjoining property. This decking amounts to no more than a step, 1.2 metres wide and 450mm above the flat ground level. The boundary treatment between the two properties is 1.8 metres above ground level and could be increased to 2 metres without the need for planning permission. The neighbour could plant trees or bushes to a greater height than this without requiring planning permission. It is considered that a 1.2 metre step, while it could potentially provide views into the neighbour's garden, is unlikely to be used for such a purpose and if it were to be used in such a manner these views could be closed off using the above measures. It is noted that the roof slope on the proposed extension, above the proposed eaves height of 3.0 metres above ground level, has been kept virtually as low as practicable and slopes away from the boundary. The height to eaves and apex have been determined by the fact that the host dwelling is built on a plinth, which determines the level of the door to access the extension, therefore without having a step down into the extension, it is considered that it could not have been designed any lower. This in turn determines the necessity of three steps down into the garden. With regard to the concern that the extension would lead to increased noise and disturbance, it is considered that the room would contain noise unless the door at the end of it were to be left open. Even then, the (indoor) use of this part of the garden would not necessarily be louder or more disturbing than the use of the garden if the extension was not there. It is considered that the proposed extension would not cause overshadowing, overlooking or loss of sunlight to such a degree that existing levels of residential amenity in the adjoining dwelling would be compromised. The proposal is therefore considered to accord with policy H4 of the adopted Local Plan.

5.4 Other Issues

The objector has cited design guidance produced by Bristol City Council. This application is being determined by South Gloucestershire Council and supplementary planning documents from neighbouring authorities is not relevant to the decision making process of this Local Planning Authority.

6. **CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed extension would provide extended family accommodation for the occupiers without harming existing levels of visual or residential amenity and accords with policies D1 and H4 of the adopted South Gloucestershire 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

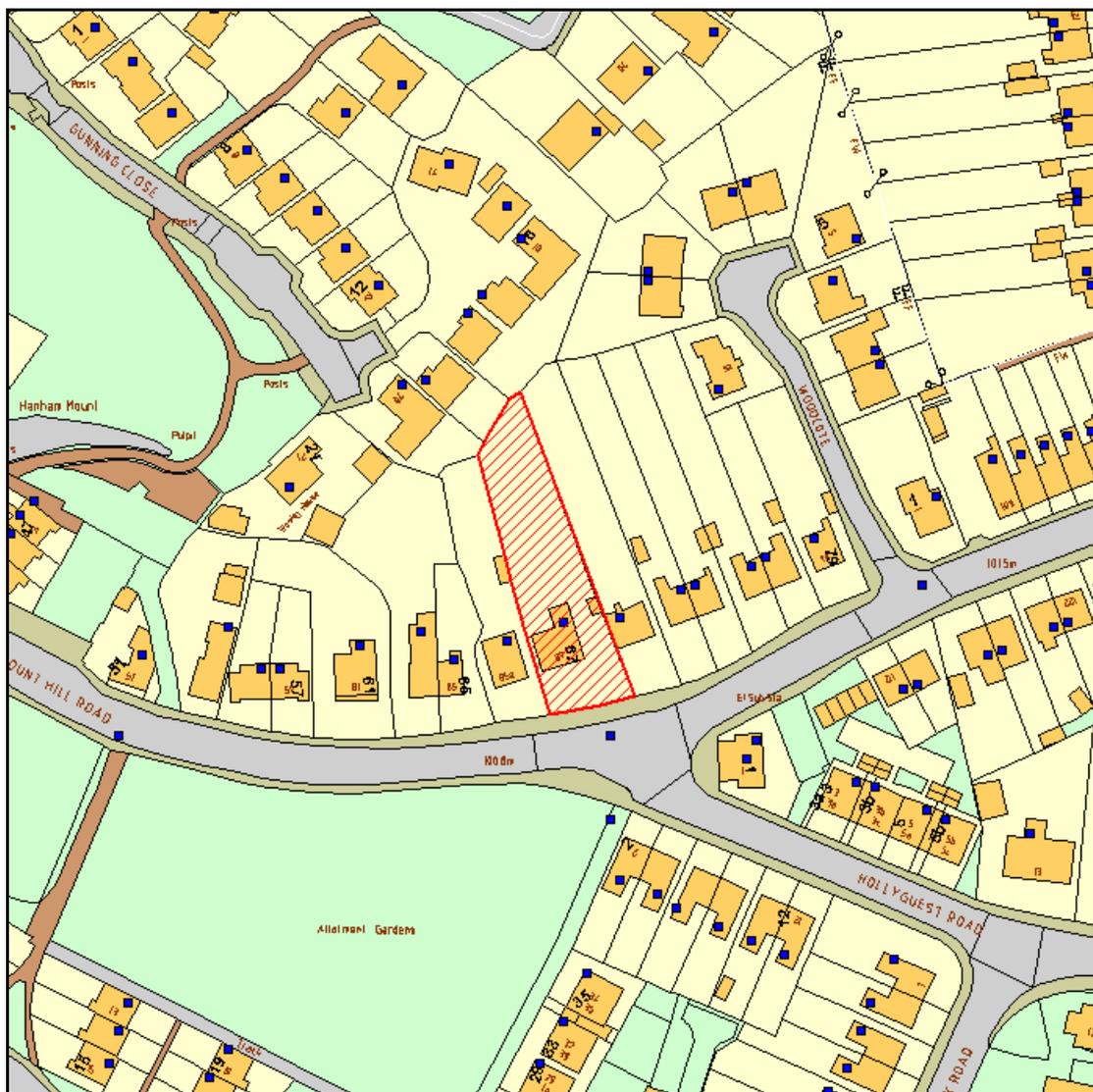
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 08/11 – 25 FEBRUARY 2011

App No.: PK11/0183/F	Applicant: Mr A Moores
Site: 67 Mount Hill Road Hanham South Gloucestershire BS15 8QR	Date Reg: 26th January 2011
Proposal: Erection of detached single garage	Parish: Hanham Parish Council
Map Ref: 364841 172622	Ward: Hanham
Application Category: Householder	Target Date: 22nd March 2011



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 100023410, 2008. **N.T.S.** **PK11/0183/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a detached single garage. The proposal would measure 6.7 metres in length, by 4 metres wide and achieve an overall height to ridge of 4 metres. To facilitate this development a small existing detached garage on the same site would need to be demolished.
- 1.2 The application site is located within the residential area of Hanham and relates to a single storey dwellinghouse.

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 PK03/0893/F Erection of rear conservatory
Approved 9th May 2003

4. CONSULTATION RESPONSES

- 4.1 Hanham Parish Council

No objection

Other Representations

- 4.2 Local Residents

An objection has been received by a local resident and the comments are summarised below as:

- concerns expressed regarding the position and size of the garage with reference to view from neighbour's kitchen window
- the window is an opening window and not single pane
- proportion of blank wall visible from kitchen window will increase by 37% and the height of the roof will increase by 2/3rds therefore reducing the light into the property
- would like the garage to be built slightly further away from the boundary

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policies D1 and H4 of the South Gloucestershire Local Plan allows for development providing it is in keeping with the character of the area and satisfies several criteria relating to design, scale, highway and impact upon visual and residential amenities being met. Policies T8 and T12 state the minimum parking standards required.

5.2 Design and Visual Amenity

The application site relates to a single storey dwellinghouse with detached garage to the west. The spar render property is double bay fronted, has a hipped roof with red tiles, white uPVC windows and white uPVC clad gables.

The materials used on the proposed detached single garage would match those of the host dwelling. A single white steel sectional door would replace the existing timber hinged garage doors and the area above the gable would be clad in white uPVC to match the main dwellinghouse. Although the garage can be regarded as being quite large, its design is in-keeping with the property and the surrounding area. As such the proposal meets the standards set out in Policies D1 and H4 of the South Gloucestershire Local Plan (adopted) 2006.

5.3 Residential Amenity

The property is set well back from the busy main road of Mount Hill, having a substantial front and large rear garden. Neighbours to the west at No. 69 Mount Hill Road are separated at the front from the application site by a low brick wall and by the wall of a their single storey extension/attached garage.

The proposed pitched roof garage will replace an existing smaller flat roofed garage. The existing garage has a height of approximately 2 metres while the height to eaves of the proposed garage would be 2.25 metres and the roof would exceed this by a further 1.75 metres. It is recognised that the proposed garage is larger than the existing garage. However, under permitted development rights a 2 metre high wall/fence could be erected on the boundary between the application site and No. 69 Mount Hill Road and if this were the case only a small amount of the wall of the garage would be visible above the fence. Whilst the roof of the proposed garage would reach an overall height of 4 metres it would slope to the west, away from the neighbouring site of No. 69 Mount Hill Road. In this way its effect and impact on No. 69 Mount Hill Road would be reduced. Furthermore, it can be seen that No. 69 Mount Hill Road has

a second window to its kitchen, adjacent to and overlooking the driveway of No. 67 Mount Hill Road. This window would not be affected by the new development.

Given the above it is considered that there would be no issues of inter-visibility, loss of privacy or overbearing. 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.

Following the development sufficient garden space will remain to serve the property.

5.4 Transport

The existing single garage is small measuring 4.6 metres long by 2.6 metres wide. It has a flat roof and double opening garage doors. To facilitate the development this existing garage would be demolished and replaced with a larger single storey detached garage. Currently the property benefits from sufficient off-street parking to comfortably accommodate four cars. The new proposal would not change this provision and would in fact allow a vehicle to be parked within the new structure which at present could be regarded as being too small to house a vehicle. As such the proposal accords with Policies T8 and T12 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.

The proposed detached garage 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.

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

7. RECOMMENDATION

- 7.1 That the application be **APPROVED** subject to the conditions below.

