



**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. 42/11**

**Date to Members: 28/10/11**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

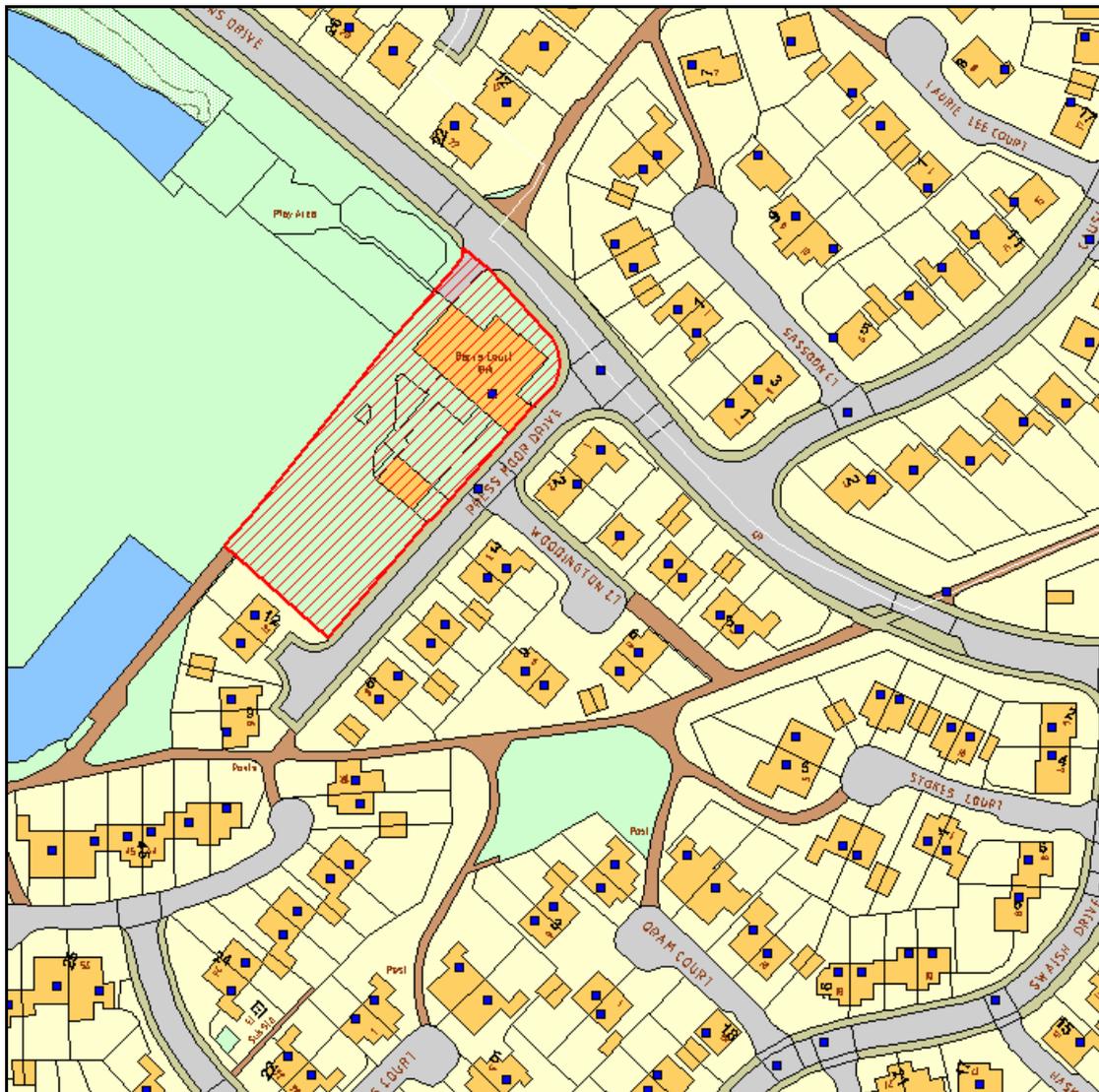
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) to see what their views are, before referring the application.
- Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. **Please do not leave it to the last minute**
- Always make your referral request by e-mail to [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk), where referrals can be picked up quickly by the Development Services Support Team. If in exceptional circumstances, you are unable to e-mail 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 – 28 OCTOBER 2011

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK11/1568/LB	Approve with Conditions	Barrs Court Barn Stephens Drive Barrs Court South Gloucestershire BS30 7AA	Longwell Green	Oldland Parish Council
2	PK11/1569/F	Approve with Conditions	Barrs Court Barn Stephens Drive Barrs Court South Gloucestershire BS30 7AA	Longwell Green	Oldland Parish Council
3	PK11/2239/F	Approve with Conditions	59 Station Road Kingswood South Gloucestershire	Rodway	None
4	PK11/2551/RM	Approve with Conditions	Harlequin Office Park Folly Brook Road Emersons Green South Gloucestershire BS16 7FH	Emersons	Mangotsfield Rural Parish Council
5	PK11/2725/F	Approve with Conditions	39 Couzens Close Chipping Sodbury South Gloucestershire BS37 6BT	Chipping	Sodbury Town Council
6	PK11/2737/F	Approve with Conditions	Laddenside Farm Bristol Road Iron Acton South Gloucestershire BS37 9TG	Frampton Cotterell	Iron Acton Parish Council
7	PK11/2789/F	Approve with Conditions	50 Robin Way Chipping Sodbury South Gloucestershire BS37 6JW	Chipping	Dodington Parish Council
8	PK11/2826/CLP	Approve with Conditions	57 Grange Avenue Hanham South Gloucestershire	Hanham	Hanham Parish Council
9	PK11/2842/ADV	Approve with Conditions	Kingswood Health Centre Alma Road Kingswood South Gloucestershire BS15 4EJ	Kings Chase	None
10	PK11/2992/TRE	Approve with Conditions	25A Overhill Road Downend South Gloucestershire BS16 5DS	Downend	Downend And Bromley Heath Parish Council
11	PT11/1116/CLE	Approve with Conditions	61 Bury Hill Winterbourne Down South Gloucestershire BS36 1AD	Winterbourne	Winterbourne Parish Council
12	PT11/2288/MW	Approve with Conditions	Wickwar Quarry The Downs Wickwar Wotton Under Edge South Gloucestershire GL12 8LF	Charfield	Tortworth Parish Council
13	PT11/2716/ADV	Approve with Conditions	Friends Centre Bristol Brierly Furlong Stoke Gifford South Gloucestershire BS34 8SW	Frenchay And Stoke Park	Stoke Gifford Parish Council
14	PT11/2876/F	Approve with Conditions	40 Bush Avenue Little Stoke South Gloucestershire	Stoke Gifford	Stoke Gifford Parish Council
15	PT11/2918/LB	Approve with Conditions	4 Court Farm Cottages Church Lane Winterbourne South Gloucestershire BS36 1SE	Winterbourne	Winterbourne Parish Council
16	PT11/2920/F	Approve with Conditions	4 Court Farm Cottages Church Lane Winterbourne South Gloucestershire BS36 1SE	Winterbourne	Winterbourne Parish Council
17	PT11/2924/CLP	Approve with Conditions	48 Gadshill Drive Stoke Gifford South Gloucestershire BS34 8UX	Stoke Gifford	Stoke Gifford Parish Council
18	PT11/2972/F	Approve with Conditions	7 Charlton Gardens Brentry South Gloucestershire	Patchway	Almondsbury Parish Council

## CIRCULATED SCHEDULE NO. 42/11 – 28 OCTOBER 2011

<b>App No.:</b>	PK11/1568/LB	<b>Applicant:</b>	Mr Tim Edwards
<b>Site:</b>	Barrs Court Barn Stephens Drive Barrs Court Bristol South Gloucestershire	<b>Date Reg:</b>	10th June 2011
<b>Proposal:</b>	External alterations to principle barn doors on main building and ancillary outbuilding. Internal alterations to main building and ancillary outbuilding. New post and rail fencing and external lighting.	<b>Parish:</b>	Oldland Parish Council
<b>Map Ref:</b>	365940 172026	<b>Ward:</b>	Longwell Green
<b>Application Category:</b>	Minor	<b>Target Date:</b>	2nd August 2011



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 100023410, 2008. **N.T.S.** **PK11/1568/LB**

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

An objection has been received regarding the associated planning application PK11/1569/F application that appears elsewhere on this schedule and comments have been raised regarding this listed building application.

### **1. THE PROPOSAL**

- 1.1 This listed building application seeks listed building consent for the following works to a Grade II listed pub:
- Alterations to principle Barn doors and ancillary outbuilding
  - Internal alterations to main and ancillary building
  - New post and rail fencing to the rear
  - New external lighting
- 1.2 An associated planning application has been submitted PK11/1569/F and appears elsewhere on this schedule.
- 1.3 The application site relates to a Grade II listed pub with beer garden and outbuilding within the established residential area of Oldland Common.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Planning (Listed Buildings and Conservation Areas) Act 1990  
PPS5, Planning for the Historic Environment  
PPS5 Historic Environment Planning Practice Guide March 2010
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
L13 Listed Buildings

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

- 3.1 L13 Demolition of single storey outbuilding attached to existing barn  
Approved March 1979
- 3.2 L13/1 Demolition of part of existing barn  
Approved June 1980
- 3.3 L13/3 Temporary works to barn  
Approved 1981
- 3.4 L13/4 Works to tythe barn  
Approved March 1983
- 3.5 P97/4376/L Display of non illuminated signs  
Withdrawn September 1997

## 4. CONSULTATION RESPONSES

4.1 Oldland Parish Council  
No objection

4.2 Other Consultees [including internal consultees of the Council]

Representatives from . Friend of the Moat .

- Is barn still a grade II listed building?
- Original barn doors used
- When opening was blocked up, it covered up original materials
- Survey required establishing what materials are remaining

Listed Building Officer

No objection subject to listed building conditions. Addressed in detail below.

### Other Representations

4.3 Local Residents  
No response has been received regarding this listed building application.

## 5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy L13 of the South Gloucestershire Local Plan (Adopted) and national guidance PPS5 allow for alterations/additions to a listed building, provided the development is compatible with and would not detract from the special character or features of the building and its setting. Section 16(2) of the Planning (Listed building and conservation area) act 1990 states that when determining a listed building application the local planning authority shall have special regard to the desirability of preserving the building or its setting and any features of special architectural or historic interest which it possesses.

5.2 Impact on Listed Building

Barrs Court Barn is a grade II listed building and represents the last surviving remnants of the medieval moated complex of Barr's Court, comprising a moated mansion house, tithe barn and other ancillary outbuildings. The moated site is now designated as a Scheduled Ancient Monument, whilst the barn is grade II listed. The remains of the house are locally listed.

5.3 The barn was converted in the 1980s to a public house and the application now seeks to carry out some alterations and improvements to enhance the character of the building and make the interior more welcoming.

5.4 A number of internal works are proposed which are essentially limited to modern fabric and are unlikely to harm the character or significance of the listed building. Additional details have been submitted. Other internal changes relate to floor finishes, and the replacement of the carpeted areas with oak or natural pennant flooring is welcomed and more sympathetic to the character of the building. No objection is raised to the proposed internal works.

- 5.5 Externally, the application proposes alterations to the principal barn doors facing Stephens Drive, new post and rope fencing, new external lighting and alterations to the outbuilding at the rear of the site.
- 5.6 An objection was originally raised on listed building grounds by the Listed Building officer regarding the design of the original submitted plans relating to the proposed large glazed opening. The Listed Building officer has advised that at the time of the original conversion of the barn, much attention was paid to ensuring that the historic character and robust, simple appearance of the barn was retained, especially on the principal road facing elevation. The main threshing entrance was, therefore, boarded over to give the impression of a pair of closed barn doors (replacing or incorporating the original doors as suggested in one of the public consultation replies). An objection was raised regarding the original submitted plans as it was considered the design of the proposed glazing would introduce a considerable void into the front elevation of the building, making the dominant gable elevation appear comparatively weak in contrast to the rest of the building. It was therefore considered the screen and the scale of the glazed areas would be harmful to the character and significance of the listed building, contrary to national and local policy and guidance. Revised plans have been submitted to address this objection and now proposes part glazing and timber sections which is now considered acceptable from a listed building perspective. The proposed internal and external works to the outbuilding are also considered acceptable.
- 5.7 The Representatives from 'Friend of the Moat' have commented that when the opening was blocked up, it covered up original materials and therefore a survey should be required to establish what materials are remaining. The Listed Building officer has recommended a listed building condition be imposed requiring a record of any remnants of the original barn doors to be submitted to the Council.
- 5.8 An objection was also raised to the proposed post and rope fencing to the front of the listed building, on the grounds it would appear visually distracting given the buildings agricultural origins, and would be harmful to its historic character, significance and setting. The scheme has been revised and no longer proposes any enclosure to the front but only a small section at the rear, to which no objection is raised.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

7.1 Listed Building Consent be granted subject to the following planning conditions.

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

### **CONDITIONS**

1. The works hereby permitted shall be begun before the expiration of three years from the date of the consent.

Reason

As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to avoid the accumulation of Listed Building Consents.

2. Prior to the commencement of development samples (including proposed finish) of the new oak for the barn screen and outbuilding doors 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 maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PSS5.

3. Prior to the commencement of development samples of the proposed new timber or stone floor coverings 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 maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PSS5.

4. The unauthorised smoking shelter shall be removed within 6 weeks of the commencement of the renovations hereby approved.

Reason

To maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PSS5.

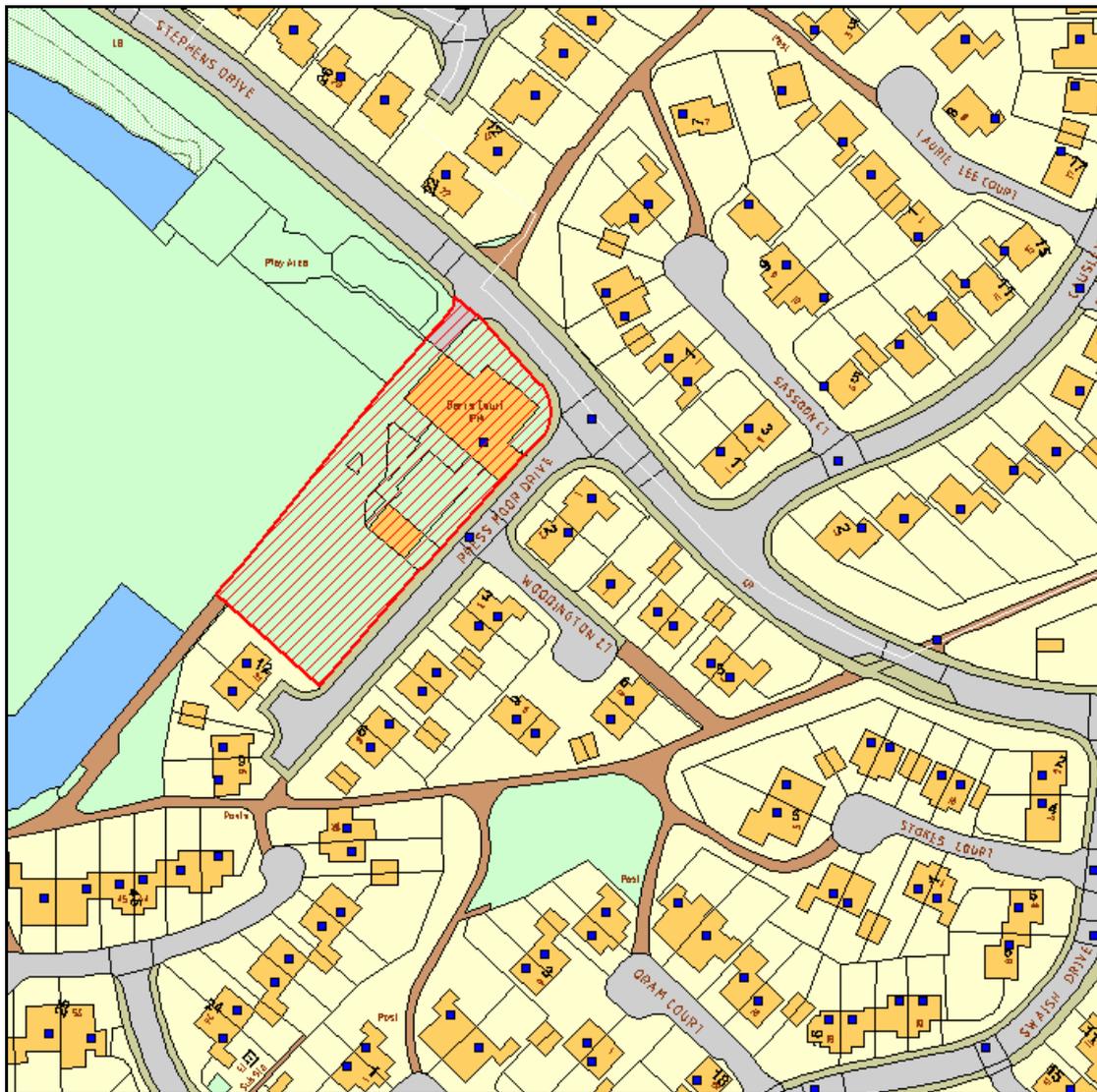
5. A record comprising of photographs and drawings at a minimum scale of 1:5 with full size moulding cross sections of any remnants of the original barn doors that may have been incorporated into the present screen shall be submitted to the Local Planning Authority.

## Reason

It is understood that the original barn doors may have been incorporated into the present timber screen. The works to replace this screen could result in the destruction of the original doors should they survive in situ and it is, therefore, imperative that a record is made of their construction and design prior to the insertion of the new screen and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PSS5.

**CIRCULATED SCHEDULE NO. 42/11 – 28 OCTOBER 2011**

<b>App No.:</b>	PK11/1569/F	<b>Applicant:</b>	Mr Tim Edwards
<b>Site:</b>	Barrs Court Barn Stephens Drive Barrs Court Bristol South Gloucestershire	<b>Date Reg:</b>	10th June 2011
<b>Proposal:</b>	Alterations to principle barn doors on main building and ancillary outbuilding. New post and rail fencing and new external lighting.	<b>Parish:</b>	Oldland Parish Council
<b>Map Ref:</b>	365940 172026	<b>Ward:</b>	Longwell Green
<b>Application Category:</b>	Minor	<b>Target Date:</b>	2nd August 2011



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 100023410, 2008. **N.T.S.** **PK11/1569/F**

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

This planning application has been referred due to objections received from a local resident regarding the proposed works.