Contact Officer: Anne Joseph
Tel. No. 01454 865207

CONDITIONS

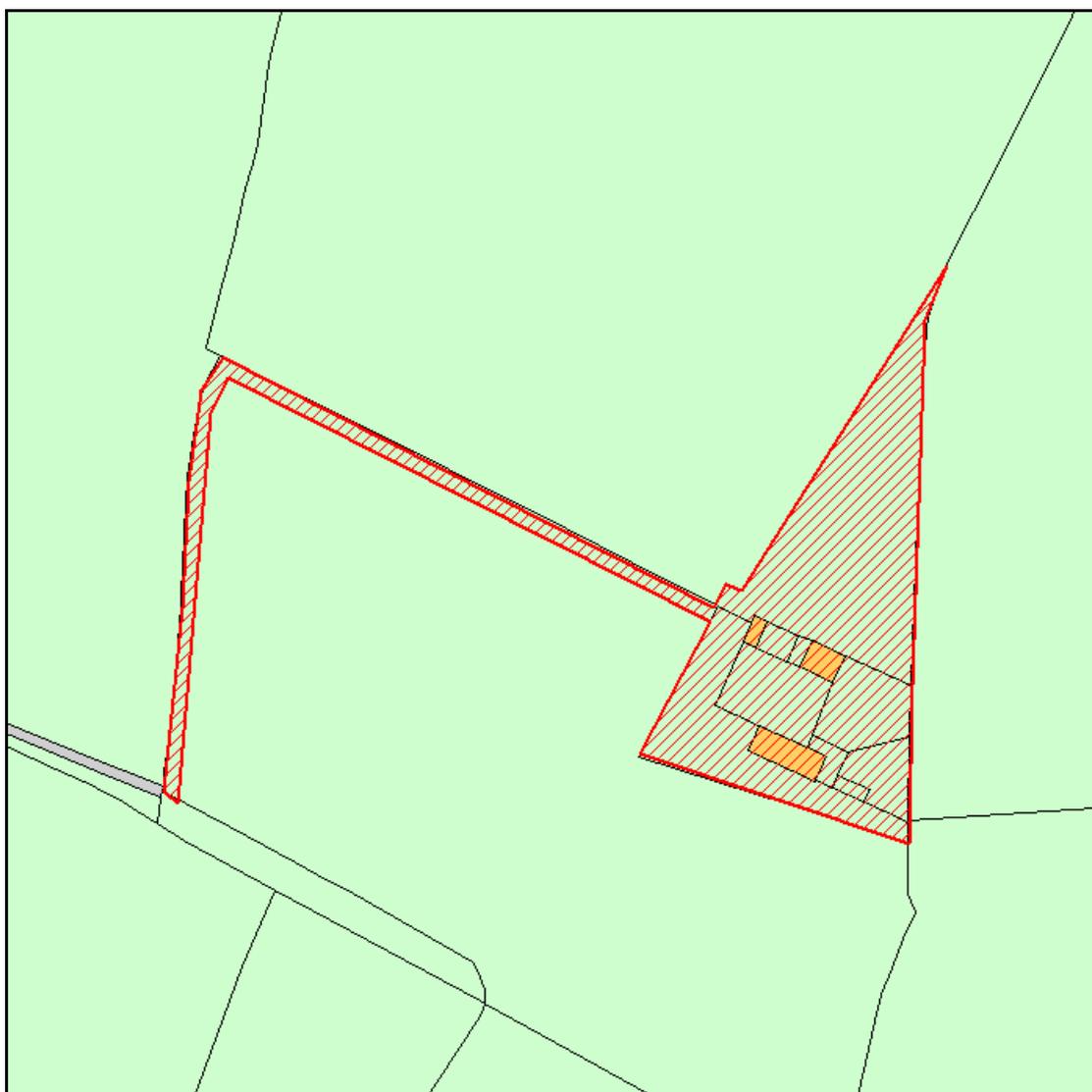
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 08/11 – 25 FEBRUARY 2011

App No.:	PT10/0101/F	Applicant:	Mr J Pearce
Site:	The Barn At Lower Farm Itchington Road Tytherington Bristol South Gloucestershire	Date Reg:	5th February 2010
Proposal:	Conversion of barn to form 1no. agricultural workers dwelling with new access and associated works.	Parish:	Tytherington Parish Council
Map Ref:	365986 186769	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	31st March 2010



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application appears on the Circulated Schedule as a representation was made contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the conversion of a barn to form 1 no. agricultural workers dwelling with new access and associated works.
- 1.2 The application site relates to Lower Farm, a dairy farm consisting of 280 acres including a farmhouse and a range of modern dairy and traditional buildings. Lower Farm is situated just on the outskirts on the village of Itchington (about 1km to the south-west of Tytherington). The application site is situated outside of any defined settlement boundary, it is designated as Green Belt and is located within the Environment Agency's Flood Zone 3b. It is proposed to use the existing structure of a barn as the base for the construction of a new dwelling whilst rebuilding animal stores for storage and garaging. The applicant is putting forward the case that an agricultural workers dwelling is required as the system on the farm is untenable unless there can be another dwelling situated on the farm to house an experienced livestock person.

2. POLICY CONTEXT

2.1 National Guidance

PPS1:	Delivering Sustainable Development
PPG2:	Green Belt
PPS3:	Housing
PPS4:	Planning for Sustainable Economic Development
PPS7:	Sustainable Development in Rural Areas
PPG13:	Transport
PPS23:	Planning and Pollution Control
PPS25:	Development and Flood Risk

2.2 South Gloucestershire Local Plan (Adopted) January 2006

D1:	Achieving Good Quality Design in New Development
EP1:	Environmental Pollution
EP2:	Flood Risk and Development
EP6:	Contaminated Land
GB1:	Development within the Green Belt
H3:	Residential Development in the Countryside
H8:	Agricultural Workers Dwelling in the Countryside (expired policy)
L1:	Landscape Protection and Enhancement
L9:	Species Protection
T12:	Transportation Development Control Policy in New Development

Emerging Development Plan

Core Strategy Proposed Changes Version (December 2010)

CS1	High Quality Design
CS5	Location of Development
CS9	Environmental Resources and Built Heritage

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007
South Gloucestershire Development within the Green Belt SPD (Adopted) 2007

3. **RELEVANT PLANNING HISTORY**

No relevant history.

4. **CONSULTATION RESPONSES**

4.1 Tytherington Parish Council

No objection raised.

4.2 Other Consultees

Environment Agency

The Environment Agency objects to the proposed development, as submitted, as insufficient information as been submitted to demonstrate that the development is safe from flood risks. The site lies within flood zone 3b 'functional floodplain' and therefore, 'more vulnerable' residential development is inappropriate in principle here.

Transportation

No objection.

Agricultural Consultant

Object on the grounds that the proposed footprint of the residential accommodation is excessive of what would be considered commensurate for an agricultural worker and family, and that no case has made in respect of discounting other dwelling options as alternative to the proposed development ie the potential availability of further family owned accommodation on the Tytherington road or the option of a new build closer to the farm buildings.

Ecology

No objection subject to conditions.

Environmental Protection

Concerns over land contamination of site.

Landscape Architect

No objection subject to condition.

Drainage

No objection subject to condition.

Public Rights of Way

The footpath will affect public right of way OTY 51, but no objection is raised subject to an informative.

Other Representations

4.3 Local Residents

One letter received agreeing with the comments of the Council's Public Rights of Way (PROW) officer. One letter of objection received raising concern over the PROW being impeded. One letter of support received on the grounds that the conversion is necessary in order to look after the large amount of cows on site.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning Policy Statement 7: Sustainable Development in Rural Areas and Policy H3 of the adopted local plan identifies that in principle, a agricultural/forestry workers dwelling is one of the few circumstances in which a new dwelling may be justified in the open countryside. Policy H8 of the adopted local plan also supports agricultural/forestry workers dwelling within the countryside, however this policy was not saved by the Secretary of State, and therefore carries no weight in the determination of this application. In order for such a development to be permitted the Local Planning Authority (LPA) must scrutinise the application thoroughly to establish that the need for such a dwelling is genuine.

5.2 The proposal shall be assessed against the criteria for a permanent agricultural worker dwellings identified under paragraph 3 of Annex A of PPS7. The LPA have commissioned a consultant to provide an agricultural planning appraisal which has assessed the development with regard to the following criteria: -

5.3 ***i) There is a clearly established existing functional need;***

With the present number of cows and plans for future expansion, there is undoubtedly a need for there to be two people readily available on site to deal with welfare issues, in particular, calving. At present there would be in excess of 400 cows calving and other heifers coming on which would increase this number in the future and this could occur throughout the 365 day period. There

is therefore a functional need for another dwelling to house an experienced stockman.

This information demonstrates that this criterion has been satisfied.

5.4 ***ii) The need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;***

The Agricultural Consultant is in no doubt that the need would relate to a full-time stock person for the reasons outlined in section 5.3.

This information demonstrates that this criterion has been satisfied.

5.5 ***iii) The unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;***

The business has been established for many years. It is heading towards increased profitability, as even with the immense capital improvements that have been carried out already the debt level has remained steady which is an indication of the profitability. The Agricultural Consultant concludes that this is a sustainable business and is likely to remain so for the foreseeable future.

This information demonstrates that this criterion has been satisfied.

5.6 ***iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and***

A report carried out by David James & Partners deals with this in some detail. It claims that there are no dwellings in close proximity to the holding that are available for occupation that would meet the requirement for the Farm Manager to be within sight and sound of the buildings and livestock at all times.

Also they have stated that searches found that there are no properties within a suitable travelling distance from Lower Farm at an affordable price to buy or rent.

However the Agricultural Consultant found that there are two detached farm workers' cottages owned by Mr C Pearce (one of the partners in the business) and for some reason this was not originally disclosed.

In accordance with PPS7 there is a requirement to make a case as to the position of these dwellings and whether or not they should be considered material to the application, i.e. if they were not considered to be a material consideration, a case should have been made as to why not.

The last sentence in Para 1 of Annex A to PPS7 sums up the general approach that needs to be taken here. "Whether this is essential in any particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved."

The two dwellings which are situated beside the lane towards Tytherington are in fact even closer to Lower Farm than the proposed development as they are only about ½ km away. The difference is that they are along a metalled highway as opposed to a private track.

It is understood that they are let on Assured Shorthold Tenancies, i.e. almost certainly potentially available to the farming business if so required. The two cottages are owned by partners in the business and it is considered could potentially be made available to the business at relatively short notice.

The applicant's agent has made a number of points regarding the suitability and availability of the two cottages, which are as follows:

- The cottages are not owned by the farming partnership, they are separately owned by two of the partners who rely to a material degree on the rental income from these cottages to support them financially.
- The cottages are not farm workers properties. They are not part of the application holding and do not adjoin it.
- The cottages are by road over 900m away from the farm buildings along a narrow highway with no footpaths and several sharp bends. Therefore if occupied by a farm worker at Lower Farm, travel to the farm would have to be by car which would be unsustainable. Such occupation would also infringe the farmer's human rights because he would be unable to enjoy normal out of hours recreation by having an evening glass of wine due to the possibility of being required to drive along a public highway to attend to an animal welfare emergency later at night.
- The two cottages have been occupied for a long time by tenants with strong local connections who would have to be re-housed locally, and there is already a defined and acknowledged shortage of low cost affordable housing to rent in the locality.
- The cottages are detached. They could be joined together to make a single dwelling of a size commensurate to the farming need but this would require extensive alterations and an extension which of itself would require planning permission, further such work would result in the loss of two small rural housing units for rent.

It is considered that none of these points sufficiently counter the Agricultural Consultant's argument that the cottages could be made available for occupation as a farm workers dwelling. The current tenants could potentially be moved on and the cottages are within the ownership of partners of the farming business and relations of the applicant of this planning application.

The cottages are certainly not within sight or sound of the buildings at Lower Farm – but nor is the proposed development. It therefore brings into question the logic behind putting a farm worker 1.5km away from the farm buildings when a new-build, close to the farm buildings would be considered to be more

appropriate and in keeping with the functional need requirement for the welfare of the stock. The proposal does not seem to be a sustainable option.

This information demonstrates that this criterion has not been satisfied.

5.7 ***v) Other normal planning requirements are satisfied.***

This criterion is addressed through the remainder of this report.

5.8 In view of the above, it is considered that the proposed development does not accord with the national and local planning policy context laid out in PPS7.

5.9 Ecology

In the event of planning permission being granted, the ecology officer has recommended that conditions are attached to the decision notice in respect of bats, owls, sparrows and slowworms.

5.10 Design

Size, Scale and Massing

There is an existing barn on the site that it is thought dates from the nineteenth century. The barn is in fairly poor condition and in need of repair but the Council's building inspector has confirmed that it could be capable of conversion. The other two shelters are in very poor condition and would require significant repair works. Although the proposed dwelling broadly incorporates the use of the existing redundant buildings, a lot of rebuilding and new construction will be required to develop the new dwelling.

Indeed, the existing height of the barn is some 6 m and this will be increased to 7.2 m as a result of the development. The main bulk of the proposed dwelling is to be the tower which would be approximately 9 m in height. This tower is considered to be a bulky addition that would be of an inappropriate size and out of scale with the existing barn building which would form the main living accommodation of the new dwelling.

There is also concern regarding the overall size of the proposed agricultural workers dwelling. Clause 9 to Annex A of PPS7 requires that any new dwelling be of a size commensurate with the functional requirement. The clause goes on to say that it is the requirement of the enterprise rather than those of the owner/occupier that are relevant in determining the size of the dwelling.

It is considered that typically an agricultural worker's dwelling of approximately 150 sq m would be more than adequate to cope with what would be considered to be a typical family, i.e a couple with two children. In other words a modest 3 bedroom house. Having measured the floor plans to include the three bedrooms, two bathrooms, study, reception, dining room, kitchen, utility, laundry, larder, shower, WC, the footprint for residential use is approximately 300 sq m. This is approximately twice what might be considered commensurate

for a farm worker and family. In addition, there is generous space allowed for storage and garages which adds to the overall size of the dwelling.

Given its overall size it is considered the proposed new dwelling is not appropriate to the scale and function that would be expected for a typical agricultural workers dwelling. The proposal is therefore unacceptable and should be refused accordingly.

Detailing, Appearance and Visual Amenity

It is considered that along with its excessive size and scale the proposed dwelling would be incongruous within its rural setting and not be of a suitable design that one would associate with a farm workers dwelling. It is considered that an agricultural worker's dwelling should be much more simplistic and traditional in its appearance and the main issue with this proposal is the large tower that would dominate the visual appearance of the dwelling. It is not considered this would be a feature usually seen on a farm worker's dwelling. It is stated in the 'design statement' that 'small towers are a part of the domestic vernacular in the locality, particularly at Iron Acton, Easter Compton and Elberton'. Given the isolated location of the proposed dwelling it is considered a stretch to take reference from buildings situated, in most cases, many miles away. The examples of buildings given are also not farm worker's dwellings. The materials of natural stone, timber doors and windows, and clay tiles are considered acceptable.

5.11 Landscaping

The site is located in an isolated position in a well vegetated landscape. It is therefore not generally open to view and there are probably very few visual receptors. The site is partially covered with scrub vegetation that appears to have grown out from an adjoining hedgerow. A new hedgerow is proposed around three sides of the site that will compensate for the loss of scrub. However the proposed mix is not considered entirely suitable for the location. It comprises Quickthorn, Blackthorn, Holly and Beech. This is not a mix found in the locality and it is suggested the Beech be omitted and Hazel and Dog Rose substituted. The planting distances are acceptable but no percentage mix is specified. It is considered the submitted planting details for the hedgerow are not entirely appropriate and for this reason it is suggested, in event of consent being granted, a landscape condition be attached. This should require full planting details including plant species, plant mix, plant protection and a planting and maintenance specification. The maintenance specification should cover a period of five years following planting and include for the replacement of dead and diseased plants.

5.12 Green Belt

In Green Belt locations there is a general presumption in national and local planning policy against inappropriate development. The construction of new buildings inside a Green Belt is inappropriate unless it is for the following categories as defined in PPG2 and Policy GB1: -

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

5.13 With regard to the above it is considered that the proposed agricultural workers dwelling would fall within the 'agriculture and forestry' category and, therefore represents an appropriate development within the Green Belt.

5.14 Flood Risk Assessment

Although the proposal is part conversion, operational development is taking place and there are significant elements to the proposal that constitute new build. The application site lies within flood zone 3b 'functional flood plain' under South Gloucestershire Council's Level 1 Strategic Flood Risk Assessment (SFRA). Therefore, 'more vulnerable' residential development is inappropriate in principal here. This is acknowledged in section 1b of the Flood Risk Assessment (FRA) pro-forma and paragraph 2.3.2 of the main FRA submitted with the application. However, it is also stated that the dwelling will provide farm workers accommodation essential for a site specific agricultural enterprise, therefore it is suggested that the sequential test is not appropriate to be carried out. Due to the possibility that there is existing suitable and available alternative dwellings for the farm worker to live in, however, which are existing properties and would negate the need for a residential property to be build in a high risk flood zone.

It is understood that HEC-RAS modelling has been carried out which shows that the site is outside of flood zone 3. This data was sent from the applicant direct to the Environment Agency. However, despite this information being forwarded on to the Environment Agency confirmation has not been received from them that the site for the new dwelling lies outside of flood zone 3. Nothing was sent to the officer responsible for South Gloucestershire Council's SFRA to validate the accuracy of the amended flood zone 3b outline which would also be required. The Council's Drainage Engineer raises no objection subject to a SUDS condition.

5.15 Transportation

The principle of this development is considered acceptable with any incidental traffic generation offset against an overall reduction in the need to commute. A private track links the unit with the main farm and the existing site access into Lower Farm will be used. The existing site access could accommodate the slight increase in vehicle movements that may occur.

5.16 Land Contamination

The Council's environmental protection officer asked the applicant for a desktop land contamination survey prior to determination of the application. An initial ground investigation was commissioned and the site surveyed and a

historical desk study done. This identified an area formerly used for sheep dipping so therefore some sampling was requested. Some limited sampling was carried out but the site was not tested for pesticides. Some chemicals historically used for dipping sheep can be quite toxic and persistent and this still needs investigating. This extra information was requested but the applicant was not forthcoming. Due to the potential costs of dealing with this type of contamination and the likely consequences of this nature of contamination not being addressed appropriately it is not considered appropriate to attach a condition. The application should therefore be refused accordingly.

5.17 Design and Access Statement

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

5.18 Use of Energy and Sustainability

No details specified.

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

7. RECOMMENDATION

7.1 That planning permission is **REFUSED** for the following reasons.

Contact Officer: William Collins

Tel. No. 01454 863425

REASONS FOR REFUSAL

1. The proposal does not demonstrate that the functional need could not be fulfilled by another existing dwelling on the site, or any other existing accommodation in the area which is suitable and potentially available for occupation in the future. The proposed dwelling is also not considered to be of a size commensurate with the established functional requirement. The proposal therefore fails to satisfy the criteria set out in PPS7.

2. The proposed dwelling, by reason of its size, scale, design and external appearance, would be an incongruous addition within its rural setting and not be of a suitable design that one would associate with a farm workers dwelling. The proposal is therefore considered contrary to Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) 2006.
3. Insufficient information has been provided by the applicant in pursuance of determining the land contamination risk of the proposed development site. The proposal is therefore considered contrary to Policy EP6 of the South Gloucestershire Local Plan (Adopted) 2006 and the provisions of PPS23.
4. Due to the potential of there being existing suitable and available alternative dwellings to satisfy the functional need of a farm worker for Lower Farm, the proposal represents inappropriate residential development within flood zone 3b. The proposal is therefore considered contrary to Policy EP2 of the South Gloucestershire Local Plan (Adopted) 2006 and the provisions of PPS25.

CIRCULATED SCHEDULE NO. 08/11 – 25 FEBRUARY 2011

App No.:	PT10/3454/R3F	Applicant:	Mr R Wiggins
Site:	Thornbury Childrens Centre Gillingstool Thornbury South Gloucestershire	Date Reg:	11th January 2011
Proposal:	Erection of 2.4 metre high front and rear boundary fencing	Parish:	Thornbury Town Council
Map Ref:	363948 189969	Ward:	Thornbury North
Application Category:	Minor	Target Date:	7th March 2011



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REASON FOR REFERRAL

This application has been referred to the Councils Circulated Schedule because it relates to Council premises.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of 2.4m high fencing to the front and rear boundaries of the application site.
- 1.2 The application relates to the Thornbury Children's Centre (locally listed) immediately adjacent to Gillingstool School on the south side of Gillingstool, Thornbury. The application site lies to the east of Thornbury town centre outside of the Thornbury Conservation Area.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1: Delivering Sustainable Development
PPS5: Planning for the Historic Environment

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development

L1: Landscape Protection and Enhancement

L15: Buildings and Structures, which make a Significant Contribution

LC4: Proposals for Educational and Community Facilities

T12: Transportation Development Control Policy for New Development

Emerging Policy South Gloucestershire Core Strategy Proposed Changes
Version (December 2010)

CS1: High Quality Design

CS9: Managing the Environment and Heritage

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

3. RELEVANT PLANNING HISTORY

- 3.1 P87/1784: Erection of a new four classroom teaching block to replace existing temporary huts. Permitted: 17 June 1987
- 3.2 PT05/3587/R3F: Erection of single-storey extension to provide WC and storage to existing hall. Deemed Consent: 27 January 2006
- 3.3 PT09/0653/R3F: (Gillingstool Primary School) Erection of 2.4m high boundary fence and gates. Withdrawn: 24 June 2009

- 3.4 PT09/6094/R3F: (Gillingstool Primary School) Erection of 2.4m high boundary fence and gates (resubmission of PT09/0653/R3F). Deemed Consent: 7 April 2010

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
No objection
- 4.2 Other Consultees
Highways DC: no objection
Conservation Officer: no objection

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Planning policies D1 and CS1 of the South Gloucestershire Local Plan and the emerging Core Strategy respectively both seek to achieve a high standard of design with proposals to respect and enhance the character, distinctiveness and amenity of both the site and the locality.
- 5.2 Policy L15 relates to locally listed buildings and advises that development proposals will be expected to retain buildings and structures that make a significant contribution to the character and distinctiveness of the locality.
- 5.3 Design/ Visual Amenity
The application relates to the Thornbury Children's Centre on the south side of Gillingstool that stands alongside the new Gillingstool School. The application seeks planning approval for the erection of two short lengths of 2.4m high boundary fencing to the front and rear of the host building.
- 5.4 Fencing to the front would replace an existing dilapidated timber close-boarded fence that runs from the Gillingstool School boundary to the corner of the host building along the road frontage; this stands at a raised height above a stone retaining wall. The Design and Access Statement advises that this would aid the security of the building and provide a more homogenous appearance with the proposal to match the new fencing around Gillingstool School; this comprises 2.4m high wire green security fencing.
- 5.5 In response, there is no objection to this element of the proposal given the lightweight appearance of the fence, the dilapidated appearance of the existing fence and with the two fences to match. As such, it is also not considered that the proposal would detract from the appearance and setting of the host locally listed building with no objection having been raised by the Councils Conservation Officer.