### **1. THE PROPOSAL**

- 1.1 This planning application seeks planning permission for the following works to a Grade II listed pub; the original plans have been revised and now propose:
- Alterations to principal Barn doors of main pub building and doors on ancillary outbuilding
  - New rear post and rail fencing
  - New external lighting
- 1.2 An associated Listed Building application has been submitted PK11/158/LB and also appears on this schedule.
- 1.3 The application site relates to a pub with beer garden, outbuilding and car park and is located within an established residential area.
- 1.4 This application seeks a number of works to the ancillary outbuilding within the application site, so the building can be used as a function room. The Planning Officer is of the view as this building was included with the red edge plan at the time planning permission was granted for change of use of the main barn to pub this outbuilding can be used as a function room. The out building is ancillary to the main pub use on the site and therefore a change of use application is not required.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
Planning (Listed Buildings and Conservation Areas) Act 1990  
PPS5, "Planning for the Historic Environment".  
PPS5 Historic Environment Planning Practice Guide March 2010

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- D1 Design
- L13 Listed Buildings
- EP1 Environmental Pollution
- T12 Transportation Development Control
- LC4 Proposals for Educational and Community Facilities within existing Urban area
- L11 Archaeology

South Gloucestershire Core Strategy -Submission Draft (December 2010)

- CS1 High Quality Design

2.3 Supplementary Planning Guidance  
Design Checklist

**3. RELEVANT PLANNING HISTORY**

- 3.1 PK111568/L External alterations to principle barn doors of main building and ancillary outbuilding. Internal alterations to main building and ancillary outbuilding. New post and rail fencing and lighting.  
Recommended for approval.
- 3.1 K1124/31 Conversion of stone barn to public house and construction of car park  
Approved June 1980
- 3.2 A274/1 Signs  
Approved September 1983

**4. CONSULTATION RESPONSES**

4.1 Oldland Parish Council  
No response received

4.2 Other Consultees [including internal consultees of the Council]

Representatives from "Friend of the Moat"

- Is barn still a grade II listed building?
- Original barn doors used
- When opening was blocked up, it covered up original materials
- Survey required establishing what materials are remaining

Listed Building

Addressed in detail under paragraphs of this report

Transportation Officer

No objection

Archaeology Officer

No objection

Environmental Protection

No objection. No addressed in detail under paragraph 5.5 of this report.

**Other Representations**

4.3 Local Residents

2 letters has been received from a local resident regarding the original and revised plans, raising the following planning objections which have been summarised by the Planning Officer as follows:

- Window will result in noise, already existing problems, and this has been reported
- Use of outbuilding, as function room will also result in noise
- Overlooking onto neighbouring properties from window

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The site lies within the existing urban area. Policy LC4 of the adopted South Gloucestershire Local Plan allows for the development of educational and community facilities, such as public houses, provided that the proposal would not unacceptably prejudice residential amenities or have any unacceptable environmental or transportation effects and provided that the site is easily accessible and that the proposal would not give rise to unacceptable levels of on-street parking to the detriment of the highway safety. The criteria of Policy LC4 are outlined below:

5.2 In addition regard must be had for Policy L13, which seeks to ensure development preserves a listed building its setting, features and character.

### 5.3 **A. Proposals are located on sites which are, or will be, highly accessible on foot and by bicycle, and**

The site is located within the urban area of Oldland Common; it is considered that the site would be highly accessible on foot and by bicycle.

### 5.4 **B. Development would not unacceptably prejudice residential amenities, and**

An objection has been raised on the grounds the replacement of the doors on the main building will result in additional noise and loss of privacy to those properties sited opposite the pub. The original submitted plans as part of this application proposed one large fixed glazed opening; this however has been changed to a different design with part glazing and wood. Notwithstanding the change in design it is considered as the proposed window would be set back at a minimum distance of 23.0 metres from those properties directly opposite the application site, it would not have an adverse impact on existing levels of residential amenities

5.5 Objections have also been raised on the grounds the introduction of glazed windows and use of the outbuilding as a function room will result in increased noise levels. The Council's Environmental Protection Officer has confirmed that the revised design along with the Acoustic attenuation specification of the glass inserts indicate an overall reduction of sound reduction at the non opening fixed windows at the front of the building. This attenuation will provide a good protection with regard to sound reduction of general noise from the premises. however the attenuation provided by acoustic glass with air gap may not provide the same standard at low frequencies. In addition the agent has confirmed that the function room will operate on the same hours as the main pub. On balance it is considered the proposed alterations to the main and outbuilding will have no greater impact on the existing amenities of neighbouring occupiers. A planning condition will be imposed to require the

- glazing in carried out in accordance with the approved plans with regards the Acoustic attenuation specification of the Glass inserts
- 5.6 With regards the use of the outbuilding as a function room, as addressed under paragraph 1.4 of this report, planning permission is not required for a change of use as the building can be used ancillary to the main use of the pub on site. Planning permission is only required for the proposed alterations. Should the owners intend to sell alcohol or play music or sport in the outbuilding, they will have to apply to have their existing licence agreement amended if it doesn't currently include the outbuilding and this would be subject to a full consultation exercise. It is therefore no considered necessary or reasonable in this instance to apply an hours of operation as this would be covered by separate legislation.
- 5.7 **C. Development would not have unacceptable environmental or transportation effects, and**  
As addressed under paragraph 5.3 and 5.6 of this report it is considered the proposed works would not have unacceptable environmental or transportation effects.
- 5.8 **D. Development would not give rise to unacceptable levels of on-street parking to the detriment of the amenities of the surrounding area and highway safety.**  
As the proposed works relate to enhancement of the existing buildings with no extensions, it is considered the proposed alterations will have no greater impact on existing levels of traffic.
- 5.9 Impact on Listed Building  
Barrs Court Barn is a grade II listed building and represents the last surviving remnants of the medieval moated complex of Barr's Court, comprising a moated mansion house, tithe barn and other ancillary outbuildings. The moated site is now designated as a Scheduled Ancient Monument, whilst the barn is grade II listed. The remains of the house are locally listed.
- 5.10 The barn was converted in the 1980s to a public house and the application now seeks to carry out some alterations and improvements to enhance the character of the building and make the interior more welcoming.
- 5.11 A number of internal works are proposed which are essentially limited to modern fabric and are unlikely to harm the character or significance of the listed building. Additional details have been submitted. Other internal changes relate to floor finishes, and the replacement of the carpeted areas with oak or natural pennant flooring is welcomed and more sympathetic to the character of the building. No objection is raised to the proposed internal works.
- 5.12 Externally, the application proposes alterations to the principal barn doors facing Stephens Drive, new post and rope fencing, new external lighting and alterations to the outbuilding at the rear of the site.
- 5.13 An objection was originally raised on listed building grounds regarding the design of the original submitted plans relating to the proposed large glazed opening. The Listed Building officer has advised that at the time of the original

conversion of the barn, much attention was paid to ensuring that the historic character and robust, simple appearance of the barn was retained, especially on the principal road facing elevation. The main threshing entrance was, therefore, boarded over to give the impression of a pair of closed barn doors (replacing or incorporating the original doors as suggested in on of the public consultation replies). An objection was raised regarding the original submitted plans as it was considered the glazing would introduce a considerable void into the front elevation of the building, making the dominant gable elevation appear comparatively weak in contrast to the rest of the building. It was therefore considered the screen and the scale of the glazed areas would be harmful to the character and significance of the listed building, contrary to national and local policy and guidance. Revised plans have been submitted to address this objection and now proposes part glazing and timber sections which is now considered acceptable from a listed building perspective. The proposed internal and external works to the outbuilding are also considered acceptable.

- 5.14 An objection was also raised to the proposed post and rope fencing to the front of the listed building, on the grounds it would appear visually distracting given the buildings agricultural origins, and would be harmful to its historic character, significance and setting. The scheme has been revised and no longer proposes any enclosure to the front but only a small section at the rear, to which no objection is raised.

## **6. CONCLUSION**

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

A) The proposed alterations by reason of their design and materials will preserve the setting and character of this Grade II listed building-Policy L13

B) The proposed alterations by reason of their design and siting will not have an impact on the existing amenities of neighbouring occupiers-Policy LC4

## **7. RECOMMENDATION**

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

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

## **CONDITIONS**

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

Reason

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

2. No seats or table furniture shall be placed on any part of the land within the application site boundary (dwg.952.00) that fronts onto Stephens Drive at any time.

Reason

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

4. The unauthorised smoking shelter shall be removed within 6 weeks of the commencement of the renovations hereby approved.

Reason

To maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PSS5.

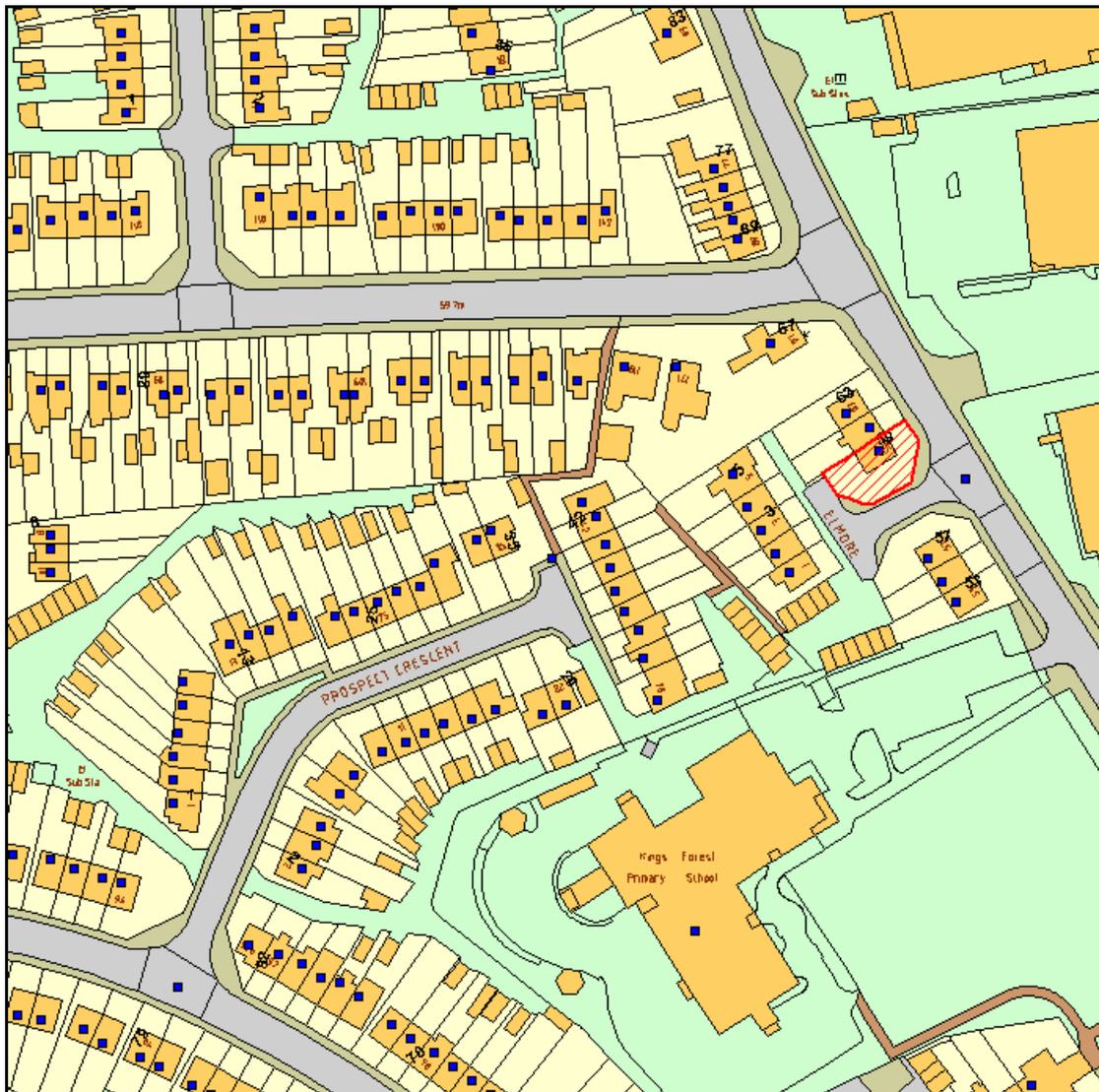
5. The approved glazing for the pub window and outbuilding shall be carried out in accordance with the stated acoustic glass specification as shown on approved dwg.no.952.05D received by South Gloucestershire Council on the 29th September 2011.

Reason

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

## CIRCULATED SCHEDULE NO. 42/11 – 28 OCTOBER 2011

<b>App No.:</b>	PK11/2239/F	<b>Applicant:</b>	Miss Christina Oren
<b>Site:</b>	59 Station Road Kingswood Bristol South Gloucestershire BS15 4PQ	<b>Date Reg:</b>	19th July 2011
<b>Proposal:</b>	Erection of two storey side and single storey rear extensions to provide additional living accommodation.	<b>Parish:</b>	None
<b>Map Ref:</b>	366003 175010	<b>Ward:</b>	Rodway
<b>Application Category:</b>	Householder	<b>Target Date:</b>	8th September 2011



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## 4. CONSULTATION RESPONSES

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

**Sustainable transport** – The parking arrangement is very similar to the existing situation and as such is acceptable. No objection

### Other Representations

#### 4.2 Local Residents

7 objections received from ‘the residents of Elmore/Station Road’ and 5 letters from anonymous senders raising the following concerns:

The new vehicular access will be right on a corner at a narrow road section close to the main road; the access would be close to an existing pedestrian crossing area (tactile paving) used by pushchairs, wheelchairs, mobility scooters, and school children; cars reversing out of the access would be a danger to pedestrians; concern that builder’s vehicles would exacerbate the issue during construction; the garage associated with no.59 was sold reducing the off street parking available; emergency and service vehicles already have difficult accessing and manoeuvring in Elmore; the extension would adversely impact on the local residents in terms of health, increased traffic and noise; loss of sunlight; loss of private view of the fields to the east; loss of outlook; the dwelling would double in size and would be out of place with neighbouring dwellings; existing damage from on street parking has resulted in bollards being erected on the street by the Council; concern that the development could be turned into flats in future.

One objection received from Cllr Kevin Seager raising the following concerns: Concern in relation to the impact on Elmore which suffers from parking problems and damage to parking; narrow access and turning area within the cul de sac; emergency and service vehicles have had problems in the past accessing the dwellings on Elmore due to on street parking issues and the narrow street; the applicant no longer has their private garage space; concern that the house would increase in size putting more pressure on for on street parking; concern in relation to road safety problems for vehicles and pedestrian.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for development within the curtilage of dwellings, including new dwellings, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity. Policies T8 (parking standard) and T12 (transportation) are also relevant considerations.

The South Gloucestershire Core Strategy Pre-Submission Publication Draft was issued March 2010 and the consultation period expired on 06.08.2010.

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

## 5.2 Visual impact

The application site is situated on the corner of Elmore and Station Road visible from near views on Station Road from the south looking north and from Elmore. The application site is therefore considered to be visually prominent. The proposal is to provide a two storey side extension; the extension would be deeply recessed from the front elevation of the existing dwelling (by 3m) and would have a lower ridge height. The materials and design would match the existing dwelling. A flat roofed dormer is proposed in the rear roof slope. The rear elevation is not visually prominent and would be visible only from within the cul de sac. Overall, the design and materials would be of good quality in keeping with the character of the existing dwelling and would respect the character distinctiveness and amenity of the surrounding area. As such it is considered that the design of the proposal accords with the criteria of Policy D1.

## 5.3 Residential amenity

Adequate rear amenity space to the property would be retained following the erection of the proposed extension. With regard to neighbouring properties, the extension would be situated a minimum of 13m from the neighbouring dwellings to the south east (no.57) and south west (nos 1-5). The rear single storey extension would be situated on the boundary with no.61 to the north. No.61 has a rear projecting conservatory on the boundary with the application site. The single storey rear addition would measure 2.4m to eaves, 3.4m at its highest point and 1.5m rear projection. The extension is considered to be modest in scale. The two storey element of the scheme would be situated 5.5m from the boundary with no.61. Considering the significant distance to the neighbours to the south east and south west, the modest scale of the single storey addition and the distance of the two storey extension to no.61, the proposed extension would not prejudice the amenity of neighbouring occupiers in terms of loss of daylight/sunlight, overshadowing or overbearing/bulky development. Additionally, as the extension would be situated 17m from the dwellings 1-5 Elmore it is considered that the proposal would not result in the loss of an outlook to the neighbouring occupiers.

#### 5.4 Highway matters

The proposal would provide two off street parking spaces at the side of the site accessed via Elmore. The existing parking arrangement is situated in the same location providing two off street parking spaces with dropped curb. The proposed parking arrangement would be very similar to the existing layout. The parking layout would be closer to the junction with Station Road and closer to the tactile paved pedestrian crossing at the junction. However, the distance from the parking area to the junction and crossing is sufficient for there to be no material danger of manoeuvring vehicles interfering with pedestrians crossing or vehicles at the junction. It would be difficult to justify that the small change to the parking arrangement would result in a material increase in highway dangers. The proposal would provide two off street parking spaces. This falls within the maximum parking standard adopted by the Council for this type of dwelling. The loss of a further private garage outside the application site is therefore not a fundamental consideration. In spatial terms the two spaces are sufficient for vehicles to park safely off street without obstructing the highway. There is no provision for vehicle turning within the site. However, the parking area would exit onto a small cul de sac and as such this manoeuvring arrangement is considered to be acceptable and would not result in a material prejudice to emergency or service vehicles. Considering all of the above matters the proposal is considered to be acceptable in highway safety terms.

Concern was raised that vehicles associated with the construction process would exacerbate the existing parking and highway safety issues in Elmore. Any obstruction caused by vehicles would be a civil matter and controlled by powers given to the police. It is therefore not appropriate for the planning system control this matter and as such it does not carry sufficient weight to outweigh the other considerations above.