- 5.6 The second section of fencing would stand behind the host building and form part of a new fence line that has been erected to divide the former playground from the building. Currently, this fence line forms 2m high black security fencing (permitted development) which runs at right angles to the boundary fence enclosing the new school. The Design and Access Statement advises of the need to replace the end panel of fencing that abuts the Gillingstool School boundary with it possible at present to climb the 2m fencing and then the 2.4m high fencing enclosing the school.
- 5.7 In response, the subdivision of this site is unfortunate although given the boundary screening beyond (adjacent to the new residential development at Leaze Close), this fence line is not readily visible from public view. As such, and with no objection raised by the Councils Conservation Officer, it is considered that there can be no sustainable objection to this element of the proposal.
- 5.8 Residential Amenity
Given the nature of the proposal, and in view of the level of separation between the site of the proposed fencing and the nearby dwellings, it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.9 Highway Safety
The Councils Highways Officer has raised no objection to this proposal.

6. **CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.
- 6.3 The recommendation to grant permission is for the following reasons:
1. The design and positioning of the fence is considered to be acceptable and in accordance with the requirements of Planning Policy D1 (Achieving Good Quality Design in New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.
 2. The proposal is considered to be acceptable having regard to its impact on the host locally listed building. The proposal is therefore considered to be compliant with Planning Policy L15 (Buildings and Structures which make a Significant Contribution to the Character and Distinctiveness of the Locality) of the South Gloucestershire Local Plan (Adopted) January 2006.
 3. The proposal would not cause any significant adverse impact in residential amenity and thus would accord with Planning Policy LC4 (Proposals for

Educational and Community Facilities) of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The proposal is considered to be acceptable in highway safety terms and thus would accord with Planning Policy T12 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).

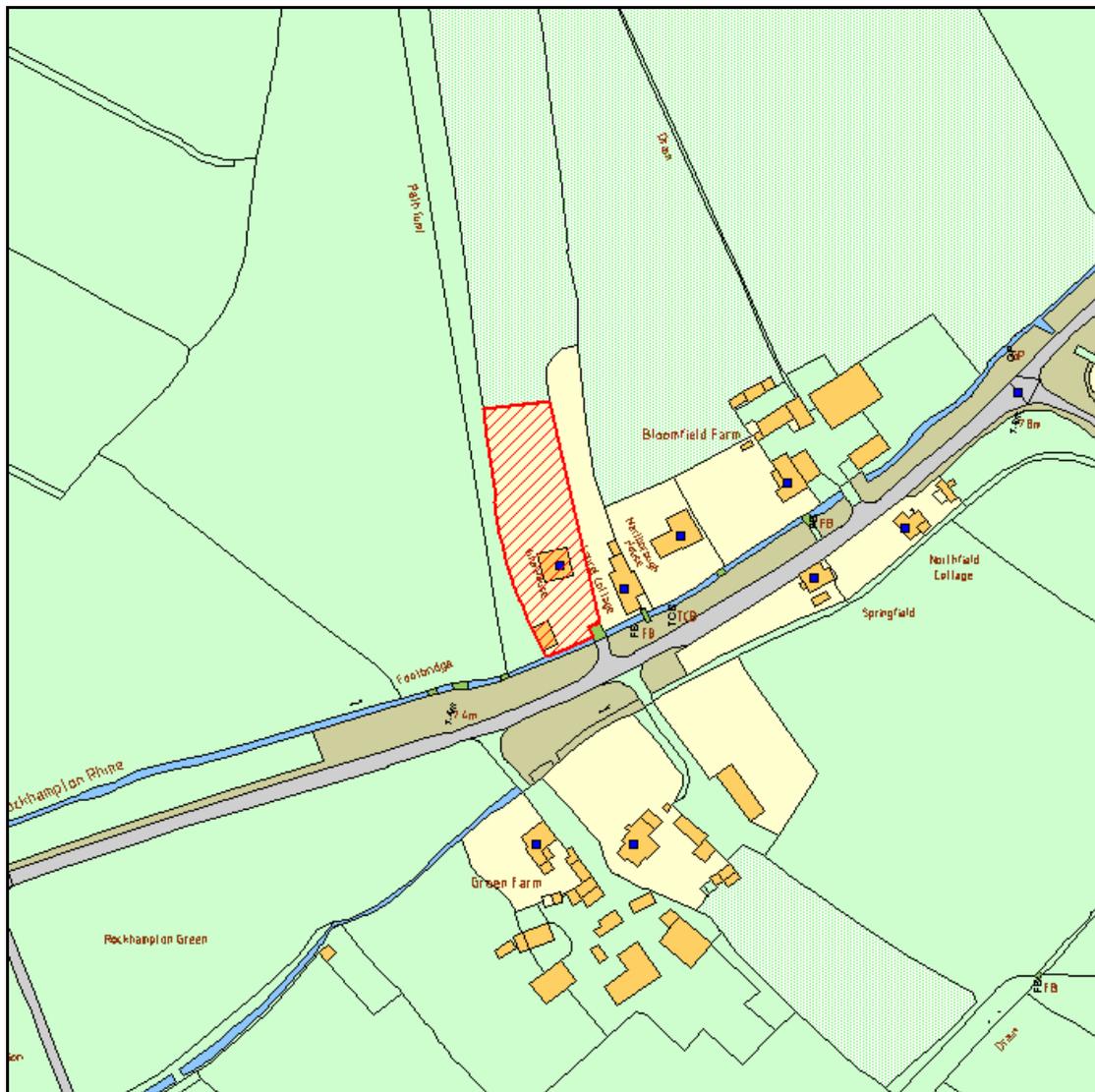
2. The fencing hereby approved shall match that in colour, design and height of the existing green security fencing enclosing the Gillingstool Primary School.

Reason

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

CIRCULATED SCHEDULE NO. 08/11 – 25 FEBRUARY 2011

App No.:	PT10/3457/F	Applicant:	Mr M Woodall
Site:	Vine House Lower Stone Road Rockhampton Berkeley South Gloucestershire	Date Reg:	11th January 2011
Proposal:	Alterations to raise roofline to increase headroom at first floor level. Erection of 1800mm balustrade to first floor to form verandah, with installation of external spiral staircase. Erection of replacement front porch. Resubmission of PT10/1530/F	Parish:	Rockhampton Parish Council
Map Ref:	365502 193720	Ward:	Severn
Application Category:	Householder	Target Date:	4th March 2011



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 100023410, 2008. **N.T.S.** **PT10/3457/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

1.1 The applicant seeks planning permission for the following developments:

- Alterations to raise roofline to increase headroom at first floor level.
- Erection of 1.8m timber screen and handrail to first floor to form patio.
- Installation of external spiral staircase.

1.2 The application site relates to a detached dwelling and its associated curtilage. The site is situated outside of any settlement boundaries.

1.3 This application is a resubmission of the previously refused application 10/1530/F. This application was refused for a single reason:

1. The proposed alteration to the roofline would unbalance the proportions of the existing dwelling and would be harmful to the buildings distinctive character. Furthermore the proposed 1.8m screen wall would give rise to long and unrelieved elevation that would appear at odds with the existing dwelling. On this basis, it is concluded that the proposed development would be harmful to the overall design and character of the existing dwelling. The proposed development therefore fails Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) 2006 and South Gloucestershire Design Checklist SPD (Adopted) 2007.

2. POLICY CONTEXT

2.1 National Guidance

PPS1: Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design In New Development

H4: Development within Existing Residential Curtilages

2.3 Emerging Development Plans

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

2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2008

3. RELEVANT PLANNING HISTORY

- 3.1 P94/2095 Retention of existing building, alterations and extensions (Retrospective application)
Approved 13.11.1997
- 3.2 P94/2096/CL Use of building for mixing paint pigments (certificate of lawfulness).
Withdrawn
- 3.3 P96/2344 Retention of 4 no outbuildings and canopy
Approved 13.11.1997
- 3.4 P97/1678 Retention of use of site for mixing of colourants and additives with water based paint.
Approved 13.11.1997
- 3.5 P98/2614 Use of site for general class B1 (office/light industry) uses. Erection of extension and storage tanks.
Approved 02.09.1999
- 3.6 PT05/0534/F Retrospective change of use from office/light industry use (Class B1) to use as a single dwelling House (Class C3). (As defined in the Town & Country Planning (Use Classes) Order 1987).
Approved 19.07.2005.

4. CONSULTATION RESPONSES

- 4.1 Rockhampton Parish Council
No objection.
- 4.2 Local Residents
One letter has been received in response to this application. The main objections are summarised below: -
- a) Lattice fence panels would allow big gaps below 1.8m and would give rise to overlooking of the adjacent private patio.
 - b) The use of timber fence panels would fail to respect the character and the appearance of the dwelling and surrounding area.
 - c) The height of fence (1.8m) would allow someone to look straight through them.
 - d) Concerns with regard to siting of the spiral staircase and its use as a vantage over the adjacent property.

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 Design

The existing dwelling has a somewhat individual asymmetrical design. The building is situated within a large plot, and forms part of a small group of houses. The building itself is two storey in scale and has a lopsided pitched roof. The proposed development comprises of three separate developments: 1) the alteration to the roofline; 2) the erection of a 1.8m timber screen above the rear extension; and 3) the installation of a spiral staircase on the rear elevation. The latter two developments would enable the roof to be used as a balcony, something that was previously prevented by condition.

5.4 Due to the buildings previous business uses, the dwelling has a fairly unusual and functional design. Nevertheless, it is considered that this has given the building a somewhat distinctive character, which is important to respect. Policy H4 of the South Gloucestershire Local Plan states that extensions will only be permitted where they would '*...respect the massing, scale, proportions, materials, and overall design and character of the existing property and character of the street scene and surrounding area*'.

Two storey side extension

5.5 Under the previous application it was considered the introduction of a second storey would elongate the width of the dwelling and therefore would harm the proportions of the building, which are considered to be an important part of the character of the building. It is considered that this effect would be further emphasised by the addition of two new windows.