#### 5.5 Other issues

Concern was raised that the proposal would result in the loss of private viewpoints of fields to the east beyond the application site. As the planning system operates in the public interest, the loss of a private viewpoint (as a private interest i.e. the interest of an individual) little weight can be afforded to this as a material planning consideration. Concern was raised that the proposal could in future be converted into flats or a single dwelling. Whilst it is not the role of the planning system to speculate about what may or may not take place in the future, these changes of use would require planning permission and as such fall within planning control.

The proposal is unlikely to result in additional issues in relation to noise. Concern has been raised that the construction process would cause noise and disturbance to local residents. Construction sites within the urban area are not unusual and new development has been built recently in the local area. It is therefore considered that the proposed construction process would cause significant harm in relation to noise and disturbance, above that normally associated with construction sites. Aside from this, the noise and disturbance associated with construction sites are normally controlled through Environmental Health and noise nuisance legislation.

In line with advice in PPS1, the planning system would not normally seek to control matters, which fall within legislative controls outside the planning system. As such a planning condition is considered unnecessary in this case. An informative would be attached to the decision advising acceptable working times, activities and actions within a construction site to the applicant.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.
- a) Due to the location and position of the proposed extension in relation to the neighbouring dwellings, the proposed development is considered not to give rise to a material loss of amenity to the adjacent occupiers. The development therefore accords to Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
  - b) It has been assessed that the proposed extension has been designed to respect and maintain the massing, scale, proportions, materials and overall design and traditional character and vernacular of the surrounding area. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.
  - c) The proposed site layout would provide adequate parking and manoeuvring for vehicles. As such the proposal is considered to be acceptable in highway safety terms in accord with Policy T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

## **7. RECOMMENDATION**

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

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

### **CONDITIONS**

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

Reason

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

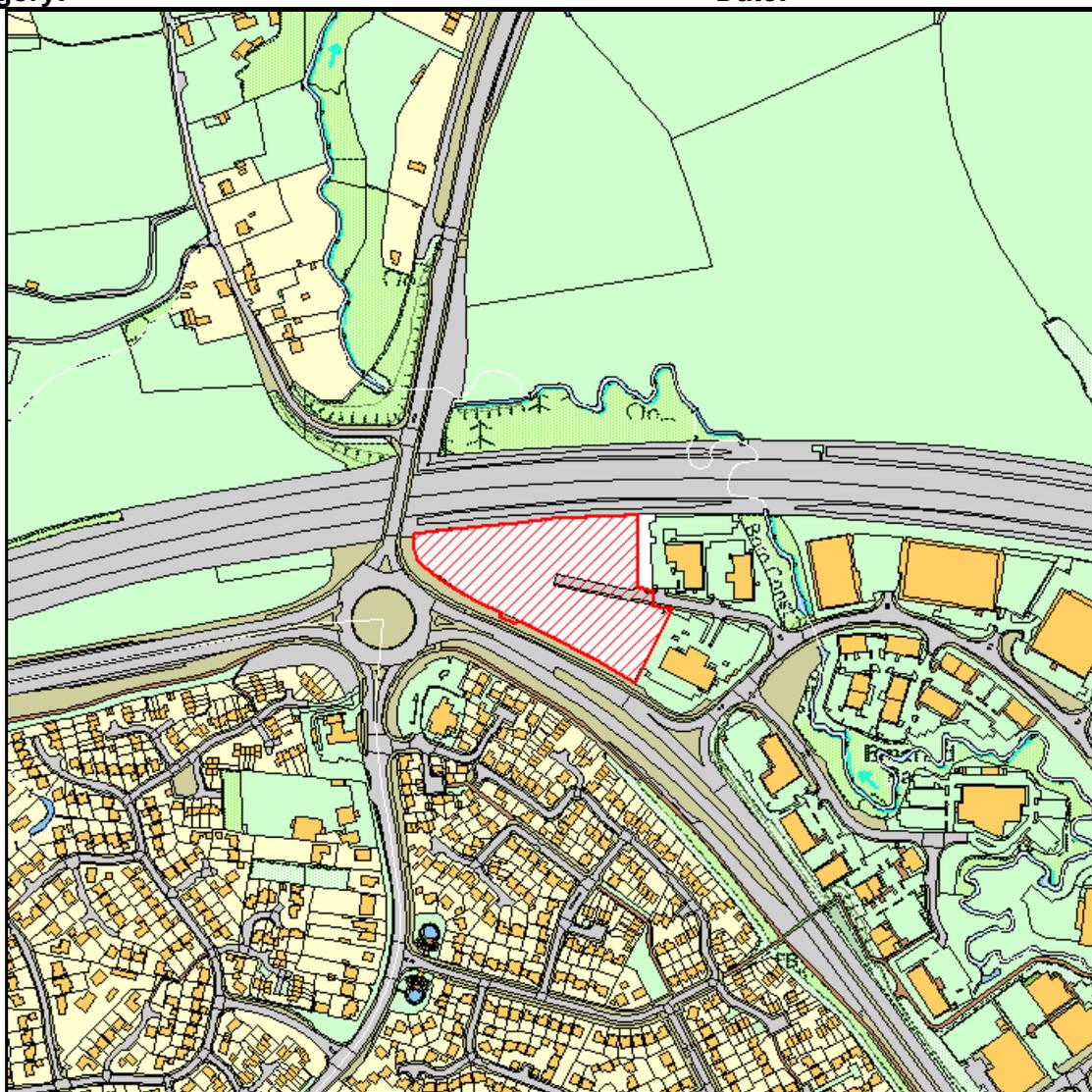
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

**CIRCULATED SCHEDULE NO. 42/11 – 28 OCTOBER 2011**

<b>App No.:</b>	PK11/2551/RM	<b>Applicant:</b>	Emersons Green Ltd C/o Shepherd Developments
<b>Site:</b>	Harlequin Office Park Folly Brook Road Emersons Green Bristol South Gloucestershire	<b>Date Reg:</b>	16th August 2011
<b>Proposal:</b>	Erection of 3no. (Class B1) Office buildings with landscaping and associated works. (Approval of all remaining reserved matters to be read in conjunction with planning permission PK09/5530/RVC, PK06/2470/RVC and P92/4320 and P92/4320	<b>Parish:</b>	Mangotsfield Rural Parish Council
<b>Map Ref:</b>	366527 178287	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Major	<b>Target Date:</b>	8th November 2011



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 100023410, 2008. N.T.S. PK11/2551/RM

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

An objection has been received from a local resident.

### **1. THE PROPOSAL**

- 1.1 This is a reserved matters application for three office buildings, further to the original outline consent for employment development for the whole of Area B Emersons Green (P92/4320) and an application for the extension of time for the submission of reserved matters granted by PK06/2470/RVC. All reserved matters are to be considered at this stage.
- 1.2 The site forms a triangular parcel of land between the M4 motorway to the north and Avon Ring Road which runs along the south western boundary. The western corner of the site is prominent from the M4 bridge off the Wick Wick Roundabout.
- 1.3 Phase one of this final part of Area B comprises three office buildings which have now been completed, generally comprising 3 storey buff brick buildings with simple elevation treatments and low pitched roofs. Through the centre of the site is an existing tree lined avenue access road off Folly Brook Road, which would be extended westwards to serve the final part of the site subject to the current application.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPS4 Planning for Sustainable Economic Growth

- 2.2 Development Plans

Joint Replacement Structure Plan  
30 – Safeguarding existing employment areas

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

L1 Landscape Protection and Enhancement

EP2 Flood Risk and Development

LP9 Sites of Nature Conservation Interest

T7 Parking

T12 Transportation

E2 Employment Development

Other material Considerations

South Gloucestershire Core Strategy -Submission Draft (December 2010)

CS1 High Quality Design

## Draft National Planning Policy Statement

### 2.3 Supplementary Planning Guidance South Gloucestershire Design Checklist

### 3. RELEVANT PLANNING HISTORY

- P92/4320 Outline consent granted in 1997 for the development of B1, B2 and B8 uses on land within Area B, Emersons Green. As part of this consent a Masterplan was approved which established design principles to guide the submission of reserved matters applications. In addition, the following documents were approved with the Outline consent in order to guide future RM applications on the site:  
Management Strategy for the Folly Brook Corridor  
Landscape Report
- PK06/2470/RVC Variation of Condition 1 attached to previously approved planning permission P92/4320 dated 28<sup>th</sup> February 1997 to extend the period for the approval of reserved matters. Approved 31<sup>st</sup> October 2006
- PK07/3393/RM Erection of 3no. (Class B1) office buildings with associated landscaping and works. ( Approval of all remaining reserved matters to be read in conjunction with outline planning permission P92/4230 and PK06/2470/TVC). Approved January 2008. This application relates to the recently constructed offices buildings in 'phase 1' of this final part of Area B, to the east of the current application site.

### 4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council  
Mangotsfield Rural Parish Council  
No comments

4.2 Other Consultees

Avon Wildlife Trust

No objection but consider that more could be done to maintain and enhance the biodiversity of the site.

Wessex Water

A public sewer is located within the application site and it appears that the development proposals will affect the existing water mains/public sewers. It is recommended that the applicant contacts Wessex Water Sewer protection Team for further advice on this matter.

### Environment Agency

The EA has received additional information from the applicants dated 13<sup>th</sup> Sept 2011. We can now withdraw our earlier objection to this reserved matters application on the grounds of Flood Risk, as we are now satisfied with the level of detail, subject to the inclusion of conditions.

### Local Residents

One letter has been received, objecting to the proposal on the following grounds:

Loss of Green Belt

No need for further offices

No public transport

Issues concerning construction management and parking in adjacent streets

### SGC Environmental Protection

No objection, however it is noted that an acoustic report has been submitted to ensure 'good' internal noise levels are achieved within the offices. The recommendations contained within the report should therefore be implemented to achieve a 'good' standard in line with BS 8233.

### SGC Public Rights of Way

The proposal will not affect the nearest PROW – PMR2/10 and therefore there is no comment.

### SGC Drainage Engineer

Detailed drainage plans have been submitted ( 11217/D1/Rev A) and are acceptable to discharge the SuDS drainage conditions

### Adjacent Business

Comments have been received from Avon and Somerset Police who occupy Unit 3. A condition is requested to ensure that operational policing performed from Unit 3 (Concord House) is not hampered by construction traffic potentially blocking the entrance/exit to the police car park which is in operation 24 hours a day, 7 days a week.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Having regard to the specific allocation of the site for employment purposes in Policy E2 of the SGLP, and the existence of Outline planning permissions P92/4320 and PK06/2470/RVC, the proposed B1 office development with associated access roads is not objected to in principle. The comments of the local resident in respect of the principle of development are therefore unable to be considered at this stage.

### 5.2 Layout and Design

The proposal has been considered in terms of Policy D1 of the SGLP as well as the Master Plan Brief for Emersons Green Area B dated March 1996.

The current application site falls within the area that the Master Plan refers to as an 'important gateway site'. It states that given the proximity to the motorway the elevations will require sensitive articulation. In addition, the elevation to the Ring Road will need to be carefully addressed and integrate with the landscape solution. The overall design philosophy of the Master Plan is that high quality designs are required with the objective of providing a unique development with consistency and style, respecting the existing wildlife corridor and enhanced by a unifying landscaping strategy.

The master plan submitted as part of phase 1 included this final part of the site and identified buildings of a similar scale to the currently submitted proposals and in approximately the same locations. The shape of building 6, in the western- most corner of the site has however been amended from a 'triangular' block forming an 'end stop' to the central avenue, to a rectangular building of similar shape to the other office buildings. The shape of block 6 was so designed, as to create a 'landmark' building that broadly continued the building line of the other blocks, terminated views along the central avenue and 'directed' an elevation to the M4 bridge. The block is however now rectangular, (as with the other buildings) but due to its prominent position at the apex of the site, through pre- application discussions, additional detailing in the form of projecting window surrounds and contrast panels have been added at the corners terminating the central boulevard and projecting towards the M4 bridge. Buff brick is also used as a continuation of the architectural appearance of the other buildings. The entrance to the building is considered to provide an inviting entrance to the park for pedestrians and cyclists arriving at the western end of the site. The Council's Urban Design Officer is satisfied that the proposed block 6 sufficiently continues to perform its function as a landmark building at the apex of the site.

The office buildings are designed to achieve BREEAM 'very good' rating and include photovoltaics to the roof. This is welcome and will be subject to a condition as per phase 1.

The siting of the buildings has of course been assessed in conjunction with the proposed landscaping plans as the two are inter- linked. The landscaping is however discussed separately in the report.

In urban design terms, the proposal is considered to comply with the Area B Master Plan Brief as well as policy D1 of the SGLP, subject to a condition requiring agreement of details of the prominent projecting window surrounds and 'contrast panels' on unit 6, to ensure a scheme of high quality.

### 5.3 Landscaping

The applicants have provided a detailed landscaping scheme, together with Landscape Strategy that relates each part of the proposal to the Landscape Report approved with the original Outline consent for Area B as a whole.

The design concept is therefore as follows:

- Provide a unifying element of planting around the perimeter of the site to provide a framework of the development and reduce the visual impact of the development from the surrounding highways and the adjacent Green Belt to the north.
- Compartmentalise the site through individual plot landscaping to provide a landscape structure to the site.
- Reflect the character of the nearby countryside hedges through the use of native species.
- Maximize the value to wildlife of all areas through the choice of appropriate species.

The Outline consent Master Plan for the area and the Landscape Report sets out that a tree belt of native trees should be established along the northern boundary with the M4 and a landscape corridor along the main access through the site. The Strategy states that the M4 landscape zone should be a minimum of 16 metres wide. This however includes a 10 metre wide water main way leave. Bristol Water have advised that they will not allow *any* planting within their Trunk main easement. In view of this, and in accordance with phase 1 of the site therefore, additional screen planting has been proposed further within the site.

The way-leave for the Rapid Transit system runs within the western boundary of the site. The Master Plan states that this must be planted up with native woodland planting which will be removed on construction of the system. Furthermore, an additional 4m wide band of landscaping is required adjacent to this way-leave, within each plot. The landscape proposals are considered to comply with all of these requirements given the constraints of the service runs to the north and south of the site. The proposed central avenue and linking native hedgerows through the site would give a reasonably robust framework to the development.

It is considered that Unit 6 now better addresses the corner of the site and ring road junction, with additional planting adjacent to the building. The existing strong landscape framework and avenue tree planting flanking the access road is proposed to be continued within this second phase and should in time provide a good level of landscape to enhance the development. Fastigiated Oaks are used as the main avenue tree, continuing the planting theme established within Phase 1.

The landscape proposals have been amended to replace the species close to Unit 6 to a smaller variety and are now considered acceptable.

The planting plans for the previous phase of the development have also been submitted. As discussed, the planting carried out in Phase 1, although in some areas is establishing well, there are a number of sections which have failed, due to poor ground conditions and insufficient soil preparation. There are a number of avenue trees and areas of hedge and shrub planting which will require replacement.

A condition is proposed to require this replacement planting to be carried out whilst planting up the second phase of the development, to ensure a complete scheme is achieved.

The planting plan submitted for Phase 2 is considered acceptable: the landscape proposals are consistent with the Phase 1 planting and should tie the two phases together to provide adequate landscape enhancement of the scheme. The proposed 5 Year Landscape Management Plan is also considered acceptable and the proposal is therefore considered to comply with Policy L1 do the SGPL as well as the requirements the outline consent.

#### 5.4 Ecology

The application site comprises some 1.38ha of grassland, scrub and ruderal vegetation and it is not covered by any statutory or non-statutory nature conservation designations.

The application includes an extended Phase 1 habitat survey and protected species assessment which reports that the grassland was rank, species-poor and semi-improved, with scattered scrub across the site and uncut ruderal vegetation in the east. The most diverse areas of grassland occur in the west, adjacent to the woodland plantation alongside the junction of the A4174 and Badminton Road outside the site boundary.

Grass vetchling was recorded on site and is uncommon in the Bristol area. The report indicates that the diversity of grassland species seems to have declined since previous surveys, most likely through a lack of management. The survey recommends drawing up a 5 year management plan for the site (and adjacent habitat) but this is best addressed through a landscape Condition.

There is a possibility that reptiles are present but went undetected during that survey: or that they have colonised the site since, although this is not considered likely due to the poor connectivity with other suitable areas of habitat. A pile of rock and debris was recorded and may provide suitable habitat to slowworms.

Conditions relating to grassland translocation and slowworms were discussed with the applicants' ecological consultants. Following these discussions it is accepted that, given the extent of the various grassland species on site, and especially the grass vetchling (a County notable species), translocation is likely to incur a disproportionate expense. It has therefore been agreed with the Council's ecologist that instead several areas will be seeded with a species-rich mix appropriate for the soil type and locality, and to include grass vetchling to maintain its distribution. Similarly, it has also been agreed the dismantling of the rubble piles on site to safeguard any reptiles sheltering there can be carried out by contractors, following a methodology drawn up by the applicants consultant.

It is concluded therefore that the application complies with Policy L9 (Protected Species) providing conditions are imposed requiring That prior to development commencing, a strategy for creating areas of species-rich grassland be drawn up and agreed with the Council in writing, Further, that prior to development commencing, a method statement to avoid killing/injuring slowworms.

#### 5.5 Transportation

The access to the site was approved as part of the outline consent and the road spur has previously been constructed. The new access road has a carriageway width of 7.3m which includes a 1m wide cycle path on either side and that is similar in design to other access roads in the area serving other development. It is not proposed that the internal road will be adopted, however any consent should include a planning condition to ensure that after construction the road is adequately maintained by a private management company.

With regards to pedestrian/cycle access, as part of Phase 1, the existing footpath/cycleway along the A4174 was extended to tie in with a new cycleway running both sides of the new access road. An additional footway connection is now proposed to be made across from the Wick Wick roundabout in order to tie in with the new pedestrian crossing in this location.

The proposed car parking would be 1:23m<sup>2</sup> floorspace. This is higher than the Council's current maximum standards - 1:35m<sup>2</sup>, but lower than the Master Plan standard of 1:18.5m<sup>2</sup>. Members may recall that these standards have been accepted previously due to the application being a Reserved Matters application and this level of parking has been provided elsewhere at Area B.

Cycle parking would also be provided for each building and these would be secured by way of imposing a planning condition, and public transport provision was secured as part of the outline and adequately serves the development.

In view of all the above therefore, there are no highway objections to the proposal subject to the conditions mentioned above.

#### 5.6 Drainage

As noted in the consultation section above, the EA have now approved the revised FRA . In addition the Council's drainage engineer has approved the submitted detailed surface water drainage plans. The proposal is therefore satisfactory in drainage terms subject to the imposition of conditions required by the EA . With regard to the two sewer easements within the site – Bristol Water and Wessex Water sewer easements, these are indicated on the plans and the proposals do not conflict as noted in the *Landscape* section above.

#### 5.7 Residential Amenity

The nearest residential properties are some 60m away on the other side of the Ring Road. There are therefore no significant issues arising from the proposal. It is considered however, in relation to the residents comment regarding construction activities related to Phase 1, that a construction hours condition should be added, as well as the requirement for a construction vehicle

management plan, to take account of the comments by the adjacent occupier, Avon and Somerset Police.

5.8 Density of Development

Condition 16 attached to Outline planning permission P92/4320 states that the net floorspace within the net developable areas as identified on the Master Plan shall not exceed 17,500 sq ft per net developable acre for uses falling within Class B1. This equates to 4,062m<sup>2</sup>/ha and the proposals on the various plots all comply with this.

5.9 Public Art

The Master Plan indicates locations for Public Art within Area B, however none fall within the site of these applications.

## 6. CONCLUSION

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

In urban design terms, the proposal is considered to comply with the Area B Master Plan Brief as well as policy D1 of the SGLP. The proposal is further considered to comply with Policy L9 (Protected Species) providing conditions are imposed. In landscape terms it is considered that the submitted planting plan is considered acceptable, consistent with the Phase 1 planting and tie the two phases together to provide adequate landscape enhancement of the scheme therefore considered to comply with Policy L1 OF the SGPL as well as the requirements the outline consent. In respect of transportation principles already established through the Outline consent and phase 1 as well as Policy T12 of the SGLP there are no highway objections to the proposal.

- 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

The Reserved Matters submitted in accordance with Conditions 1, 4, 10, 16 and 17 of the Outline planning permission P92/4320 and PK06/2470/RVC be approved.

### Background Papers

PK07/3393/RM

Contact Officer: Helen Ainsley  
Tel. No. 01454 863643

## **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 and Country Planning Act 1990 (as amended).

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

### Reason

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

3. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have the effect until the expiration of [1 year] from [the date of the occupation of the building for its permitted use].

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning

authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)].

b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the same place and that tree shall be of such size, species and shall be planted at such times, as may be specified in writing by the Local Planning Authority. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, material and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

### Reason

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

4. There shall be no discharge of foul or contaminated drainage or trade effluent from the site into either groundwater or any surface waters, whether direct or via soakaways.

### 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.

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

Reason

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

6. Prior to being discharged into any watercourse, surface water or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles with a capacity of more than 100 vehicles shall pass through a properly constructed oil/ petrol interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor or such other alternative system as may be agreed with the Local Planning Authority, before discharge to the public sewer, or other drainage system.

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.

7. Any oil or chemical storage tanks shall be surrounded by an impervious oil/watertight bund having a capacity of at least 110% of the tank and of a structural design approved in writing by the Local Planning Authority.

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.

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

Reason

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

9. Prior to the occupation of each unit, a commuter plan shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use; or otherwise as agreed in the commuter plan.

Reason

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

10. The development hereby approved shall be constructed to a BREEAM standard of 'very good'. A formal assessment pre-construction or following construction, shall be undertaken by a licensed BREEAM assessor and a copy of the assessor's report and certificate shall be submitted to the Local Planning Authority prior to the occupation of the building.

Reason

In order to ensure that the development would incorporate measures to achieve energy conservation and the protection of environmental resources, in accordance with Policy D1 of the South Gloucestershire Local Plan (Adopted 2006).

11. The approved cycle parking facilities shall be secure and undercover.

Reason

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

12. No fences or walls other boundary structures shall be erected on the site without the prior written approval of the Local Planning Authority.

Reason

To protect the landscape, wildlife and the ecological interests of the site, in accordance with Policies L1, L8 and L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

13. No development shall take place until samples of the roofing and external facing materials proposed to be used, as well as details of the prominent projecting window surrounds and 'contrast panels' on unit 6, 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.

14. Prior to the first occupation of any unit hereby approved details of the floodlighting for that unit shall have been submitted to and agreed in writing by the Local Planning Authority. These shall include:

- (i) the intensity of the lighting;
- (ii) the direction and shielding of the lighting;
- (iii) the hours of operation.

Thereafter the development shall proceed in accordance with the agreed scheme.

Reason

To minimise disturbance to occupiers of nearby buildings and to accord with Policy E3 and Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

15. The internal access and road hereby approved shall be adequately surfaced with bound surface material. This road shall then be maintained by a management company.

Reason

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

16. The 5 year Landscape Management Plan (Bellinger Design November 2007, updated August 2011) hereby approved shall be fully implemented.

Reason

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

17. The full set of noise mitigation measures as set out in the Noise Assessment hereby approved (by Halcrow Group Limited August 2007) shall be fully implemented prior to the occupation of the units hereby approved.

Reason

To protect amenity of future occupiers, and to accord with Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

18. Prior to the commencement of the development hereby approved, a management plan for construction related vehicles shall be submitted to an approved in writing by the Council.

Reason

To ensure the adjacent highway is kept clear for the movement of police vehicles, in accordance with Policy T12 of the South Gloucestershire Local Plan.

19. The hours of working on site during the period of construction shall be restricted to 7.00 am to 6.00 pm Mondays to Fridays, and 7.00 am to 1pm Saturdays; and no working shall take place on Sundays or Public Holidays. The term working shall for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/clearing work on any plant or machinery deliveries to the site and movement of vehicles within the cartilage of the site.

Reason

In the interests of residential amenity and to accord with Policy EP1 of the South Gloucestershire Local Plan.

**CIRCULATED SCHEDULE NO. 42/11 – 28 OCTOBER 2011**

<b>App No.:</b>	PK11/2725/F	<b>Applicant:</b>	Mr Roger Nailer
<b>Site:</b>	39 Couzens Close Chipping Sodbury Bristol South Gloucestershire BS37 6BT	<b>Date Reg:</b>	5th September 2011
<b>Proposal:</b>	Erection of single storey side extension to provide additional living accommodation.	<b>Parish:</b>	Sodbury Town Council
<b>Map Ref:</b>	373045 182598	<b>Ward:</b>	Chipping Sodbury
<b>Application Category:</b>	Householder	<b>Target Date:</b>	28th October 2011



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

This application was referred to the Circulated Schedule due to the receipt of an objection from local residents.

### **1. THE PROPOSAL**

- 1.1 The applicant proposes to erect a single storey extension to the side of No. 39 Couzins Close, Chipping Sodbury, to provide a study room on the ground floor. The proposed extension would measure approximately 2.2 metres wide by 6.2 metres long, and it would be approximately 5 metres high to its ridge.
- 1.2 The site is consisted of a two-storey detached dwelling with an integral garage. The boundary is consisted of a mix of timber fence and hedges.

### **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 Development within Existing Residential Curtilages, including Extensions and New Dwellings  
  
South Gloucestershire Core Strategy -Submission Draft (December 2010)  
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance  
Supplementary Planning Document Design Checklist (Adopted)

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

- 3.1 There is no planning history relevant to the determination of this application.

### **4. CONSULTATION RESPONSES**

- 4.1 Sodbury Town Council  
No objection
- 4.2 Public Rights of Way Officer  
No comment.

#### **Other Representations**

- 4.3 Local Residents  
A letter of objection was received and the local residents raised the following concerns:

- i. The length of the extension would appear to potentially block light into the neighbour's front window
- ii. The proposal would compromise the future value of the house

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

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

### 5.2 Design / Visual Amenity

The proposed extension is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. Whilst the extension has a steep pitch, it would match the character of the host dwelling. The proposal would not extend beyond the main rear elevation of the dwelling, and it set back from the main front elevation (two storey element) by approximately 1.1 metres. Given the siting and the fact that the proposal is single storey it is considered that the proposal is of modest size in comparison to the bulk of the main dwelling and is suitably subservient to it. Furthermore, the proposed addition would incorporate materials to match those of the main dwelling, assisting the successful integration of the extension with the host dwelling.

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

### 5.3 Residential Amenity

The proposed extension would be adjacent to the shared boundary of the neighbouring dwelling, No. 37 Couzens Close, which has a front bay window, which overlooks its front garden and the proposed extension.

Although the proposed extension would set forward beyond the adjacent property, No. 37, it would set back from the main front elevation (two-storey element) and the existing single storey element of the host dwelling by approximately 1.8 metres and 2.7 metres respectively. In addition, the proposed extension would be located at the south-east of the neighbour's bay window. On balance, officers consider that the proposal would not cause significant loss of daylight to the neighbouring property, No. 37, to warrant a refusal of this application.

The proposal demonstrates that windows and rooflights would be installed at the front and rear of the extension, and there is no window proposed to the side of the extension, it is considered that there are no issues of inter-visibility or loss of privacy. Officers, however, consider that it would be appropriate to impose a planning condition to ensure that no window will be installed without a written consent from the Council in order to protect the privacy for both application site and the neighbouring property.

Further, there are no concerns relating to overdevelopment as sufficient garden space would remain to serve the property. Therefore the impact on residential amenity is subsequently deemed acceptable.

5.4 Parking and Highway Safety

The proposal would not affect the existing garage and driveway, as such the parking provision would remain in compliance and within the Councils required parking standards.

5.5 Other Issues

The local residents raised concerns in relation to the future value of their property. However, the effect on the property value is not a material consideration of planning applications.

**6. CONCLUSION**

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

6.2 The proposed extension has been designed to respect the materials, design and character of the host dwelling and streetscene. The development therefore accords with Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.

It is not considered that the proposal would cause significant adverse impact in residential amenity. The development is therefore considered to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

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

**7. RECOMMENDATION**

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

**Contact Officer: Olivia Tresise**  
**Tel. No. 01454 863761**

**CONDITIONS**

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

Reason

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

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

Reason

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

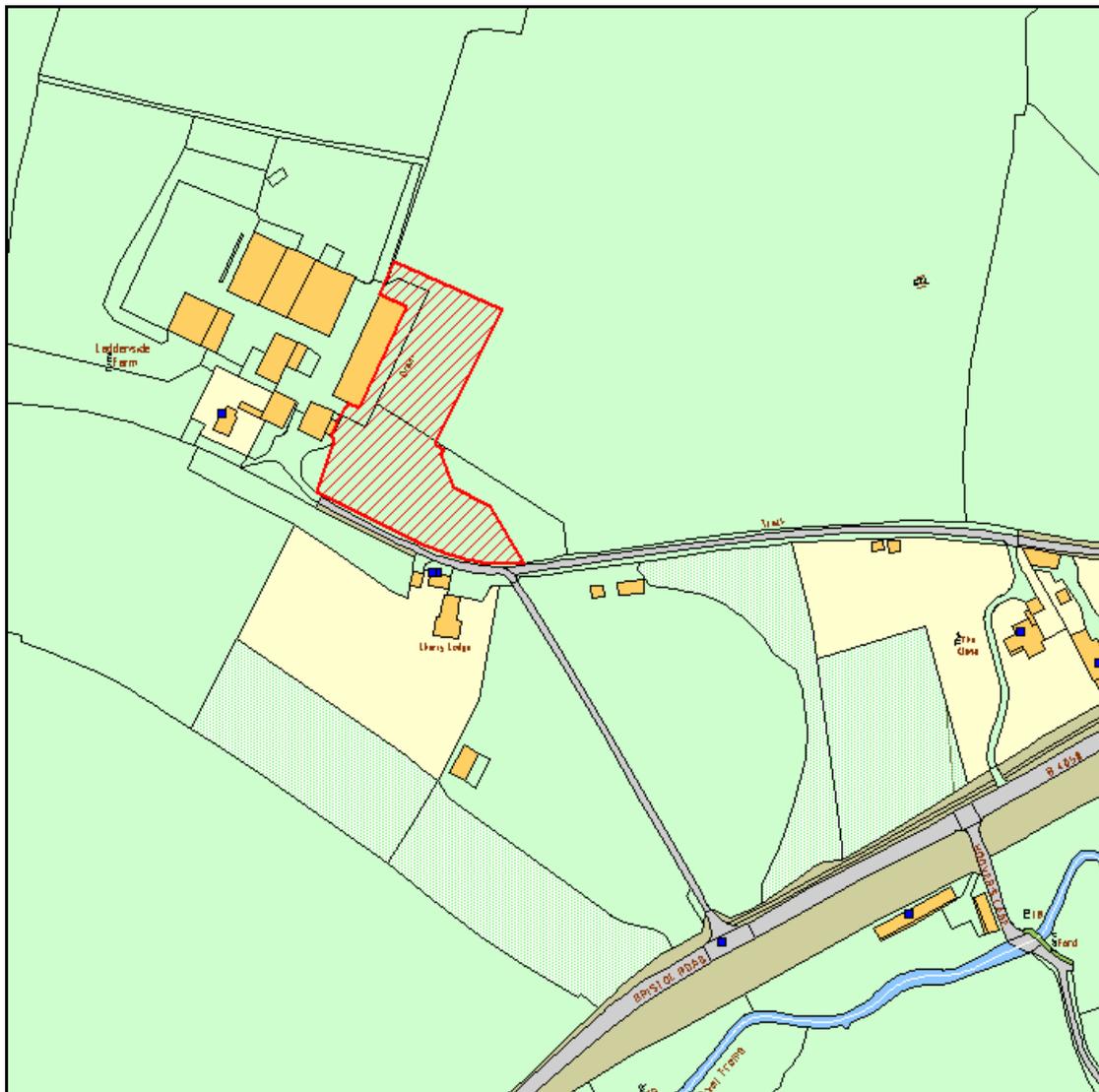
3. No windows shall be inserted at any time in the side elevation of the proposed extension hereby approved.

Reason

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

**CIRCULATED SCHEDULE NO. 42/11 – 28 OCTOBER 2011**

<b>App No.:</b>	PK11/2737/F	<b>Applicant:</b>	Kingspool Holsteins
<b>Site:</b>	Laddenside Farm Bristol Road Iron Acton Bristol South Gloucestershire	<b>Date Reg:</b>	7th September 2011
<b>Proposal:</b>	Erection of agricultural building to form new parlour, dairy and additional livestock accommodation.	<b>Parish:</b>	Iron Acton Parish Council
<b>Map Ref:</b>	366660 183426	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Major	<b>Target Date:</b>	5th December 2011



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

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

### **1. THE PROPOSAL**

1.1 This application seeks full planning permission for the erection of an agricultural building for use as a new dairy unit. Laddenside Farm comprises 60 acres of farmland together with a range of modern farm buildings, a cottage and mobile home; however it is incorporated within the wider area farmed by the applicant, extending to approximately 1,189 acres in total and including Two Pools Farm. Vehicular access to Laddenside Farm is via a driveway off Bristol Road, shared with nearby Cherry Lodge, which is a small pig farm with associated Farm Shop. The site lies in a rural location to the North-West of the village of Iron Acton.

1.2 The proposal is to construct:

A new cattle shed, with 80 cubicles, measuring approximately 54.86m x 12.19m and 3.6m to the eaves.

A new milking parlour and dairy shed, with collecting yard and isolation stalls, measuring 60.96m x 15.24m and 4.57m to the eaves.

The new buildings would be adjoined to each other and provide sufficient accommodation and parlour facilities for up to 150 cows to be milked at Laddenside Farm.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1 Delivering Sustainable Development

PPG2 Green Belts

PPS7 Sustainable Development in Rural Areas

Draft Nation Planning Policy Framework (NPPF) April 2011

#### 2.2 The South Gloucestershire Core Strategy Submission Draft Dec 2010

CS1 - Design

#### 2.3 Development Plans

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

D1 Design

L1 Landscape Protection and Enhancement

L9 Species Protection

L17 & L18 The Water Environment

EP1 Environmental Pollution

EP2 Flood Risk and Development

EP7 Unstable Land

GB1 Green Belt

E9 Agricultural Development  
T8 Parking Standards  
T12 Transportation Development Control Policy for New Development  
LC12 Recreational Routes

- 2.4 Supplementary Planning Guidance  
Green Belt SPD (Adopted 2007)  
SG Landscape Character Assessment (Adopted) Aug 2005. The site lies within Landscape Character Area 8; Yate Vale.

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

- 3.1 N7649/AP - Erection of agricultural workers bungalow (details following outline). To be read in conjunction with planning permission Ref. No. N.7649. Approved 3 Dec 1981
- 3.2 P95/1676 - Erection of steel portal framed agricultural building. Approved 22 August 1995
- 3.3 PK06/0025/F - Change of use of land from agricultural to residential curtilage for the siting of a caravan as accommodation for seasonal agricultural worker. Refused 15 Feb 2006
- 3.4 PK10/0904/F - Change of use of agricultural land to land for the temporary siting of a mobile home. To be occupied by an agricultural worker. Approved 16 Sept 2010.
- 3.5 PK11/034/SCR - EIA Screening Opinion  
EIA Not required.

#### Enforcement History

- 3.6 COM/09/5385/OD - Stationing of mobile home. Static caravan has been sited on agricultural land for 3 years despite planning refusal PK06/0025/F. Status: Closed

### **4. CONSULTATION RESPONSES**

- 4.1 Iron Acton Parish Council  
No objection
- 4.2 Other Consultees (including internal consultees of the Council).

Sustainable Transport  
No objection

Tree Officer  
No objection

### Landscape

No objection subject to conditions to secure additional planting and colour of proposed materials to be used in construction.

### Technical Support – Street Care

No objection subject to standard conditions and informatives.

### Ecology

No objections subject to a condition to secure a landscape and ecology master plan and an informative relating to nesting birds.