5.6 Under this application the two storey side extension has respected the existing scale and massing. Notwithstanding this the applicant has reduced the number of windows and has removed the central garage door. Furthermore, the porch has been re-designed to include a pitched roof and a larger window has been provided at the first floor level. It is considered that these changes to fenestration would help integrate the development with the existing dwelling. On this basis, it is considered that the proposal would respect the character and appearance of the site and surrounds.

Balcony

5.7 The previous application included the erection of a 1.8m screen wall above the existing rear extension and the installation of railings and a spiral staircase. These works would facilitate the creation of a first floor patio. It was considered that the proposed screen wall would be harmful to the character and appearance of the dwelling. This is because the proposal would give rise to a

- long and unrelieved elevation that would appear at odds with the existing dwelling. Officers stated that if a screen wall were to be acceptable it should use an alternative material so that it would appear give some articulation to the elevation.
- 5.8 Under this application the applicant has proposed a 1.8m timber screen. It is considered that providing the screen was constructed from a good quality timber it would offer a suitable material. Furthermore it is considered that this approach would also ensure articulation between the dwelling and the balcony, therefore preventing a long and unrelieved elevation.
- 5.9 It is noted that a local resident is concerned that the use of fence panels halfway up a rendered flank wall would not respect the character and appearance of the site and surrounds, and therefore on any reasonably planning assessment the Local Planning Authority must reject this part of the development. Officers agree that standard fence panels would be wholly unacceptable in this context. Nevertheless, it considered that a well-designed bespoke timber screen would be acceptable in terms of design quality and longevity. Notwithstanding this, the detail submitted with the application is insufficient to secure the delivery of such a feature. Therefore it is recommended that a condition be attached to ensure that a large scale detailed plan (e.g. 1:10 scale) of the screen and a sample of the timber to used must be submitted and approved prior to the commencement of the development.
- 5.10 It is considered that the proposed spiral staircase and railings would not be widely seen and would be fairly unassuming. As such there is no objection to the design of these.
- 5.11 Residential Amenity
It is noted that a local resident is concerned that the proposed development would give rise to a loss of privacy because the lattice screen would not prevent views, the spiral staircase would afford a vantage point to view adjacent properties, and the trees on the boundary cannot be relied upon as a long term screen.
- 5.12 It is normally accepted that some overlooking of gardens by neighbours is inevitable where residential properties are situated side by side. Nevertheless, it is considered that direct views into the areas closest to the dwelling are the most private and require protection to avoid privacy being prejudiced. It is also important to note that views into gardens are generally less harmful than views between habitable rooms within different properties. In this application the proposed balcony would provide a vantage point that would overlook the dwellings to the east: Laurel Cottage (6m to the boundary) and Marlborough House (17m to the boundary). To minimise any loss of privacy the applicant has proposed a 1.8m high screen along the eastern edge of the balcony.
- 5.13 It is considered that in 'principle' a 1.8m high screen would prevent material overlooking of the adjacent dwellings and therefore would protect the privacy of

these properties. However, under this application the applicant initially proposed a 'lattice' style screen. Officers considered that such a screen would be unacceptable because it would be likely to include gaps that would enable direct views into the private amenity of space of the adjacent properties. Notwithstanding this, the applicant has submitted additional information, which indicate that the screen would indeed be close-board. It is considered that a screen would prevent direct views into the adjacent properties. Nevertheless, the level of information submitted is insufficient of secure the delivery of the screen. Therefore conditions shall be attached to agree details of the screen and to ensure that it is *in situ* prior to the first use of the balcony. It is considered that such a condition would accord with Circular 11/95 because the condition would be imposed to avoid the refusal of the planning application.

- 5.14 It is noted that the proposed spiral case would not have a screen wall to prevent inter-visibility and therefore could be argued to offer vantage point that would offer views over the adjacent properties. Under the previous application Officers stated that the use of the staircase would be fairly infrequent and therefore is unlikely to be used as a vantage to overlook adjacent properties. A local resident has also argued that the Council is acting inconsistently in respect of the staircase.

“It [The Council] considered it was necessary to restrict use of the flat roof as a balcony but now says it is acceptable to erect a new platform adjacent to the flat roof and allow it to be used without restriction. The Council cannot control the extent to which the platform/staircase is used and so this is not a sound reason to contradict its earlier stance. It would be unfortunate if the matter needed to be taken further but this would appear to be a prima facie case of maladministration”.

- 5.15 Notwithstanding the comments of the local resident, it is considered that the use of the balcony and the use of staircase can be clearly distinguished from one another. A balcony is an area of a dwellinghouse where residents may regularly occupy as a seating or dining area when the weather permits. Therefore, given the nature of the use of such space, it is pertinent to restrict views through screening. Alternatively, a staircase is an ancillary facility which householders use as an access to and from their property and thus its use is particularly functional and transient. For instance, the staircase would generate some views into the gardens of the adjacent properties, however these would be fairly infrequent and 'fleeting' in comparison to the balcony. On this basis it is considered that the residential use of the staircase would not be same as a permanent balcony and therefore less likely to harm privacy. Therefore, on balance, it is reasonable for Officers to conclude that it is not necessary to attach permanent screening to the staircase or refuse the development outright.
- 5.16 It is noted that the local resident has raised concern with regard to the role of trees as screening. Officers agree with the applicant that these cannot be reasonably maintained. Therefore whilst the trees do act as a natural screen,

minimal weight has been attached to them for the purposes of determining whether the development would be harmful in terms of privacy.

- 5.17 In terms of the two-storey extension to the main dwellinghouse, Officers are satisfied that this would not give rise to a materially overbearing effect of a loss of privacy.

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, the surrounding area, and the nearby locally listed building. 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.

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

7. RECOMMENDATION

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

Contact Officer: Peter Rowe
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

2. Notwithstanding the submitted details, no development shall take place until full details and samples of the close-boarded timber screen have been submitted to and

approved in writing by the Local Planning Authority. The screen shall be erected in accordance with the approved details prior to the first use of the balcony and thereafter retained as such.

Reason 1

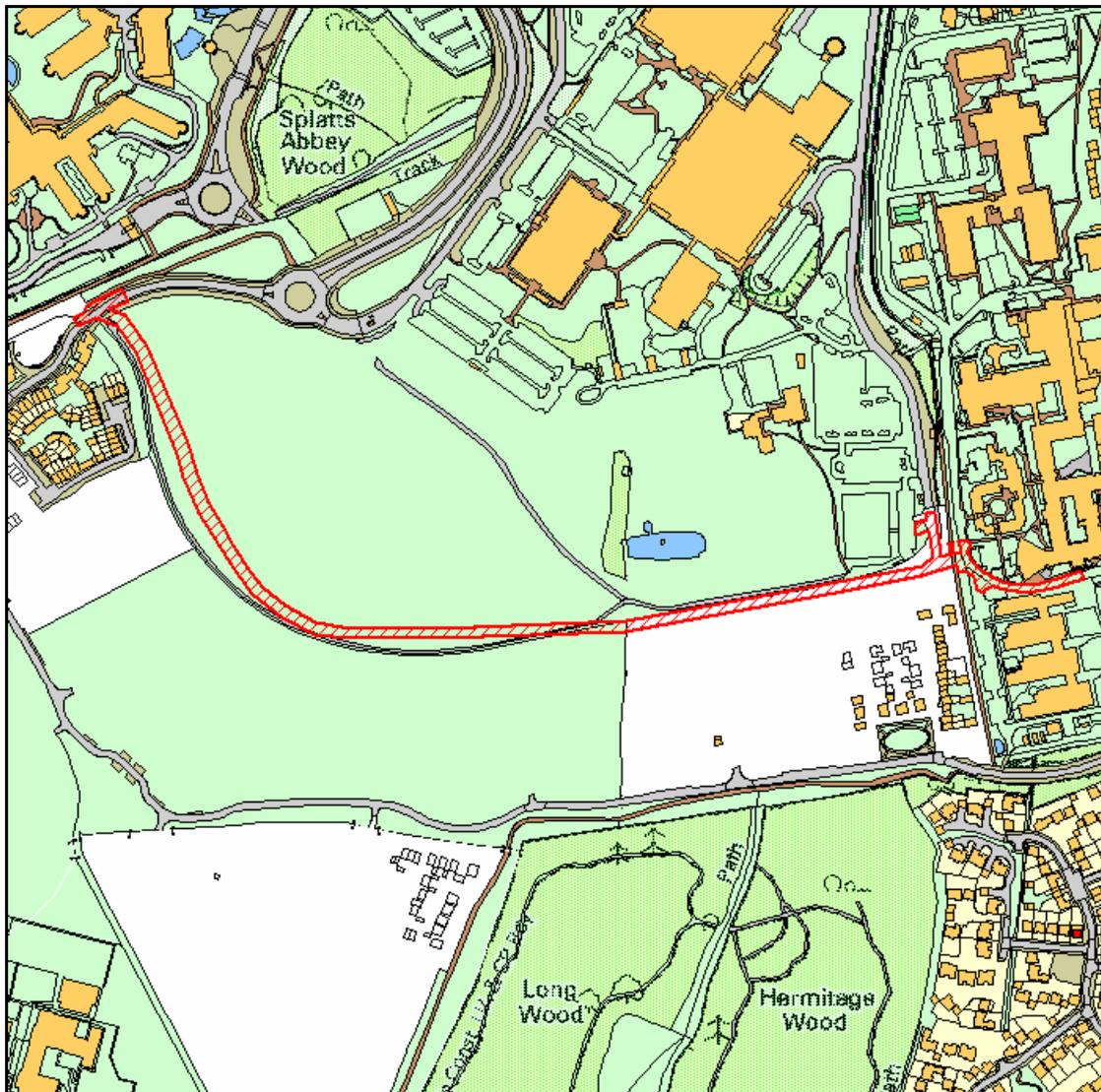
To prevent the direct overlooking of the adjacent properties, and to accord to Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

Reason 2

To ensure good quality design, to respect the character and appearance of the existing dwelling, and to accord to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 08/11 – 25 FEBRUARY 2011

App No.:	PT10/3483/R3F	Applicant:	SGC
Site:	Cheswick/Hewlett Packard Development Bus Link Stoke Gifford Bristol South Gloucestershire BS16 1WL	Date Reg:	14th January 2011
Proposal:	Construction of footway to south of Cheswick Bus Link (Amendment to planning application PT07/2424/R3F).	Parish:	Stoke Gifford Parish Council
Map Ref:	362067 177568	Ward:	Frenchay And Stoke Park
Application Category:	Major	Target Date:	14th April 2011



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 100023410, 2008. N.T.S. PT10/3483/R3F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule because the applicant is South Gloucestershire Council.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the formation of a 2 metre wide public footpath to the south of the Cheswick Bus Link that was approved under planning reference PT07/2424/R3F and follows the rapid transit route and the bus link that was required as part of the section 106 legal agreement attached to planning permission ref. PT04/0684/O. The bus link also forms part of the approved masterplan for the planning permission ref. PT04/0684/O.
- 1.2 The background to the scheme and the reason the footpath was not designed from the outset is that due to the security concerns of the previous landowner, as part of the S106 to secure the LRT route, no private access was to be permissible, although a subsequent agreement was reached that allowed buses to use the route (post-LRT). However following the acquisition of the former Hewlett Packard site by the University of the West of England, a more flexible approach to access has been adopted and so there is now an opportunity to provide pedestrian access along the entire length of the bus route which would improve permeability and connectivity across the site.
- 1.3 The proposed footpath is to be of a standard design and construction – macadam surface with grass verges and appropriate works (raised kerbs/levels) to facilitate a number of bus stops on the southern side.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG13 Transport
- 2.2 Joint Replacement Structure Plan
Policy 1 Sustainable development
Policy 2 Location of development
Policy 12 Development in North Fringe
- 2.3 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H1 Proposed sites for new residential development (site no.12).
T12 Transportation Development Control Policy for New Development
T4 Bus Priority Measure
- 2.4 Other Material Considerations
South Gloucestershire Council Core Strategy Proposed Changes Version (December 2010).