## **Other Representations**

### 4.3 Local Residents

1no. response was received from the occupier of nearby Cherry Lodge. The concerns raised are summarised as follows:

- Increased traffic generation on private lane.
- Question whether applicant has legal right to intensify the use of access owned by occupier of Cherry Lodge. The alternative 'original' access from Bristol Road is currently only used as a public footpath. This access has poor visibility onto Bristol Road and would mean traffic passing the existing cottages located close to it.
- The applicant is in breach of the existing access agreement with regard to cost of maintenance. Also the access is being used for more than one dwelling (see mobile home).
- More than one person lives at the mobile home in breach of the planning permission.
- Increased disturbance from milking operation and milk collections.
- New access into site opposite Cherry Lodge will adversely affect safety of people visiting the recently approved Farm Shop, when it opens at Cherry Lodge.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The site is in agricultural use and the statement supplied with the application, makes it clear that the proposed building would be a new purpose built dairy unit. This use falls within the categories of development which are defined as not inappropriate in the Green Belt, the proposal is therefore considered to be acceptable in principle, subject to the analysis below, which follows the criteria set by policy E9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

### 5.2 Openness of Green Belt

Since the building is for agricultural use only it is not inappropriate development in the Green Belt, it is therefore by definition, not harmful to the openness of the Green Belt or to the other purposes of including land within the Green Belt. The proposal therefore accords with Policy GB1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

- 5.3 E9(A): Sited on agricultural land, with no other buildings available  
From the supporting information and officer observations during his site visit, there are no other suitable redundant buildings within the declared land ownership, which could be used, criterion A is therefore considered to have been met.
- 5.4 E9(B): Adequate provision for access and manoeuvring  
It is proposed to utilise the existing shared access from Bristol Road, over which the applicant has right of way by deed of grant. The issues raised by the occupant of Cherry Lodge (see 4.3 above) are civil matters to be resolved between the individual parties and as such, fall outside the remit of the Planning Act.
- 5.5 A new entrance into the dairy unit from the driveway would be created to allow for a milk tanker turning space and manoeuvring area. Six new car parking spaces would be created next to the new unit. In response to the neighbour concerns about increased traffic generation and disturbance, the applicant has submitted additional information. This information confirms that:
- Vehicle movements over the driveway were considerably higher when Cherry Lodge previously operated a Farm Shop.
  - The farm is currently used to rear dairy youngstock, which are currently moved twice weekly to and from the site, however prior to this Laddenside Farm was a Dairy Farm.
  - Currently the herdsman and his wife, who also works at Two Pools Farm, live in Laddenside Farmhouse and travel to and from work several times a day. This will not be necessary when the new dairy unit is built at Laddenside Farm, allowing it to be a self-contained unit as opposed to supporting Two Pools Farm.
  - There is currently a mobile home on the site, which is occupied by a worker who also travels to Two Pools Farm daily. The planning permission for the mobile home is a temporary consent only (for 1 year and 56 days from 16<sup>th</sup> Sept. 2010) whilst conversion works are undertaken at Two Pools Farm. It is envisaged that these works will shortly be completed to allow the worker to move to Two Pools Farm by mid November. It is then proposed to remove the mobile home from the site.

Given that a milk tanker would have previously visited the farm on alternate days and that the current movement of young cattle between Laddenside and Two Pools Farm would significantly reduce, together with reduced movement of workers between the two farms; officers consider that the scheme would not intensify the traffic levels using the access and would provide a more sustainable alternative to the current use of the site. The proposal therefore accords with Policies T8 and T12 and Criterion B of Policy E9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

- 5.6 E9(C): Environmental Effects  
No detrimental environmental effects have been identified for this proposal. There is an existing septic tank on the site. Soakaways would be utilised for surface water disposal. Nevertheless a condition would be imposed to secure a

SUDS Drainage Scheme and given the past mining history of the area, the submission of a coal mining report to officer satisfaction. Subject to this condition, the proposal accords with Policies L17 & L18, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and meets criterion C of Policy E9.

5.7 E9(D): Effect on Residential Amenity

The only property likely to be affected by the scheme would be neighbouring Cherry Lodge, however this is a working farm in its own right with an associated Farm Shop. The proposed dairy unit would be located far enough (100m) away from Cherry Lodge and would be adequately screened behind high hedgerows. Given that the proposal would not increase the traffic using the adjacent access, it is considered therefore that the proposal would not have a significant adverse affect on residential amenity. Criterion D of Policy E9 is therefore met.

5.8 D1: Design

The design of the building(s) although practical and utilitarian, would be appropriate for this rural location. The scale of the buildings would be similar to the existing buildings at Laddenside Farm and being located alongside them to the east, would integrate very well within the existing farm complex and built form. The proposed modern dairy unit is designed to match the existing farm buildings. Furthermore the materials to be used in construction i.e. pre-cast concrete walls to a height of 2m with box profile metal sheeting for the dairy building and Yorkshire boarding for the cubicle shed; with corrugated fibre cement sheeting for the roofs; would be appropriate for the setting. Skylights would provide natural illumination of the proposed sheds. Together with the proposed landscaping, the unit would not be conspicuous from the public realm and would represent a high quality design in accordance with Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of The South Gloucestershire Core Strategy Submission Draft Dec 2010.

5.9 Landscape

The proposed buildings would be located on the eastern side of and adjacent to, the existing farm buildings; within what is currently part of a large arable field and smaller area of pasture. Views of the existing cattle sheds and other farm buildings, from the public footpath that passes from the south-west to the north-west, are largely screened by a mature and reasonably dense mixed native hedge. There are a number of mature native hedgerow trees that also help to break up views of the farm complex. More distant views of the farm buildings are restricted by a good network of hedgerows and mature hedgerow trees and the relatively level topography, permitting only low view-points. There is a Major Recreational Route running adjacent to the Bristol Road to the south; views of the proposed development would be screened by existing hedgerow and hedgerow trees.

- 5.10 There is currently a native hedge with a couple of small hedgerow trees along the eastern face of the existing cattle housing, which helps to soften the visual impact of the building; it will be necessary to remove this vegetation to facilitate the erection of the proposed buildings. The proposed planting shown on the submitted plans, including a new native hedge to the south of the proposed buildings would help to screen the new car park and compensate for the

hedgerow to be removed. Officers consider however that some additional planting (native hedgerow) is also required to the north and east of the proposed parlour. Subject to conditions to secure this additional planting and the colour of the materials to be used in construction, the proposal would be sufficiently in-keeping with policies L1, GB1, D1 and LC12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

#### 5.11 Trees

There are a number of trees, which are covered by Tree Preservation Order in the hedge line at the front of the existing farm buildings. The proposed development is a good distance from these trees and it is considered that there should be no impact on the health or longevity of the protected trees. The new access from the driveway into the dairy unit would be situated between any other existing trees in the hedge line. There are therefore no objections in relation to the TPO'd trees.

#### 5.12 Ecology

The application site comprises part of an existing intensive agricultural field and agricultural buildings of negligible ecological interest. The proposed building is of a design and nature that does not generally provide roosting or nesting opportunities for bats or birds. The Design & Access Statement (DAS) indicates that the proposal would incur the loss of a hedgerow, which screens the existing building from views to the east. The application proposes to off-set this loss with a scheme of mixed native tree and shrub species planting. A Condition should be attached to the Consent (if granted) requiring that a landscape (and ecology) master plan be drawn up under Condition, illustrating all new mixed shrub species and planting. Subject to this condition, the scheme accords with Policy L9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

## 6. CONCLUSION

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

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

1. The building in terms of scale and design would be in keeping with its surroundings in accordance with D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
2. Consideration has been given to the impact of the proposal on the character and amenity of the surrounding area, and found to be in accordance with Policies D1, L1, and GB1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

3. Consideration has been given to the highway implications of the proposal which accords with Policy T12, T8 and E9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
4. Consideration has been given to the impact of the scheme on residential amenity and found to be in accordance with Policy E9 and D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
5. The proposal would not adversely affect the openness or visual amenity of the Green Belt in accordance with Policy GB1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and PPG2.
6. The drainage and environmental implications of the proposal have been considered against Policies L17 & L18, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
7. The amenity of the nearby recreational route would not be adversely affected in accordance with Policy LC12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
8. The proposal has been considered in relation to its impact on protected species and found to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

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

## **7. RECOMMENDATION**

- 7.1 That planning permission be GRANTED subject to the conditions listed on the Decision Notice.

**Contact Officer: Roger Hemming**  
**Tel. No. 01454 863537**

## **CONDITIONS**

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

Reason

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

2. Notwithstanding the landscaping details shown on the approved Combined Proposed Drawing no. 10194/46/101; prior to the commencement of the development hereby approved, a scheme of landscaping which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; details of planting to the north and east of the Collecting Yard and Parlour hereby approved, proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details. The works shall be carried out prior to the first use

of the development or in accordance with a programme agreed with the Local Planning Authority.

Reason

To screen the development and to protect the character of the area and visual amenity of the Green Belt and landscape in general in accordance with Policies L1, D1, LC12 and GB1 respectively.

3. Prior to the commencement of the development hereby approved, a landscape (and ecology) master plan shall be drawn up and agreed with the Council in writing, to include details of the mixed native tree and shrub species to be planted and how this new habitat will be managed to benefit local wildlife. Thereafter the management plan shall be implemented in full accordance with the details so agreed.

Reason

In the ecological interests of the site in accordance with Policy L9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

4. Prior to the commencement of the development hereby approved, details of the colour of the Eternit P5R Fibre Cement Sheeting and Box Profile Plastic Coated Metal Sheeting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the details so approved.

Reason

To protect the character of the area and visual amenity of the Green Belt and landscape in general in accordance with Policies L1, D1 and GB1 respectively.

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

Reason

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

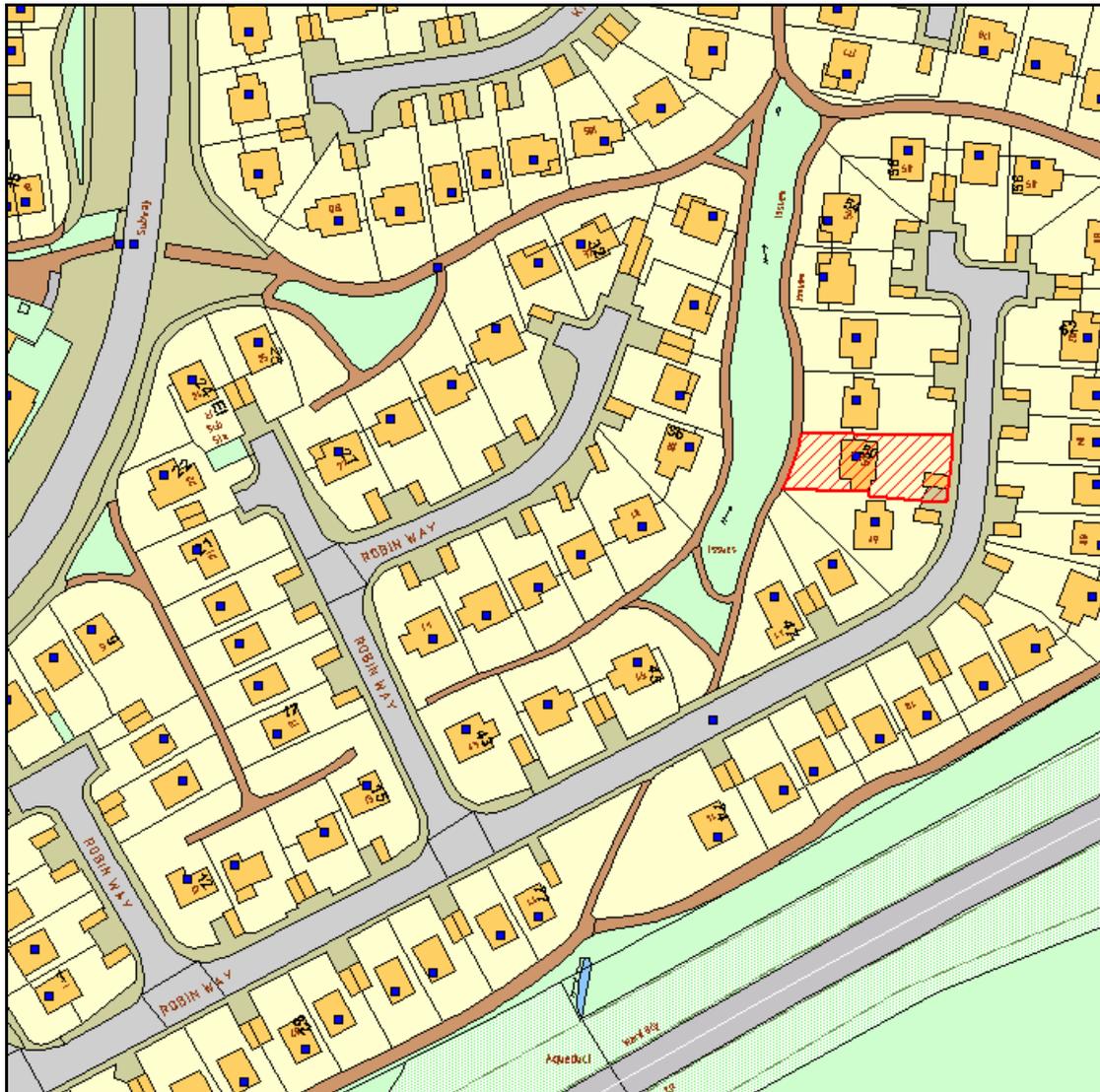
6. Prior to the commencement of the development hereby approved, a Coal Mining Report relating to the development site, shall be submitted to and approved in writing by the Local Planning Authority. In the event of mine entries or shallow mine workings being identified within the development site, a scheme of mitigation shall be agreed in writing with the Local Planning Authority and thereafter, the works hereby approved, shall be carried out in full accordance with the details so agreed.

Reason

To take account of the past Coal Mining history of the locality in accordance with Policy EP7 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

## CIRCULATED SCHEDULE NO. 42/11 – 28 OCTOBER 2011

<b>App No.:</b> PK11/2789/F	<b>Applicant:</b> Mr R Prentice
<b>Site:</b> 50 Robin Way Chipping Sodbury Bristol South Gloucestershire BS37 6JW	<b>Date Reg:</b> 15th September 2011
<b>Proposal:</b> Erection of detached double garage.	<b>Parish:</b> Dodington Parish Council
<b>Map Ref:</b> 372287 181508	<b>Ward:</b> Chipping Sodbury
<b>Application Category:</b> Householder	<b>Target Date:</b> 7th November 2011



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**N.T.S.**

**PK11/2789/F**

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

This application has been referred to the circulated schedule due to the receipt of several letters of objection from local residents.

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking full planning permission for the erection of a garage to the rear of 50 Robin Way, Chipping Sodbury. The proposed garage would measure 5.6 metres wide by 6.4 metres in depth and would have an overall height to ridge of 3.8 metres.
- 1.2 The property is a two storey semi-detached dwelling and is located within a residential area of Chipping Sodbury.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
T8 Parking Standards
- South Gloucestershire Core Strategy, submission Draft December 2010  
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007.

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

- 3.1 None relevant

### **4. CONSULTATION RESPONSES**

- 4.1 Dodington Parish Council  
No response received

#### **Other Representations**

- 4.2 Local Residents  
Five letters of objection have been received from local residents raising the following concerns:
- Object to construction and appearance of pitched roof
  - No pitched roofs in the area all are flat and constructed of felt or corrugated material

- Proposed height is 1.58m higher than flat roofs
- Would be out of character with existing structures
- Height of roof is the same as the height of the first floor windows of surrounding properties
- Height of building would be almost double that of existing garages
- Unclear about the wall construction, brick/block is mentioned on drawings
- Hope the walls are brick in keeping with the other garages.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

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

### 5.2 Design / Visual Amenity

The proposed garage would be located to the rear of the dwelling and would replace an existing flat roof detached single garage. The proposed garage would be a double garage with a pitched roof. The application site is situated within a residential estate that has been designed in a 'Radburn' style with the main vehicle access at the rear of the dwellings and the front areas dedicated to pedestrian only use. The dwellings in the street were originally constructed with the benefit of a single garage at the rear. The garages were single storey with a shallow mono pitch and modest scale.

A number of objections have been received from local residents, objecting to the scale of the proposal and the pitched roof. The garage is quite large, and whilst it is accepted that the garage is unusual as an outbuilding in the street scene as it has a pitched roof and generally larger volume than other garages in the street, the garage is not unusual in terms of its form and proportions in its own right. Although the building is undoubtedly larger than the other garages in the locality this alone is not sufficient to justify the garage as being harmful. The garage sits at the rear of a dwelling within a residential street and the garage is not unusual in terms of its form, design and proportions. The applicant has confirmed that the proposal would be finished in brick to match the surrounding garages with the rear elevation facing the dwelling having a render and brick finish. A condition would be attached to any permission to ensure this is the case. Consequently it is considered that it would be difficult to demonstrate in an appeal that the garage is visually harmful. Therefore, the proposed garage is considered to accord with the criteria of Policy D1.

### 5.3 Residential Amenity

The proposed garage would be located to the rear of the dwelling, set slightly away from the boundaries with the neighbouring properties. The garage would be located over 7 metres away from the main rear elevation of the nearest neighbouring property, No. 49 Robin Way. Given the existing boundary

treatments in place, combined with the depth and height of the proposal, it is not considered that the garage would have any overshadowing or overbearing effect on the neighbouring dwellings. This is especially the case given that the proposal would incorporate a hipped roof that slopes away from the neighbouring properties.

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

#### 5.4 Parking and Highway Safety

The proposed garage would replace an existing detached garage. Therefore the parking provision would remain in compliance and within the Councils required parking standards. Further, with no objections from the Councils Transportation Officer the proposal is considered acceptable.