Policy CS1	High Quality Design
Policy CS7	Strategic Transport Infrastructure
Policy CS8	Improving Accessibility

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT07/2424/R3F Formation of carriageway to provide public transport bus link. Approved 12 October 2007.
- 3.2 PT04/0684/O Residential development at a density of 50 units per hectare overall across the site together with supporting infrastructure and ancillary facilities. Approved. The approved masterplan linked to this consent includes the proposed bus link.

4. **CONSULTATION RESPONSES**

- 4.1 Stoke Gifford Parish Council
No objections
- 4.2 The Environment Agency
No comment

Other Representations

- 4.3 Local Residents
3no. consultation response was received which raised questions about the use of the path and Cheswick Bus Link. The reinstatement of an 'unofficial shortcut' was also raised in the consultation responses from local residents, but this was not considered a relevant material considered in the determination of this application.
- 4.4 Public Rights of Way
No objection
- 4.5 Conservation
No objection.
- 4.6 Environmental Protection
No objections in principle subject to standing advice.

5. **ANALYSIS OF PROPOSAL**

- 5.1 The proposed footpath will improve permeability through the site and its connections with the surrounding areas of UWE, Lockleaze and Filton/MOD. The principle is therefore considered acceptable as it achieves the aims of the relevant local plan and core strategy policies along with the objectives of national guidance in terms of promoting and making provision for sustainable modes of transport.

- 5.2 Progress has been made on the Greater Bristol Bus (GBBN) Network providing the opportunity to review and prioritise further local public transport options in the North Fringe area, which would add value to the strategic scheme. As part of the GBBN, the Cheswick Bus Link provides significant benefit for local public transport and also provides added benefit to the wider strategic network.
- 5.3 As noted above, the Cheswick Bus Link has the benefit of an extant planning permission (ref. PT07/2424/R3F) and to date the first 150 metres have been constructed. The final section of 650 metres is in the current draft capital programme for 2011/12. General traffic will be prohibited from using the links to avoid problems with 'rat-running' and congestion.
- 5.4 Therefore the Cheswick Bus route will still provide a direct bus only link between UWE and MoD, Splatts and Abbeywood allowing all eastbound and northbound services to avoid the severe peak hour congestion on the A4174, Ring Road and in excess of 12 service routes will use the Cheswick Bus Link thereby enhancing timetable reliability right across the Northern part of Bristol and the wider area.
- 5.5 Overall in conjunction with the Romney Avenue Bus Link, the Cheswick Bus Link will form part of a congestion free route from east Bristol to Southmead Hospital and at the same time provide easy bus access from Lockleaze to the employment areas of the North Fringe and Bristol Parkway and Abbeywood railway stations.
- 5.6 The width of the carriageway and footpath would also see a 11 metre wide corridor retained and so if n LRT scheme comes forward in future years, the Cheswick Bus Link could still be modified to accommodate it and so would not prejudice any future aspirations of using the site as an LRT route.

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 It is concluded that the design and scale of the proposed footpath is consistent with the approved masterplan and the character and appearance of the immediate and wider context of the Wallscourt Farm development. The scheme will also help deliver sustainability benefits through encouraging more sustainable patterns of transport and it will facilitate greater pedestrian connects but also make the use of public transport more inviting. The proposed scheme is therefore considered compliant with Policy D1, H1 and T12 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 Planning permission to be APPROVED subject to the following conditions.

Contact Officer: Robert Nicholson
Tel. No. 01454 863536

CONDITIONS

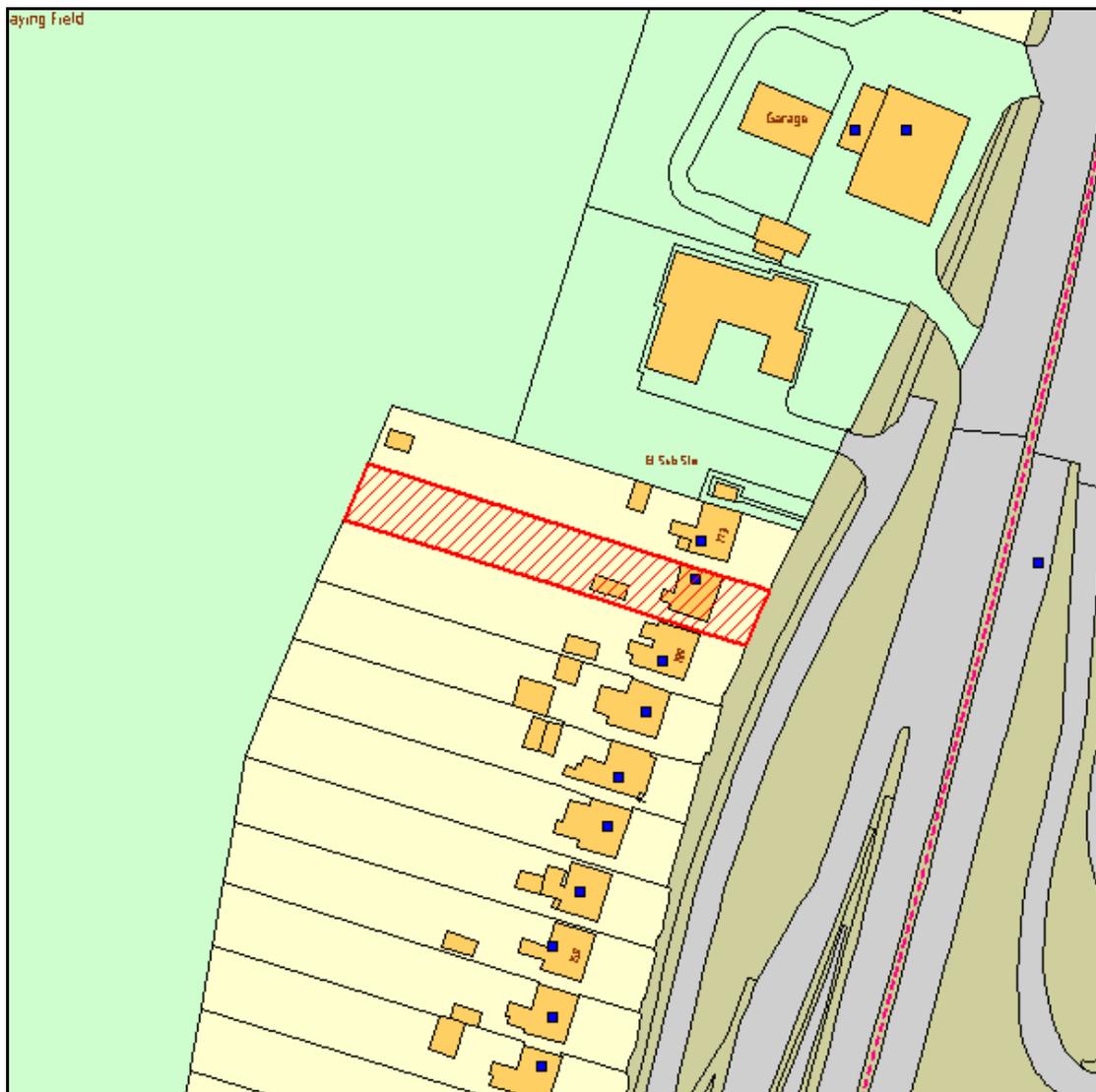
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 08/11 – 25 FEBRUARY 2011

App No.:	PT11/0059/F	Applicant:	Mr G Starr
Site:	171 Gloucester Road Patchway South Gloucestershire BS34 6NA	Date Reg:	10th January 2011
Proposal:	Erection of single storey rear extension to form additional living accommodation. (Resubmission of PT10/2064/F).	Parish:	Patchway Town Council
Map Ref:	360688 182001	Ward:	Patchway
Application Category:	Householder	Target Date:	4th March 2011



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 100023410, 2008. **N.T.S.** **PT11/0059/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule as a representation was made contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of single storey rear extension to form additional living accommodation. This is a resubmission of application PT10/2064/F.
- 1.2 This is a detached bungalow located within the existing urban area of Patchway. The proposal consists of a rear and side extension that are connected, with external materials to match existing.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG13	Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design
EP1	Environmental Pollution
H4	Development within Existing Residential Curtilage
T12	Transportation Development Control Policy for New Development

Emerging Development Plan

Core Strategy Proposed Changes Version (December 2010)

CS1	High Quality Design
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2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT10/2064/F - Erection of single storey side and rear extensions to form additional living accommodation. Refused 26/10/2010.

4. CONSULTATION RESPONSES

4.1 Patchway Town Council

Patchway Town Council wishes to object to the application for side and rear extensions to this property on the grounds that the extensions would be over-size, overbearing to neighbouring properties and not in keeping with the area.

Other Representations

4.2 Local Residents

No response.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy H4 of the Local Plan states that *proposals for development within existing residential curtilages*, will be permitted subject to certain criteria. The principle of the development is therefore acceptable subject to the following detailed assessment.

5.2 Design / Visual Amenity

The previous application was refused as the size, scale and form of this proposal failed to respect the host dwelling and character of the surrounding area. This extension was 17 m in length, and considerably larger than the one proposed here. The applicant has reduced the size of the proposed extension considerably so that it mirrors the existing gable extension at the rear of the bungalow. The depth of the proposed extension would be 6.8 m, width 4.2 m and height 4 m. The size and scale of the proposed extension is considered acceptable, as are the materials to be used which would match the external appearance of the existing dwellinghouse. There are other examples of similar rear additions in the locality, including next door at no. 169 Gloucester Road. The proposal is well screened from the public realm to the side and rear and therefore there is no harm caused to the visual amenity.