## 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 a) Due to its scale and position in relation to the adjacent dwellings, the proposed development is not considered to give rise to a material loss of amenity to the adjacent occupiers. The development therefore accords to Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

b) It has been assessed that the proposed building has been designed to respect and maintain the overall design and character of the street scene and surrounding area. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

c) The proposal would not prejudice the existing private parking arrangements. The development therefore accords to Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006

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

## 7. RECOMMENDATION

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

**Contact Officer:** Kirstie 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).

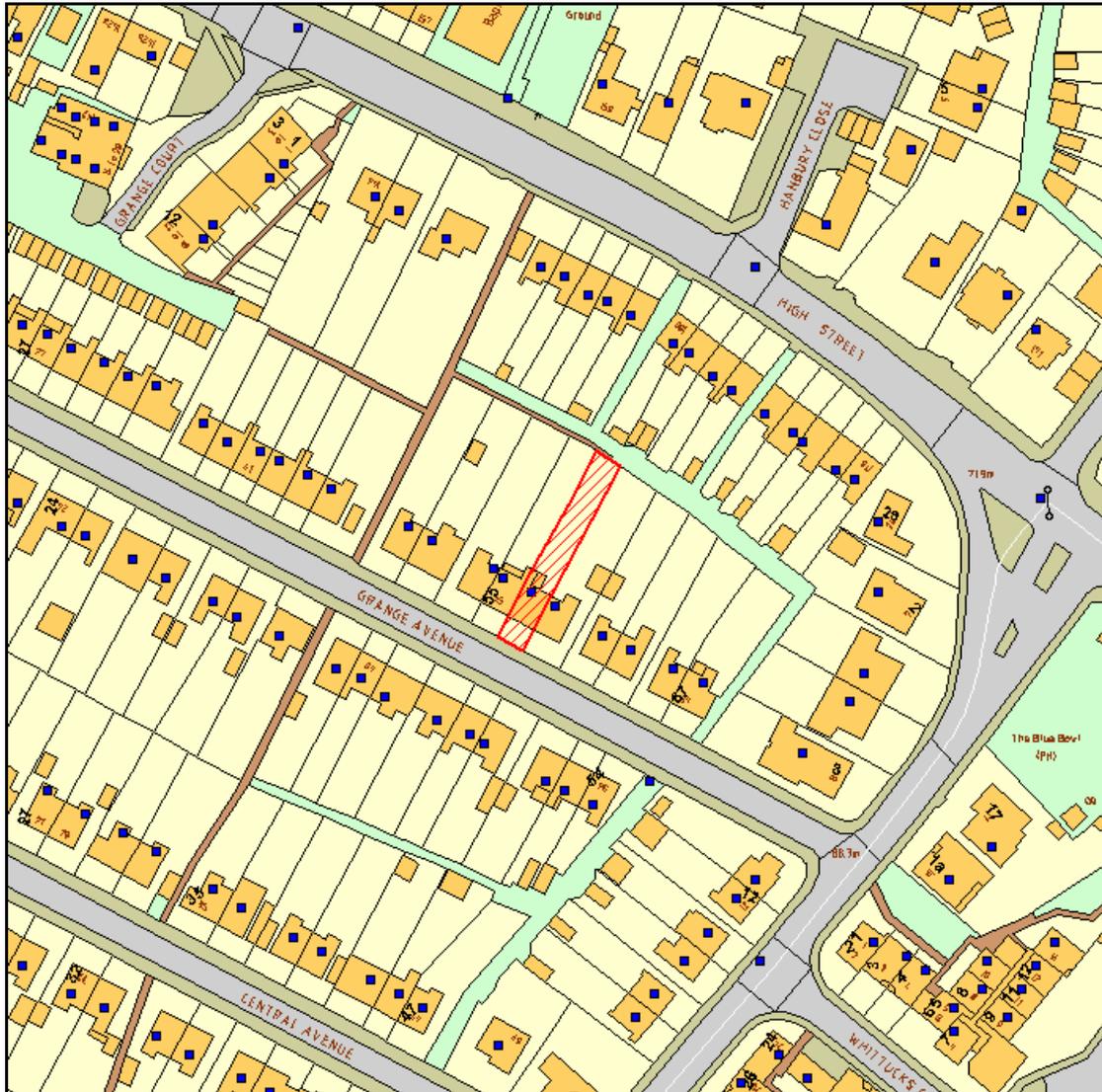
2. The bricks to be used in the construction of the front and side external surfaces of the garage hereby permitted shall as far as practicable match those used in the existing dwelling.

Reason

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

## CIRCULATED SCHEDULE NO. 42/11 – 28 OCTOBER 2011

<b>App No.:</b>	PK11/2826/CLP	<b>Applicant:</b>	Mr And Mrs Hutton
<b>Site:</b>	57 Grange Avenue Hanham Bristol South Gloucestershire BS15 3PE	<b>Date Reg:</b>	14th September 2011
<b>Proposal:</b>	Application for Certificate of Lawfulness for the proposed installation of a rear dormer.	<b>Parish:</b>	Hanham Parish Council
<b>Map Ref:</b>	364609 172057	<b>Ward:</b>	Hanham
<b>Application Category:</b>	Minor	<b>Target Date:</b>	7th November 2011



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 100023410, 2008. **N.T.S.** **PK11/2826/CLP**

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

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

### **1. THE PROPOSAL**

- 1.1 A Certificate of Lawfulness for a Proposed Development has been applied for in relation to the installation of a rear dormer with an extended soil and vent pipe. The application property is a two storey mid-terraced dwelling and is located within the residential area of Hanham.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission. Accordingly there is no consideration of planning merit; the decision is based on the facts presented.

### **2. POLICY CONTEXT**

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

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

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

- 3.1 PK06/0090/F          Erection of single storey rear extension to form additional living accommodation.  
Approved 13-FEB-06

### **4. CONSULTATION RESPONSES**

- 4.1 Hanham Parish Council  
No objection

#### **Other Representations**

- 4.2 Local Residents  
Two letters of objection (from the same person) have been received, raising the following points.
- o Concerns of overlooking
  - o Problems over access when previous extension was built
  - o Existing privacy issues caused by security lighting

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The purpose of this application for a Certificate of Lawful Development is to establish whether or not the proposed development can be implemented lawfully without the need for Planning Consent. This is not a Planning Application but is an assessment of the relevant planning legislation, and as such the policies contained within the South Gloucestershire Local Plan (Adopted) January 2006 do not apply in this instance.

It stands to be ascertained whether the proposed development falls within the limits set out in Part 1 of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

The proposed development consists of the installation of a rear dormer, and the increase in height of an existing soil and vent pipe. This development would fall under the criteria of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008) (The enlargement of a dwellinghouse consisting of an addition or alteration to its roof). Additionally, the development includes increasing the height of the existing Soil and Vent Pipe. This development would fall under the criteria of Schedule 2, Part 1, Class G of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008) (The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse).

5.2 Although letters of objection have been received, for the above reasons only objection regarding the validity of the application in relation to the legislation (Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008) can be taken into account for this type of application. No points have been raised regarding the legislation.

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

#### **B1 Development is not permitted by Class B if—**

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

No part of the proposed dormer will exceed the height of the highest part of the existing roof.

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

The proposed dormer will be on the rear elevation which is not a principal elevation and does not front a highway.

- (c) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—**  
**(i) 40 cubic metres in the case of a terrace house, or**  
**(ii) 50 cubic metres in any other case;**

The dwelling is a mid-terrace dwelling and the total cubic content of the proposed dormers is less than 27 cubic metres.

- (d) it would consist of or include—**  
**(i) the construction or provision of a veranda, balcony or raised platform, or**  
**(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or**

The proposed development will not consist of any veranda, balcony, raised platform. Although the proposal will include the installation of a soil and vent pipe, this is covered by Class G of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (see below). The Officer has noted that as part of the submitted documents, the applicant claims that there will be no change to the existing soil and vent pipe, however, the submitted plans show an extended soil and vent pipe, which is taken to be part of this application.

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

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

## **B.2 Conditions**

- (a) The materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse**

The new tiles will be of a similar appearance as those on the existing dwelling.

- (b) Other than in the case of a hip-to-gable enlargement, the edge of the enlargement closest to the eaves of the original roof, so far as practicable, be not less than 20 centimetres from the eaves of the original roof.**

The edge of the rear dormer is shown to be 20 cm from the eaves of the original roof.

- 5.4 Schedule 2, Part 1, Class G of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 allows for the installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse provided that it meets the following criteria.

### **G.1 Development is not permitted by Class G if—**

- (a) the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or**

The resulting Soil and Vent pipe will not exceed the highest part of the roof by 1 metre

**(b) in the case of a dwellinghouse on article 1(5) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which—**  
**(i) fronts a highway, and**  
**(ii) forms either the principal elevation or a side elevation of the dwellinghouse.**

The dwelling is not on Article 1(5) land.

5.5 Conclusion

The proposed development complies with Schedule 2, Part 1 Class B and Schedule 2, Part 1 Class G of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and is permitted development.

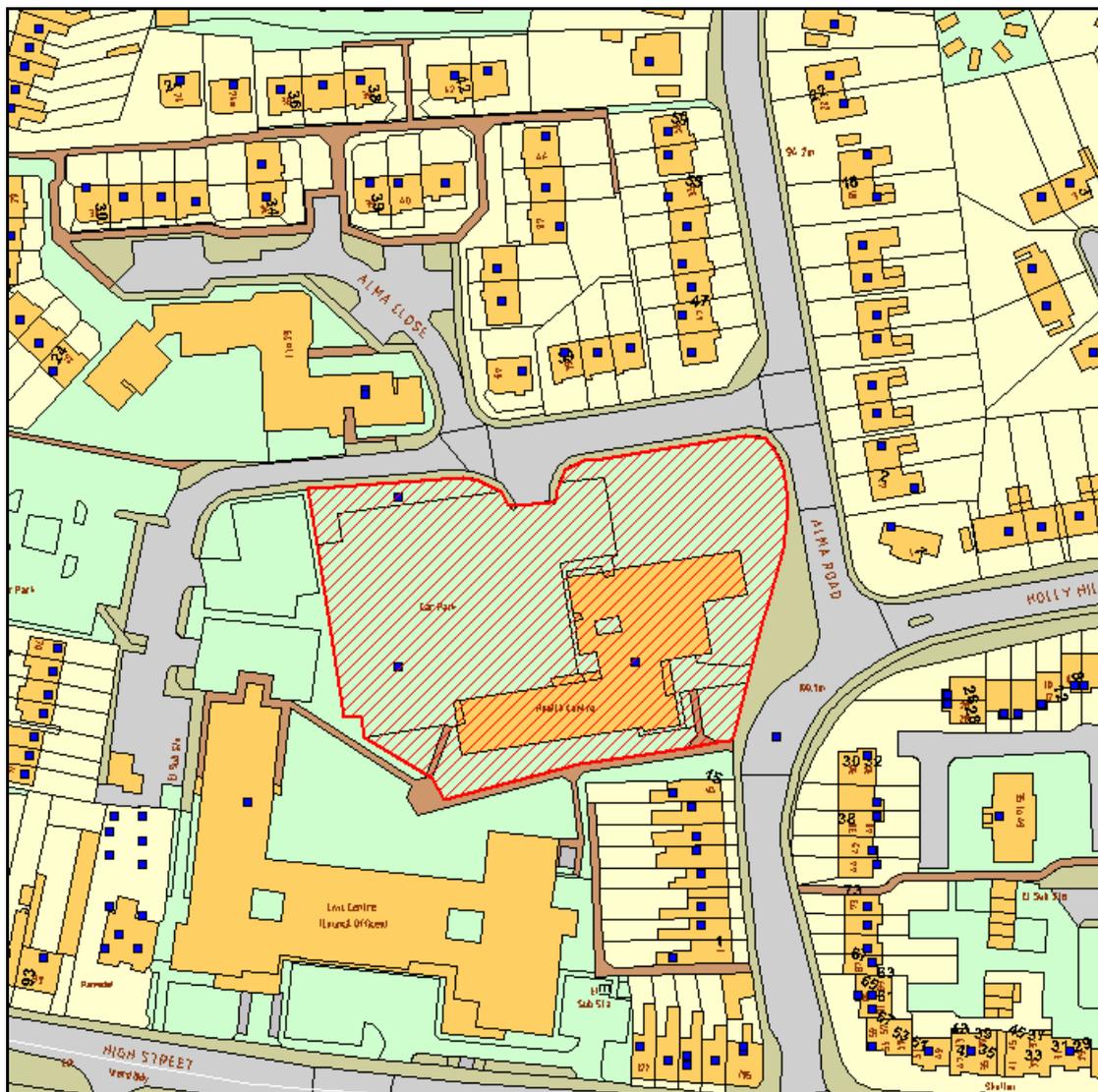
**6. RECOMMENDATION**

6.1 That a Certificate of Lawfulness for Proposed Development is granted.

**Contact Officer: Elizabeth Dowse**  
**Tel. No. 01454 862217**

CIRCULATED SCHEDULE NO. 42/11 – 28 OCTOBER 2011

<b>App No.:</b>	PK11/2842/ADV	<b>Applicant:</b>	Co-operative Pharmacy
<b>Site:</b>	Kingswood Health Centre Alma Road Kingswood South Gloucestershire	<b>Date Reg:</b>	12th September 2011
<b>Proposal:</b>	Display of 3 no. internally illuminated fascia signs and 1 no. internally illuminated projecting sign	<b>Parish:</b>	None
<b>Map Ref:</b>	365352 173895	<b>Ward:</b>	Kings Chase
<b>Application Category:</b>	Minor	<b>Target Date:</b>	7th November 2011



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

An objection has been received, contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks advertisement consent for the display of three internally illuminated fascia signs and one internally illuminated projecting sign on the newly opened Kingswood Health Centre, a three storey building fronting Alma Road to the rear of Kingswood Civic Centre.
- 1.2 The signs in question are fascias on the north, west and east elevations and a projecting sign on the northwest corner.

### **2. POLICY CONTEXT**

2.1 National Guidance  
PPG19 Advertising

2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
None

South Gloucestershire Core Strategy -Submission Draft (December 2010)  
None

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

- 3.1 PK11/1635/ADV 1 internally illuminated fascia sign, 1 non-illuminated panel fascia and 1 internally illuminated projecting sign - Approved.

### **4. CONSULTATION RESPONSES**

4.1 Parish/Town Council  
Unparished Area

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

I have reviewed the documentation attached to this application for the placement of signs on the building housing the Kingswood Medical Centre. There will be no changes to the traffic movements as a result of this proposal. Therefore, there are no traffic or highway comments on this application.

#### **Other Representations**

4.3 Local Residents

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

- consultation letter received late
- how bright will the lights be, as the external lighting on the site at present blinds motorists coming up Holly Hill
- Will the lighting for the signs be switched off at night?

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

In accordance with the advice given in PPG19, the display of outdoor advertisements/signs can only be controlled in the interests of amenity and public safety, however the need to advertise the pharmacy function within the health centre is accepted as valid. It is considered that it is reasonable for a limited amount of advertising/signage to be displayed on or adjacent to the buildings and it will be visible from public areas.

5.2 Whilst there is no objection to the principle of advertising/signage at the site, careful consideration should be given to the amount and size of the advertisements/signs, which should not be detrimental to the appearance of the building, to which they relate or to the character of the locality. The cumulative effect of the proposal should not be detrimental to visual amenity and the advertisements/signs should not prejudice public safety.

### **5.3 Visual Amenity**

In visual terms, the signs are not prominent in relation to the size of the building. The colours are muted and the detailing is minimal. The projecting sign would simply show a cross motif. The others do no more than identify this part of the building as the pharmacy and explain who operates it. It is considered that the proposed signs are not obtrusive and would not harm visual amenity.

### **5.4 Public Safety**

The highways officer has no objection and the sign would be located in a position where it would not be of danger to pedestrians or drivers. There is no reason to believe that the internal illumination of the signs would be brighter than the external lighting of the building. However, in order to protect public safety, a condition has been appended to ensure that the illumination of the signs is switched off between 2000 and 0600.

### **5.5 Other Issues**

The consultation process has raised the point that the consultation letter was received late. All letters were sent out on 7 September 2011 and the only reply to the consultation is reported above.

## **6. CONCLUSION**

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

6.2 The recommendation to grant advertisement consent has been taken having regard to the legislation set out above.

## **7. RECOMMENDATION**

7.1 That advertisement consent is granted.

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

### **CONDITIONS**

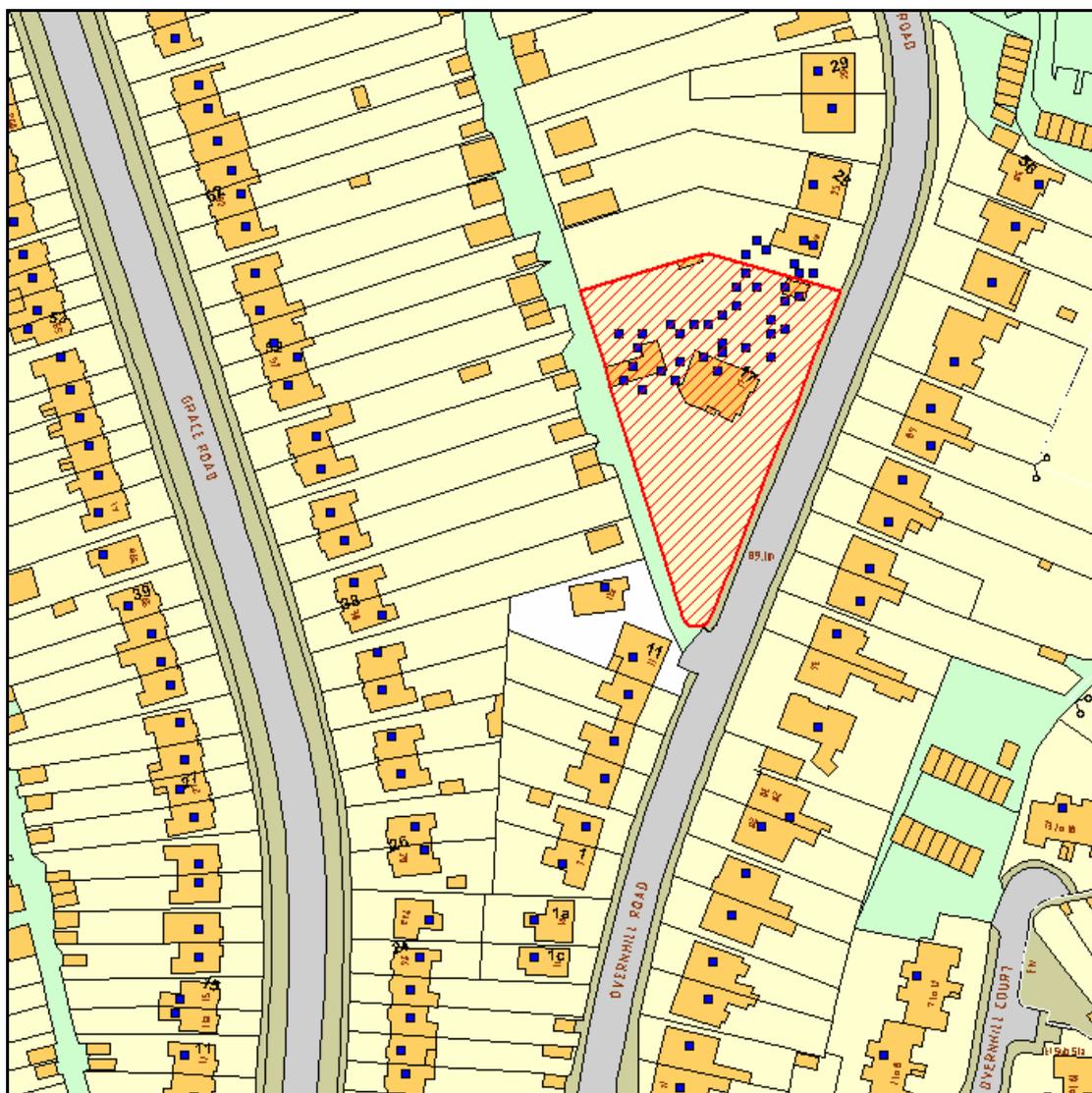
1. No illumination of the advertisements hereby granted consent shall take place between the hours of 2000 and 0600.

Reason

In the interests of public safety in accordance with PPG19.

CIRCULATED SCHEDULE NO. 42/11 – 28 OCTOBER 2011

<b>App No.:</b>	PK11/2992/TRE	<b>Applicant:</b>	McCarthy And Stone Retirement Lifestyles Ltd.
<b>Site:</b>	25A Overhill Road Downend Bristol South Gloucestershire BS16 5DS	<b>Date Reg:</b>	27th September 2011
<b>Proposal:</b>	Works to various trees as described in the Schedule of Works. Covered by Tree Preservation Orders KTPO 03/76 dated 7 June 1976 and KTPO 16/94 dared 20 February 1995.	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	364504 176244	<b>Ward:</b>	Downend
<b>Application Category:</b>		<b>Target Date:</b>	21st November 2011



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

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

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for works to various trees as described in the Schedule of Works Trees, covered by Tree Preservation Orders KTPO 03/76 and KTPO 16/94 dated 20<sup>th</sup> February 1995.
- 1.2 The site relates to areas both within and just outside the grounds of a retirement home in the established residential area of Downend.

### **2. POLICY CONTEXT**

2.1 National Guidance  
PPS1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006  
L1 Landscape Protection and Enhancement

South Gloucestershire Core Strategy -Submission Draft (December 2010)  
CS9 Environmental Resource and Built Heritage

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

- |     |                               |   |
|-----|-------------------------------|---|
| 3.1 | KTPO03/3/76<br>Approved       | Reduce in height no. 3 lime trees<br>12 <sup>th</sup> May 1994  |
| 3.2 | KTPO03/4/76<br>Approved       | Reduce in height by 40% lime trees<br>13 <sup>th</sup> Dec 1994   |
| 3.3 | KTPO16/1/94<br>Approved       | Reduce in height by 40% lime trees<br>5 <sup>th</sup> June 1995   |
| 3.4 | PK07/1764/F<br><br>Refused    | Demolition of 2 no existing dwelling to facilitate the erection of 37 sheltered apartments for the elderly and 1 no. managers apartment with landscaping, access, parking and associated works<br>23 <sup>rd</sup> Nov 2007 |
| 3.5 | PK10/1261/NMA<br>Approved     | NMA to PK07/1764/F to alter elevations and footprint<br>2 <sup>nd</sup> July 2010   |
| 3.6 | PK10/2356/NMA<br><br>Approved | NMA to PK07/1764/F to alter car parking layout to provide no 3 additional parking spaces<br>19 <sup>th</sup> Nov 2010   |

- 3.7 PK11/0226/RVC Variation of condition 14 of PK07/1764/F (regarding code level 3)  
Approved 15<sup>th</sup> April 2011

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

- 4.1 Downend and Bromley Heath Parish Council  
No objections
- 4.2 Other Consultees [including internal consultees of the Council]
- Tree Officer  
No objection

#### **Other Representations**

- 4.3 Local Residents  
An objection has been received by a local resident as follows:  
- the tree preservation order was put in to protect the trees to see an application to have them cut for cosmetic reasons is ridiculous. In addition, as the developer has managed to disregard what the original plans stated since day one (re-use stone from the now demolished buildings, re-use the feature bay window from no. 17, add gates in railings where none were shown in the plans), they cannot be trusted to 'trim' trees. If the work does in fact need doing, I would hope that the Council could carry out the work instead.

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

- 5.1 Principle of Development  
Policy L1 of the South Gloucestershire Local Plan (Adopted) 2006 seeks to conserve and enhance the quality and amenity of the landscape and distinctiveness of the locality and to protect the features that contribute to the character of appearance of the area.

- 5.2 Assessment by Tree Officer  
The severance of Ivy and removal of deadwood, as proposed works to T1 (Lime), T2 (Lime) and T3 (Lime), are exempt from the requirement to gain prior consent from South Gloucestershire Council.

G4 (Hazel), T10 (Silver Birch), T11 (Silver Birch) and T12 (Larch) are not covered by a Tree Preservation Order therefore no consent is necessary to undertake the proposed works.

The proposed works to T6 (Lime), T7 (Lime), T8 (Lime), T9 (Lime) are to raise the canopy to 3m to allow access under the tree crown. This is routine management and in accordance with good arboricultural practice.

#### 5.4 Other Matters

With regard to the comments made regarding the method of works, the application has been made by qualified tree consultant and as such it is considered that professional standards and methods will be adhered to in the procedure. With regard to other comments regarding for example the re-use of materials this cannot be covered under the remit of this tree application report.

### 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 It is judged the proposal will not have a detrimental impact on the visual amenity of the area and therefore the proposed works are considered to be good arboricultural practice and in accordance with Policy L1 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.3 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

### 7. RECOMMENDATION

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

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

### CONDITIONS

1. The works hereby authorised shall be carried out within two years of the date on which consent is granted.

Reason

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

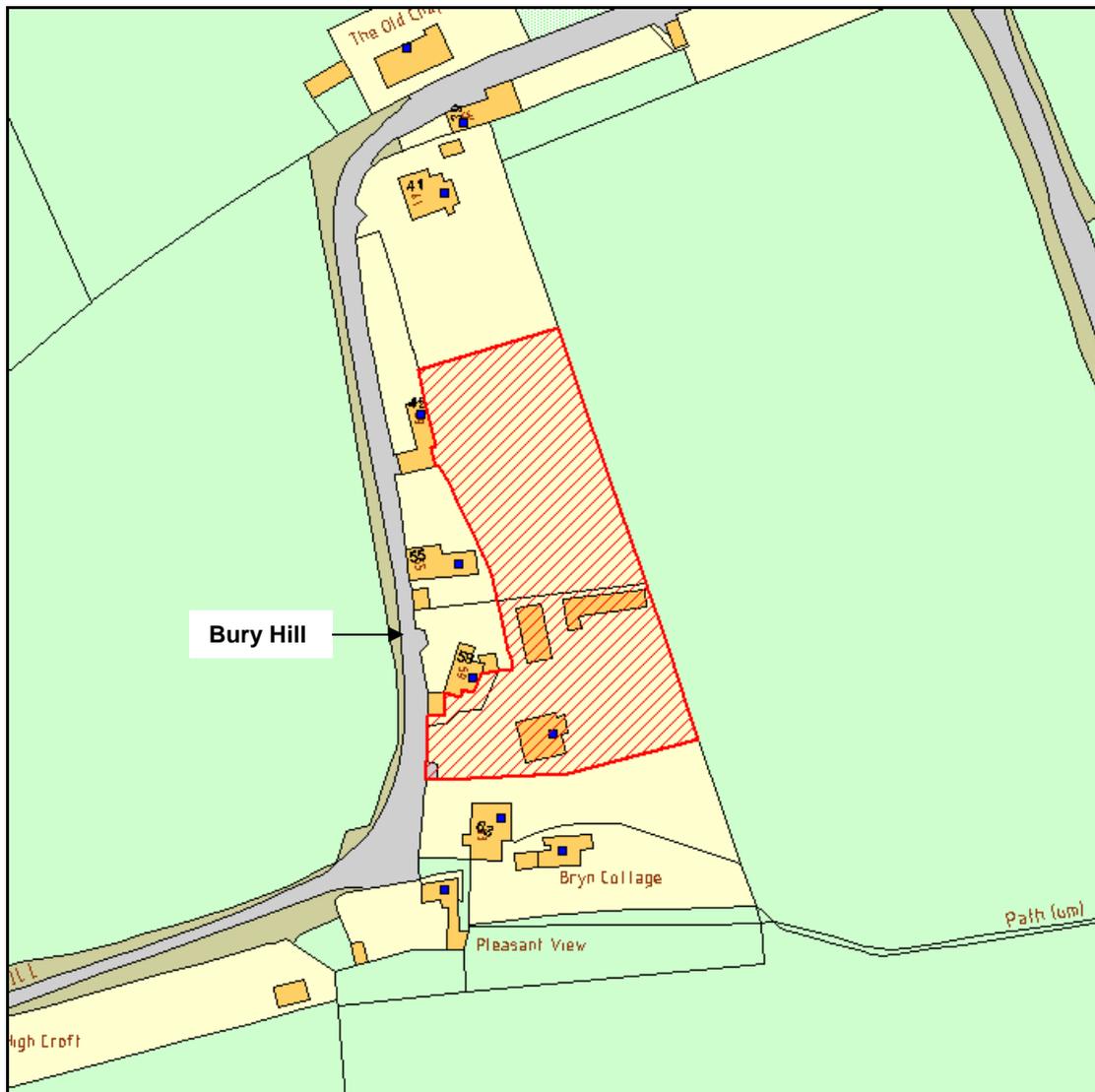
2. The works hereby authorised shall comply with British Standard 3998: 2010 - Recommendations for Tree Work.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree(s), and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 42/11 – 28 OCTOBER 2011

<b>App No.:</b>	PT11/1116/CLE	<b>Applicant:</b>	Mrs D Gibbs
<b>Site:</b>	61 Bury Hill Winterbourne Down Bristol South Gloucestershire BS36 1AD	<b>Date Reg:</b>	15th April 2011
<b>Proposal:</b>	Application for Certificate of Lawfulness for existing use of land outlined red and associated buildings as a single residential unit (Class C3). (Excluding detached garage).	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365732 179142	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Minor	<b>Target Date:</b>	8th June 2011



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

This application appears on the Circulated List because it comprises a Certificate of Lawfulness. The application has already been on the Circulated Schedule in July, however, after reviewing case law, it is considered that the 10 year test applies.

### **1. THE PROPOSAL**

- 1.1 This application seeks a Certificate of Lawfulness for an existing use of land outlined in red and associated buildings as a single residential unit (Class C3).
- 1.2 The application site comprises a two-storey dwellinghouse situated on the eastern side of Bury Hill within the open Green Belt outside the defined settlement boundary. Access is through a gated entrance and the dwelling is set back from the street behind a large hard standing area, which covers the entire front garden area of the dwelling. A grass garden area is located directly behind the dwelling and is screened by mature vegetation along the boundaries as well as several large trees. A large parcel of land within the ownership of the applicant is located to the north of the dwelling.

### **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 PT06/0513/F, conversion of and alteration of roofline to outbuilding to form 2no. self catering holiday units, refusal, 09/03/06.
- 3.2 PT07/2049/F, installation of 2no. rear dormer windows (resubmission of PT07/1228/F), approval, 30/07/07.
- 3.3 PT07/1228/F, installation of 2no. rear dormer windows, refusal, 22/05/07.
- 3.4 PT06/0043/F, erection of side conservatory and replacement detached garage, approval, 14/02/06.
- 3.5 PT08/2044/F, conversion and alteration of roofline of former pig sty to games room/gymnasium, did not require planning permission, 24/07/08.

### **4. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION**

- 4.1 Sworn declarations prepared by the solicitors Kirby Sheppard and signed by the respective parties have been received from the following:
  - The applicants Mr and Mrs Gibbs stating that the site has been used as a self-contained dwellinghouse and residential garden since June 2004. The applicants have submitted land registry documents indicating ownership from 28<sup>th</sup> June 2004, as well as various site plans and block plans with the site outlined in red.

- A second sworn declaration has been received from Mr and Mrs Gibbs, which address the allegations of commercial activities at the site.
- Sara Grace Bowers stating that she has known the applicants for approximately 10 years and has been their childminder for the applicants children since they have lived at the site. She states that over the last five years she has worked from 4pm to 7pm 3 days a week. The statement indicates that apart from vacations, this has been continuous for the last five years and confirms that the entire land outlined in red has been used by the children as a residential garden and at no time fenced off or used for agricultural purposes.
- Timothy Peter Allen stating that he has been a family friend of the applicants for 10 years. He states that his children intermittently babysat the applicant's children mostly on weekends on average once a month and on the 80 occasions at least over the last 7 years of visiting, all the land was being used as a private residential garden by the applicants with the typical residential paraphernalia.
- Barry Preece stating that he is the sole proprietor of BPA Consultants and has been involved in the numerous planning applications at the site. He states that he can confirm that all the land and buildings within the red line have been used for residential purposes ancillary to the main house and not for agricultural use at all.
- Martin Peter Turner stating that he was a resident at 49 Bury Hill with his mother and father from 1945 until 1966 and returned in 1993 and has remained there since. He states that the house at Bury Hill was built by a local builder, Len Turner in 1947. The paddock and gardens at 61 became a popular playground for the kids on the hill, and states that this was corroborated by one of the sons who also said that his father built the house in 1947. Mr Turner states that he can confirm that the residents now at 61, Mr and Mrs Gibbs, have never used any of the land for agricultural purposes and use the gardens for residential purposes. He states that in the seven or more years preceding the Gibbs' arrival the previous owners, Mr and Mrs Jaworski, used the land exclusively as residential after they had stopped keeping chickens in 1997.

4.2 In addition, the following 10no. letters of support have been received:

- Mary Anne Skuse – this letter states that she has know the applicants family for 1 years and has been coming for applicants children's parties held in the rear garden. She states that the children play in the garden after school and that she has never known it to be anything else but a garden.
- Zygmunt Jaworski and Irena Jaworska – they state that they were the previous owners of the application site from 1983 to 2004 when the property was sold to the applicants. They state that all the land was used continuously as a garden where their children

played. The state that they never used the land for agricultural purposes.

- Mr Gallagher – He states that he has known the applicants for the past five years and has worked on renovating the property. He states that he has attended many private gatherings at the site and that the rear of the property has been used as a garden and play area for the children at these functions.
- M A Mercer – states that he has visited Mr Gibbs on a number of occasions and has seen the children playing in the garden both sides. He states that he has also visited and spent time in the garden on social occasions.
- David Warburton – states that he has known the applicants for 25 years and the children since they were born. He states that he has been coming to the property since it was renovated and been to many of the children's parties, which have been held in the rear garden. He confirms that the applicants have lived in the property for the last 7 years and that the garden has not been used for any purposes apart from recreational.
- Mr Moore – states that he has visited the property a number of times to carry out roof repairs and that both times he has seen the gardens on both sides being used by the children and other family members.
- James L Raskin of Ocean Property Lawyers – He states that he inspected the house and garden in 2004 just before the applicants bought it and confirms that it was exactly the same as it is at the present time. None of the garden was being used for agricultural purposes in 2004 and none of it is now.
- Darren Dodd – Has known the applicants for the last 7 years since they have lived at the site. Every time he visited the site, which is approximately 15 to 20 times a year from 2004 the rear of the property has always been used as a garden.
- Mr Hibbard of LR Plus Security – states that the company has carried out works for the applicants at the property and noticed that they had large gardens to the rear of the property and the children playing.

## **5. SUMMARY OF OBJECTIONS**

- 5.1 The Local Planning Authority has received 4no. letters of objection from anonymous senders, which cannot be given any weight. However, a letter of objection has been received, which has been signed by six local residents. The following is a summary of the objections received:

- The land has not been used exclusively as a garden during the past four years and that little attempt to cultivate or landscape the garden has been made;
- The objector describes the land as a paddock and states that it has been primarily used to support the applicants building profession;
- Concern has been raised with regards to the activities on the site, which include storage of large piles of rubbish and builders waste in the paddock and burning waste such as mattresses, sofas and plastics on bonfires;
- The site is used to park vehicles and equipment such as vans, trucks and mechanical diggers, which regularly number a dozen or more at any one time;
- The land was previously used by the previous owners for agricultural purposes;
- The garage on the site is very large and has not been built in accordance with the approved plans.

The objections received also relate to the impact of the visual amenity of the rural area and Green Belt, and the detrimental impact on the residential amenity of the neighbouring occupiers and potential for future development at the site if planning permission is granted. However, these objections relate to planning policy and are therefore, not material to this Certificate of Lawfulness application.

## **6 OTHER REPRESENTATIONS RECEIVED**

### **6.1 Winterbourne Parish Council**

This property is within the Green Belt and the garden is being used as a builders yard. The opinion of the Planning Committee is this is a 'Change of Use' and not a 'Certificate of Lawfulness'. The Parish Council requires this application to be called in to the Sites Committee.

## **7. ANALYSIS OF PROPOSAL**

- 7.1 The application for a Certificate of Lawfulness is not a planning application where the relevant merits of the proposal are assessed against planning policy, it 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. The onus is on the applicant to provide precise and unambiguous information.
- 7.2 Martin Peter Turner has sworn in the statutory declaration received that the host dwelling was built in 1947. This indicates that the dwelling and the land immediately associated with the dwelling is lawful because it was built before the Town and Country Planning Act came into effect on 1<sup>st</sup> July 1948. The Council does not have historic maps for the area between 1938 to 1955,

however, the property is shown on Council records from 1955. On this basis, given that no contrary information has been received, it is considered that, on the balance of probability, the dwelling and immediately associated land has existed prior to 1<sup>st</sup> July 1948 and is therefore, lawful.