5.3 Residential Amenity

The application site is fairly well enclosed to the sides and rear with 1.8 m fencing in situ, this would prevent any overlooking or loss of privacy as the proposal is single storey. The previous planning application was refused on the grounds of overbearing impact on the occupiers of no. 169 Gloucester Road as a long, blank elevation wall was proposed on the party boundary which it was considered would have a harmful, overbearing impact on occupiers of the aforementioned neighbouring dwelling. This part of the scheme has been omitted in this application and the extension runs adjacent to no. 173 Gloucester Road. Owing to the size and scale of the proposed extension and the fact it is set back from the side wall of the existing property it is not considered the extension would have an undue overbearing impact upon neighbouring occupiers, specifically no. 169 Gloucester Road.

5.4 Transportation

The proposal would not lead to a substantial increase in traffic movements and ample off street parking is provided to the front of the dwelling. There is therefore no objection in terms of highway safety.

5.5 Drainage

The Council's Drainage Engineer was consulted as a part of this application, and raised no objection.

6. CONCLUSION

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

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

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

7. RECOMMENDATION

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

Contact Officer: William Collins
Tel. No. 01454 863425

CONDITIONS

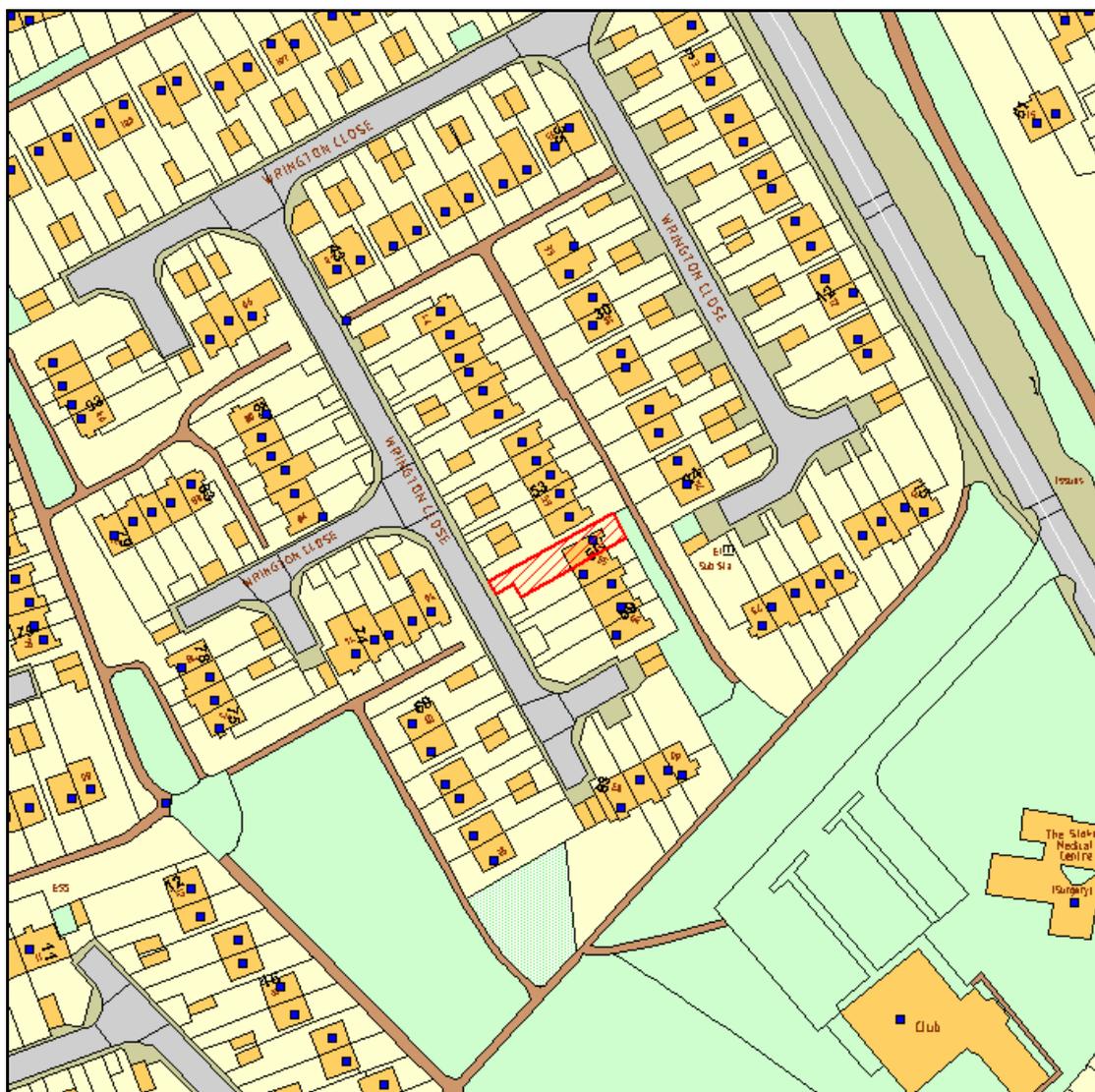
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 08/11 – 25 FEBRUARY 2011

App No.:	PT11/0216/F	Applicant:	Mr J C Toussaint
Site:	55 Wrington Close Little Stoke South Gloucestershire BS34 6EX	Date Reg:	25th January 2011
Proposal:	Erection of single storey side extension to provide additional living accommodation.	Parish:	Stoke Gifford Parish Council
Map Ref:	361503 181391	Ward:	Stoke Gifford
Application Category:	Householder	Target Date:	21st March 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is being circulated to members because the Officer's recommendation is contrary to a number of written representations by local residents.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for a single storey side extension. The extension would measure approximately 8.5 metres in length, 1.3 metres in width with a ridge height of approximately 2.75 metres falling to circa 2.4 metres at the eaves. It would be constructed of materials to match an existing rear extension. The development would involve the removal of the boundary fence but the applicant has indicated that the fence would be replaced and this is shown the submitted plans.
- 1.2 The application site relates to a two storey end terrace house. It is located in the well established residential area of Little Stoke.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Design
H4: Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist Supplementary Planning Document 2007
- 2.4 Emerging Policy
South Gloucestershire Council Core Strategy Pre-Submission Publication Draft March 2010:
CS1: High Quality Design

3. RELEVANT PLANNING HISTORY

- 3.1 PT09/1297/F Erection of single storey rear extension to provide additional living accommodation.
Approved. 28-AUG-09

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish
No objection
- 4.2 Tree Officer
No objection

Other Representations

4.3 Local Residents

5 letters and 1 petition signed by 7 local residents received objecting to the proposal on the following grounds:

- a) removal of the boundary fence. It should stay in place through out construction to reduce disruption;
- b) a flat roof rather than a sloping roof on the proposal would reduce the impact of the proposed development on the neighbouring property;
- c) work would not be done by qualified builders;
- d) concerns about the structural safety of the development and integrity and quality of the works;
- e) development would lower house prices of surrounding properties;
- f) out of character with surrounding properties and not in keeping with the locality;
- g) concerns about the structural capability of existing property to hold two extensions;
- h) need assurance that work would be done to a high standard and would not affect adjoining property;
- i) previous works carried out at antisocial and unreasonable hours of day and night, concerns that these works would be carried out at insensitive times of day and night;
- j) impact on trees/shrubs;
- k) noise

These concerns will be addressed in the relevant sections of the report. Where such concerns fall outside relevant sections, they will be address in a section entitled 'Other Matters' to be found towards the end of the report.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposed development consists of an extension to a dwelling within an existing residential curtilage. Policy H4 of the Local Plan permits this type of development in principle subject to the following considerations.

5.2 Residential Amenity

The proposed development would be approximately 2.75 metres high and be located on the northwest elevation of the property adjacent to an approximately 1.8 metre high timber fence. The development would effectively cover an existing walkway. It would have windowless side elevations and would extend the length of the existing dwelling.

It is not considered that the proposed development would result in overlooking, loss of privacy or intervisibility between principal rooms and given the height to the ridge of 2.75 metres, it would not result in an overbearing impact on neighbouring occupiers. The proposal by virtue of its location does not impinge on amenity space and raises no highway safety issues.

Concerns have been raised by local residents about noise arising from the construction of the development, should planning permission be granted. Whilst this is appreciated, reasonable noise associated with the construction is normally a temporary state of affairs. Any excessive instances would normally be dealt with by the Environmental Health Section. However the times of construction can be controlled by a planning condition given that concerns have also been raised that in the event of a grant of planning permission, construction hours may be insensitive and disruptive given previous works on extension PT09/1297/F have been undertaken at antisocial and unreasonable hours in the past. As such in the event of planning permission being granted a condition is recommended to ensure that construction works (not including internal painting and decorating) should be kept within reasonable hours to minimise any disruption or impact on neighbouring occupiers residential amenity.

Accordingly on balance it is not considered that the proposal would result in a detrimental impact on the residential amenity of neighbouring occupiers and meets criteria contained in policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

5.3 Design Visual Amenity

The proposed extension would be approximately 1.3 metres in width and approximately 8.5 metres in length, running the length of the existing dwelling. It would be single storey with a ridge height of circa 2.75 metres. The existing dwelling is constructed of buff brick with roof tiles and white Upvc windows and doors. An existing rear extension is in situ which has brick cladding and felt roof. The proposed side extension would match these materials and a condition to this effect is recommended. The proposal would be barely visible from the public realm and hardly visible from the rear of the existing dwelling. Given the approximately 1.8 metres high fence, only the eaves and roof would be visible from the northwest side. The principle of a side extension is acceptable in this location and with materials to match the existing extension in addition to the single storey and minor nature of the development, it is considered to respect the character of the dwellinghouse and the surrounding area.

A neighbour has commented that a flat roof would be preferable to a sloping roof to minimise the visual impact on the neighbouring property. In general the use of flat roofs are no seen as an appropriate design (due to issues of maintenance and appearance) unless they are included as part of a unique contemporary design or there is no alternative. In this instance it is not considered that the use of the sloping roof would have a detrimental impact on the visual amenity of the neighbouring property.

Accordingly on balance it is considered that the proposal meets requirements contained in policy D1 of the South Gloucestershire Local Plan (Adopted) 2006.

5.4 Trees

There are some mature shrubs which are in close proximity to the development site. Concerns have been raised about the development impacting on these and other trees. Notwithstanding this, the South

Gloucestershire Arboriculturalist has been consulted and raises no objections. There are no significant trees which would be affected by the proposal.

5.5 Other Matters

This section addresses concerns raised which fall outside the scope of the previous sections.

Removal of the boundary fence

It has been requested by a neighbour that the boundary fence stays in situ throughout any development. It is not possible in this instance to ensure that the fence remains in place throughout the development because the applicant has already indicated that the fence would be removed to facilitate the development. Permitted development rights for fences and walls have been removed from all properties on Wrington Close yet a replacement fence is detailed on the submitted plans and should permission be granted, a condition requiring the fence to be replaced is recommended. Should there be further issues with such a boundary treatment, other legislation (The Part Wall Act) is in place to regulate such matters.

Notwithstanding this, planning permission does not grant rights of entry or use over third party land and it will be necessary in the event of a grant of planning permission for the applicant to obtain all relevant landowner consent and permission to access such property when it is required. An informative to this effect is recommended.

Concerns regarding the structural integrity of any development and quality of the work.

Several concerns have been raised regarding the construction of the extension and the quality of the work and the impact on the property and adjoining houses. This is not part of the planning assessment in general because Building Control legislation to cover structures and construction. And compliance with this is dependent on Building Regulations and cannot be controlled through the planning system.

The proposed development would lower the houseprices of neighbouring properties

Several concerns have been raised that the development if it were to be approved would have a detrimental impact on house prices of neighbouring properties. Given the small scale and minor nature of the proposal it is not considered that that development would have a material impact on house prices. An impact on house price is not something that can be assessed as part of this application and is not a sufficient basis for a refusal of the 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 Given the small scale and modest height of the proposal together with its location and matching materials, it is considered to meet criteria contained in policies H4 and D1 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Genevieve Tuffnell
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing rear extension reference PT09/1297/F.

Reason

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

3. For the avoidance of doubt the development hereby permitted shall include brick cladding manufactured by Eurobricks in a style known as 'Autumn Leaves' in accordance with email received from the applicant dated 16 Feb 2011.

Reason

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

4. No machinery shall be operated and no construction processes shall be carried out other than internal painting and decorating relating to the hereby approved development outside the following times: 0800am - 1830pm Mon - Fri; 0830am-1300pm Saturdays nor at any time on Sundays or Bank Holidays.

Reason

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

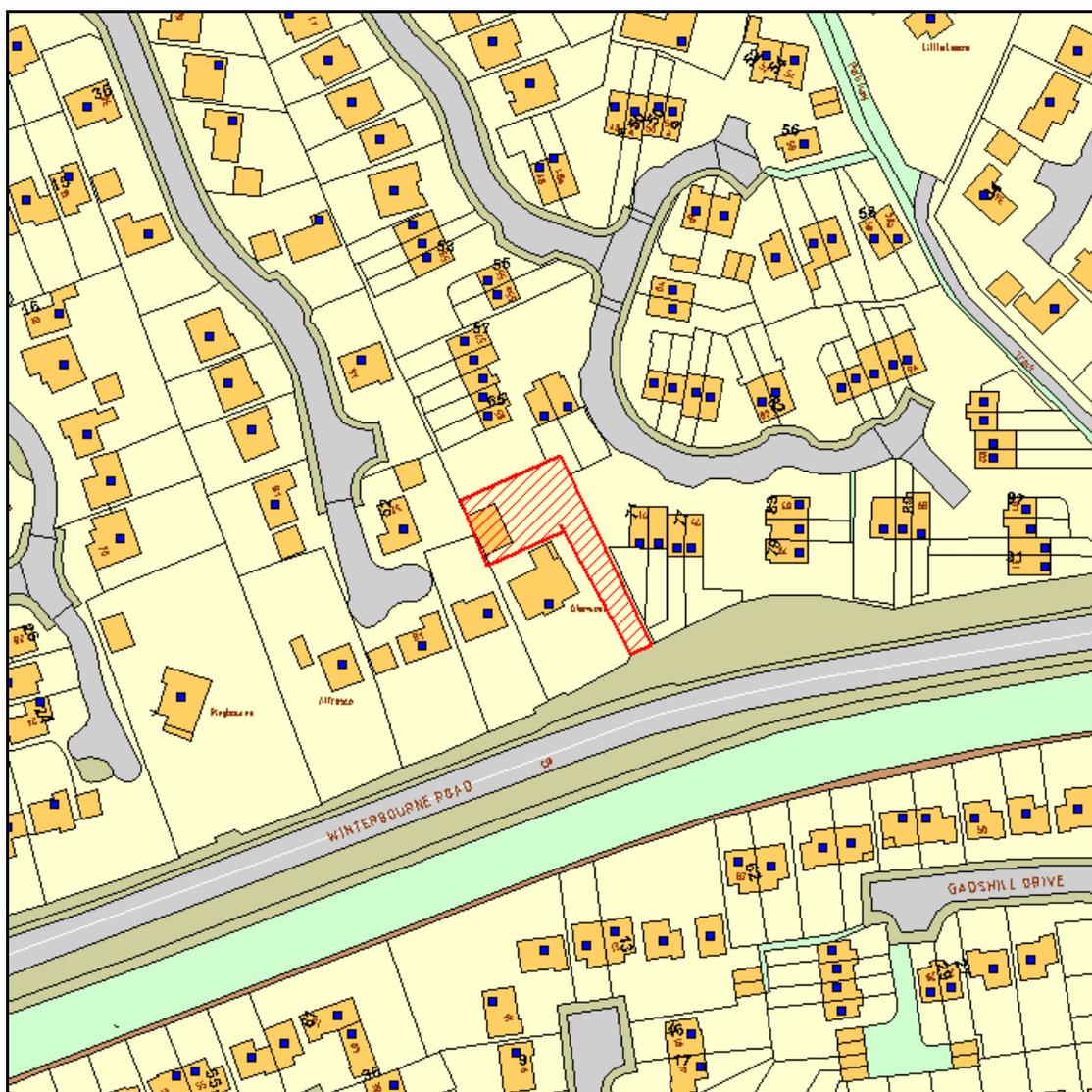
5. In the event of a removal of the existing close boarded timber fence acting as a boundary treatment on the northwest elevation of the application site during the development hereby approved, prior to any occupation of the development hereby permitted a 2 metre high close boarded timber fence shall be erected on the northwest elevation of the application site in accordance with plan 'Proposed Side Elevation' Rev B (amended plan) Dated Feb 2011 received by South Gloucestershire Council on 9 Feb 2011.

Reason

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

CIRCULATED SCHEDULE NO. 08/11 – 25 FEBRUARY 2011

App No.:	PT11/0219/CLE	Applicant:	Mr And Mrs M Feltham
Site:	Glenwood Winterbourne Road Bradley Stoke Bristol South Gloucestershire	Date Reg:	25th January 2011
Proposal:	Application for Certificate of Lawfulness for existing use of site for storage of goods, materials and equipment associated with Heating and Ventilation Business (Class B8) as defined in the Town and Country Planning (Use Classes) Order 1987 as amended.	Parish:	Bradley Stoke Town Council
Map Ref:	362277 180605	Ward:	Stoke Gifford
Application Category:	Minor	Target Date:	22nd March 2011



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 100023410, 2008. **N.T.S.** **PT11/0219/CLE**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application comprises a Certificate of Lawfulness for the existing use of a site for the storage of goods, materials and equipment associated with a heating and ventilation business (Use Class B8) as defined in the Town and Country Planning (Use Classes) Order 1987 as amended.
- 1.2 The application site comprises a single storey property, which is accessed off Winterbourne Road via a long driveway. A large area of hardstanding is situated to the rear of the property, which contains a flat roof garage with an adjoining corrugated open shed.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/0327/CLE, application for Certificate of Lawfulness for existing use of site for storage of goods, materials and associated equipment associated with Heating and Ventilation Business (Class B8 Town and Country Planning (Use Classes) Order 1987). (Resubmission of PT06/3685/CLE) withdrawn (recommended refusal), 22/03/07.
- 3.2 PT06/3685/CLE, application for Certificate of Lawfulness for existing use of building for storage of goods, materials and associated equipment, withdrawn (recommended refusal), 09/03/07.

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
Bradley Stoke Town Council has no objection to this proposal, subject to the appropriate evidence being submitted by the applicant

Other Representations

- 4.3 Local Residents
No comments

5. ANALYSIS OF PROPOSAL

- 5.1 Summary of Evidence Submitted
The applicant has submitted a site location plan with the red line around the access driveway, a hardstanding yard and flat roof storage buildings to the rear of the property. The applicant has submitted sales invoices from various trade

suppliers for various industrial goods. The invoices describe the type and amount of goods bought as well as the cost of the goods. The invoices are addressed to 'Feltham and Sons, Glenwood, Winterbourne Road, Stoke Gifford, Bristol' and indicate that the goods were delivered to this address also. The invoices submitted show the transaction and delivery of goods to the site over the period of 1997, 1998, 2007, 2008, 2009 and 2010. No sworn declarations have been submitted with the evidence.

5.2 Evaluation

The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such, the onus is on the applicant to provide precise and unambiguous evidence.

5.3 In this instance it must be proven that the land outlined in red on the submitted plans has, on the balance of probability, been used for the storage of goods, materials and associated equipment for a continuous period of 10 years or more prior to the date of this application.

5.4 Indications of activity beyond which is ancillary to the enjoyment of the dwellinghouse were noted when the Officer visited the site. Commercial vehicles were parked in the yard and commercial goods and materials were being stored within the garage and shed, as well as on the hard standing. The application form states that the business use started in 1989 and has continued for an uninterrupted period to the present date. However, the evidence submitted does not sufficiently demonstrate that this has been the case. The invoices submitted demonstrate that commercial goods were delivered to the site during the periods 1997 to 1998 and from the periods 2007 and 2010. However, there is a considerable gap of 11 years in the submitted evidence and therefore, it does not sufficiently demonstrate on the balance of probability that there has been a continuous use of the site for a full 10 years. In addition, the invoices submitted are considered to be for relatively modest amounts of materials considering that the heating and ventilation business is supposed to have operated over the past 10 years and this is considered to be inconsistent with the scale of the current use of the site in terms of the amount of materials that were being stored at the site. In addition, it is considered that there is no link in the evidence entirely of the site being used as a separate unit from the dwellinghouse as the red outline on the site location plan implies.

5.5 Further information was requested from the agent, however, on the basis that this request was not acceded to and no further evidence or sworn statements has been submitted, it is considered that the applicant fails to prove that on the balance of probability, the site outlined in red has been used for the storage of goods, materials and equipment for a continuous period of 10 years or more.

6. **RECOMMENDATION**

6.1 A Certificate of Existing Lawful Use is refused for the use of the site for the storage of goods, materials and associated equipment.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

REASONS FOR REFUSAL

1. The applicant has not provided sufficient evidence to demonstrate that, on the balance of probability, the site has been used for the storage of goods, materials and equipment, associated with a heating and ventilation business (Class B8), for a continuous period of 10 years or more immediately prior to the submission of the application.