The applicants have included a large area of land to the north of the dwelling within the red line plan, therefore, they are also seeking to demonstrate that this land is lawfully residential. The definition of curtilage is land immediately surrounding a dwelling. It is not considered that the land to the north of the dwelling can be considered to be within the residential curtilage of the dwelling since it is not intimately associated with it. Correspondence has been received stating that the land was previously used for agricultural purposes such as the keeping of chickens. Moreover, a building was formerly located adjacent to the parcel of land, which was described as a pigsty in a previous planning application submitted to the Council (PT08/2044/F). On the basis that the land to the north was originally agricultural, under section 171B of the Town and Country Planning Act 1990 it must be proven that this area of land has been used for residential purposes for a continuous period of 10 years or more.

### 7.3 Consideration

The applicants seek to lawfully recognise a significant amount of land to the north of the building labelled 'Ex Garage' on the site plan within the red line as being residential. A pigsty/stable building was formerly located adjacent to the parcel of land and this; as well as the proximity to the dwelling indicate that the land was not originally used for residential purposes. Therefore, sufficient evidence is required to demonstrate that on the balance of probability the land has been used for residential purposes for a continuous period of 10 years or more.

- 7.4 The applicants have lived at the property since 2004 and a number of sworn declarations have been submitted from the applicants and family friends on the basis that the land has never been used by the applicants for agricultural purposes and has always been used for recreational purposes. Supporting photographs showing the use of the land for recreational purposes by the applicants family have also been received. In addition, support has also been from Mr Jaworski and Mrs Jawoska who lived at 61 Bury Hill from 1883 to 2004. They state that the land was used as a garden where their children used to play and was never used for agricultural purposes. This conflicts with an objection received on the basis that the former occupiers of 61 Bury Hill used the land for agricultural purposes. In addition, a statutory declaration from Mr Turner states that the original occupants of 61 Bury stopped using the land for agricultural purposes (the keeping of chickens) up until 1997. The Council's overhead satellite records of the site dating from 1991 appear to show the site being used for agricultural purposes, however, the overhead records appear to show that this ceased in 1999; the Council records from 2005 clearly show that the grass was being cut and the site maintained. The Council records do not conflict with the statutory declaration received, therefore, it is considered that on the balance of probability, the land has not being used for agricultural purposes for a continuous period of ten years or more.

Objections received from the Parish Council and neighbouring occupiers, including photographs, imply that the land has been used for commercial purposes. The photographs submitted from neighbouring occupiers show the burning of materials from a flat bed lorry on the land. A letter dated 14<sup>th</sup> September 2009 was also sent from the Council's Environmental Protection Team to the applicant regarding complaints of materials being burned on the site. Moreover, the Council's overhead satellite images dating from 2006 and 2008/2009 also appear to show the storage of some of some materials adjacent to the former outbuilding. When the Officer visited the site, it was noted that the outbuilding had been demolished and replaced by a hard standing area and this also did not accord with the site plan submitted, which showed the outbuilding in situ. Therefore, there is some ambiguity relating to the continuous use of the land. The applicant was therefore, requested to clarify the continuous use of the land by addressing the objections received relating to business activities at the site or to amend the red line plan to exclude the land in question. In response the applicants have submitted a sworn declaration dated 6<sup>th</sup> June 2011. Within the sworn declaration the applicants state that the allegations relating to the storage and burning of builders waste transported from outside the site are unfounded. The applicants clarify that the fires related to the burning of timber, bed base etc from when the main house was gutted and renovated, as well as from the former demolished garage since it was filled with unwanted timber furniture. According the applicants, the flat bed van and digger were used for moving materials and stuff taken from the house to the garden to burn. A number of supporting photographs have also been submitted along with the sworn declaration to show the degree of refurbishment.

It is clear from the photographs submitted that the property has been renovated, which is an activity, which can be considered to be incidental to the enjoyment of a dwelling. Whilst the objections from neighbouring occupiers and Parish Council regarding business activities at the site are noted, the applicants have implied by way of a sworn declaration that the alleged commercial activities were ancillary to the renovation of the property. On this basis, given that no sworn declarations have been received on the contrary, it is considered that on the balance of probability, that the land has been used for residential purposes for a continuous period since they first occupied the dwellinghouse. In combination from the statutory declaration received from Mr Turner stating that the land has not been used for agricultural purposes since 1999 and considering the supporting information received from the previous owners of the dwelling stating that they used the land continuously as a garden, it is considered that on the balance of probability, the land has been used for residential purposes for a continuous period of 10 years or more.

A detached garage is located to the north of the existing dwelling, which was granted planning permission in application PT06/0043/F, therefore, provided the garage is built in accordance with the approved plans then it is considered to be lawful. An objection has been received from a neighbouring occupier on the basis that the garage differs from the plans that were approved. Council records show that the garage was in situ around 2008/2009, therefore, insufficient evidence has been submitted to demonstrate that on the balance of probability, the garage has been erected for a continuous period of 4 years or

more. The garage can be excluded from the decision notice and referred to the Council's Enforcement Team for investigation.

## **8. RECOMMENDATION**

- 8.1 A Certificate of Lawfulness of existing use is GRANTED for the following reasons:

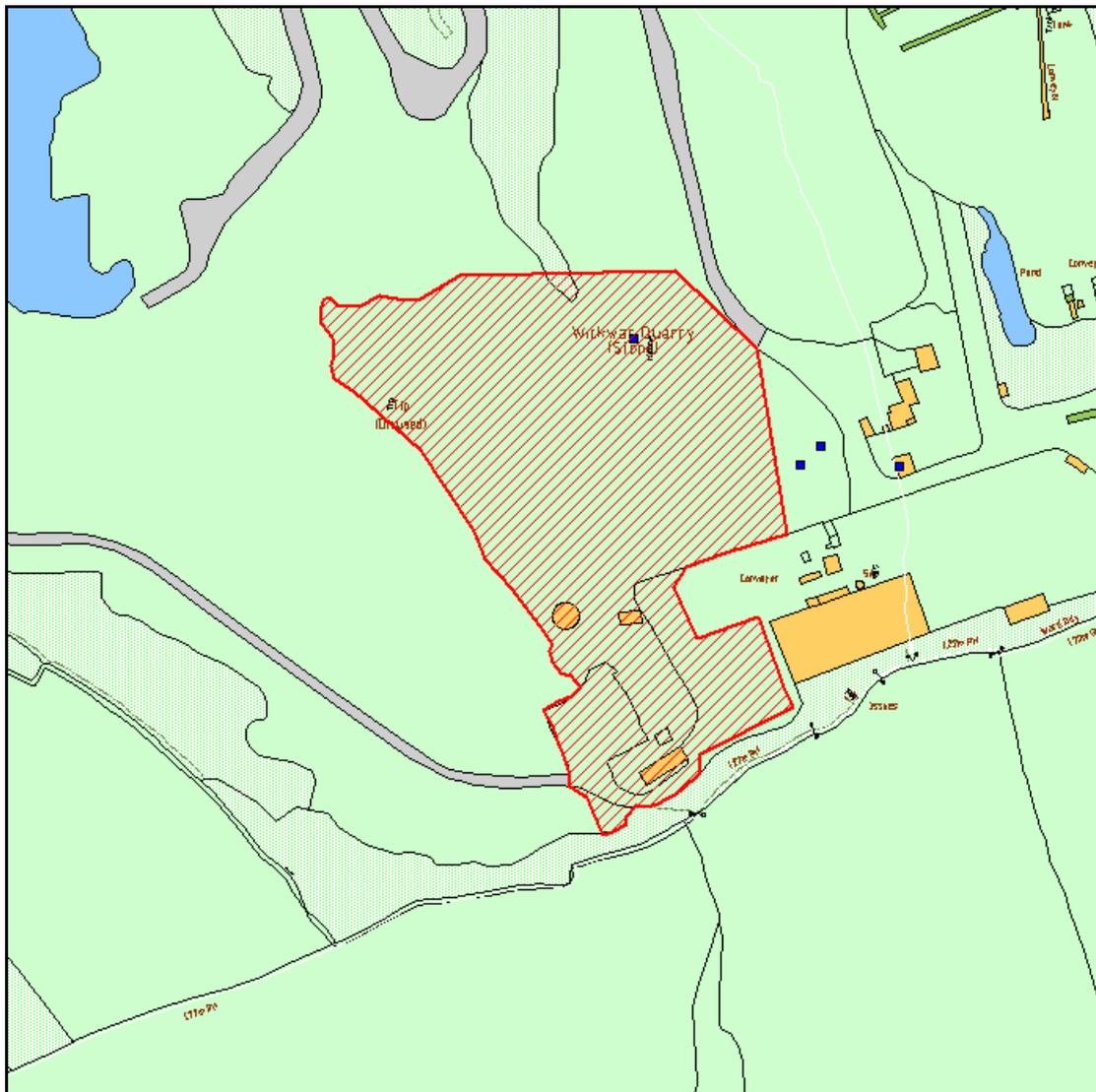
Sufficient evidence has been submitted to demonstrate that, on the balance of probability, the existing dwelling and immediately associated garden area hatched in red on the attached plan has existed prior to 1st July 1948.

Sufficient information has been submitted to demonstrate that, on the balance of probability, the land to the north of the dwelling and hatched in red on the attached plan has been used as residential (Use Class C3) for a continuous period of 10 years or more immediately prior to the submission of the application.

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

**CIRCULATED SCHEDULE NO. 42/11 – 28 OCTOBER 2011**

<b>App No.:</b>	PT11/2288/MW	<b>Applicant:</b>	CEMEX UK Operations
<b>Site:</b>	Wickwar Quarry The Downs Wickwar Wotton Under Edge South Gloucestershire	<b>Date Reg:</b>	15th August 2011
<b>Proposal:</b>	Temporary secondary aggregates re- cycling facility for a period of 3 years.	<b>Parish:</b>	Tortworth Parish Council
<b>Map Ref:</b>	371583 189823	<b>Ward:</b>	Charfield
<b>Application Category:</b>	Minor	<b>Target Date:</b>	9th November 2011



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 100023410, 2008. **N.T.S.** **PT11/2288/MW**

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

Two letters of objection have been received.

### **1. THE PROPOSAL**

- 1.1 The application seeks permission for an aggregate recycling facility within the boundaries of the existing quarry complex. The proposals would involve the importation of up to 60,000 tonnes per year of construction and demolition waste materials (although no more than 20,000 tonnes would be on site at any one time). Material would be imported from a variety of sources, including the quarry itself through recycling of reject blocks and returned loads of concrete and asphalt, as well as waste products from other local sites. It is considered that other materials will include concrete, hardcore, blocks, bricks and tiles, asphalt planings, returned loads and soils. The facility for the processing operations would consist of storage areas for incoming material, storage bays and stock area. The processing itself would utilise of a variety of mobile crushers and screeners. The materials produced from the facility would be dependent upon the nature and quality of the material imported and would range from high grade recycled aggregate that can be substituted for primary won material, hardcore/bulk fill and soils for re-use and restoration. Contaminants, residues or materials that the facility would not recycle would be separated and stored to await disposal to an appropriate site. The application seeks an initial 3 year temporary permission in order to allow the company to test and assess what is considered to be a volatile market before committing to a longer term facility. The application has been screened under the requirements of the Environmental Impact Regulations 2011 where it was considered that the proposals did not constitute development that would warrant a full EIA within the context and meaning of the regulations.
- 1.2 The site itself is located immediately adjacent to the existing concrete block plant and behind the existing site office area and forms part of the quarry yard area within the quarry complex. The majority of the site is therefore surrounded and screened by quarry related uses. The southern boundary of the site is screened by existing peripheral vegetation. The nearest individual residential properties are located approximately 750 metres away to the east across the B4509. The hamlet of Churchend is located over 1km away to the north-east across the B4509 and Westend is located approximately 1km to the south, towards Wickwar.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPS10	Planning for Sustainable Waste Management
PPS23	Planning and Pollution Control
MPS1	Planning and Minerals
MPS2	Controlling and Mitigating the Environmental Effects of Mineral Extraction in England

- 2.2 Joint Replacement Structure Plan (Adopted) 2002  
Policy 27 – Minerals Waste
- 2.3 South Gloucestershire Minerals and Waste Local Plan (Adopted) 2002  
Policy 3       Secondary and Recycled Materials  
Policy 22      Residential/Local Amenity  
Policy 24      Traffic Impact  
Policy 27      Ancillary and Secondary Operations
- 2.4 West of England Joint Waste Core Strategy (Adopted) March 2011  
Policy 4        Recycling, storage and transfer of construction, demolition  
                    and excavation waste at minerals sites  
Policy 12      General Considerations
- 2.5 South Gloucestershire Core Strategy -Submission Draft (December 2010)  
CS1 High Quality Design

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

- 3.1    8670           Erection and use of quarry plant for crushing and screening rock quarried at Churchwood (Wickwar) quarry, including the erection and use of plant for the production of ready mixed concrete and coated roadstone. Granted 27th June 1983
- 3.2    P93/1796 - Restoration of quarry by landfilling. Approved by the former Avon County Council in May 1994 subject to the prior completion of a Section 106 Agreement. The Section 106 was completed and the decision notice issued on 27th March 1996.
- 3.3    PT00/2183/REP – Variation of P93/1796 to extend the time limit for commencement of development for landfilling of former stone quarry. Approved with S106 signed 13<sup>th</sup> January 2006.
- 3.4    PT01/1841/F - Recycling of bottle bank glass to produce secondary aggregates. Approved 3rd December 2001
- 3.5    PT07/0573/F - Extension of existing limestone quarry through progressive extraction in a northwards direction, and associated planting and landscaping. Approved 15<sup>th</sup> January 2010.
- 3.6    PT11/2288/MW – Screening Opinion. The application was screened in accordance with the 2011 EIA Regulations. It was concluded that no EIA was necessary.

### **4. CONSULTATION RESPONSES**

- 4.1    Charfield Parish Council  
No objections but would like to see mitigation through conditions that address concerns over dust and noise, control of vehicle movements and road surface conditions.

- 4.2 Wickwar Parish Council  
No objections, but suggest HGV movements should not increase beyond the permitted level and a satisfactory Environmental Impact Assessment should be carried out
- 4.3 Cromhall Parish Council  
No objection, but also comments that the applicants should take steps to minimise any nuisance effect the proposed additional activity may create, such as noise dust and lorry movements
- 4.4 Tortworth Parish Meeting  
No objection, it was also commented that additional vehicle movements should be kept to a minimum
- 4.5 Other Consultees (including internal consultees of the Council)  
Transportation  
This temporary application is considered acceptable from a transportation perspective without further mitigation measures. Conditions are recommended to address limits, routes and operational hours.

Environmental Protection

No objections

Ecology

There are no ecological constraints

Archaeology

No objections

Drainage

Consult with the EA regarding Flood Risk Assessment requirements

Environmental Agency

Comments to follow

**Other Representations**

- 4.6 Local Residents  
2 letters of objection have been received. These letters raised the following points:
- additional noise and dust nuisance for local residents
  - concerns over background noise analysis
  - increased traffic congestion and associated noise and pollution
  - detrimental impact on the quiet enjoyment by residents of their environment through the 12 hour period over which HGV's may access the site
  - additional impact and dangers for road outside quarry
  - the proposals should be subject to full EIA
  - existing highways improvements and contributions are not relevant and do not entitle the operators to further impact upon the highway, the potential combination of these vehicle movement and the landfill at the site would be

- significant, should the landfill proceed.
- the proposals do not meet the criteria of planning policy

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The principle of re-using and recycling of waste material is clearly supported through national and local policy. In this instance the proposals have joint sustainability benefits in terms of preventing material from being disposed of to landfill as well as reducing the amount of land won minerals required. Policy 4 of the West of England Joint Waste Core Strategy states that proposals for recycling, storage and transfer of construction, demolition and excavation waste at minerals sites, subject to development management policies, will be granted provided that the proposed development is for a temporary period commensurate with the operational life of the mineral site. The proposals are located at an existing minerals site. The proposal is for an initial 3 year period.

### 5.2 Local Amenity

The proposals are located at an existing minerals site and policy indicates that this is likely to be an acceptable location for the type of development proposed. Operations at the existing site involve the use of crushers and screeners as part of the quarrying operations to process excavated material into various products. The nearest individual residential properties are located approximately 750 metres to the east across the B4509, whilst the hamlet of Churchend is located over 1km away to the north east across the B4509 and the nearest properties at West End, are located approximately 1km away to the south. It is considered that the addition of recycling facility, as proposed, would be in keeping with the existing quarry in terms of the processes used and the stockpiling of materials nor is it likely give rise to additional issues or issues in its own right that could not be satisfactorily mitigated and controlled through condition, environmental restrictions and operational management. In this respect there are no objections from the Councils Environmental Health Officer. It is considered therefore that all perceived issues could be controlled so as not to unacceptably impact upon local amenity. Conditions are recommended to control noise levels to national standard guidelines, in accordance with controls over the existing operational quarry plant as guided by MPS2. Monitoring of noise levels emanating from the quarry complex already takes place as a result of conditions imposed on permissions controlling the quarry processing plant, and would similarly cover any additional activities within the quarry. Similarly hours of operation conditions are recommended which would be in keeping with existing daytime operations at the quarry. Crushing plant would also require environmental permits to ensure that they meet the required environmental standards in terms of emissions. Water bowsers and sprays are already available on site for the purposes of dust suppression and it is considered that the location of the site and measures in place are sufficient to adequately address any potential dust issues. In addition to any planning permission, the site would also be subject to Environment Agency licensing requirements.

### 5.3 Transport

It is considered that the proposals, on the basis of the site operating at 60,000 tonnes per annum, would give rise up to an additional 60 HGV movements per day. This would approximately equate to an additional 6 per hour in a working day of 0700 – 1900 hours. This figure is also based on an assumption of no 'back loading' (utilising otherwise empty vehicles arriving or leaving the quarry). Back loading would clearly be beneficial where it is practical to implement, taking into account unnecessary haulage costs associated with empty vehicles, and the applicants consider that this could reduce up to 20% of the HGV movements that may otherwise be generated. Vehicular access to and from the site would be via the existing link to the M5 via the B4508 and B4509, except for local deliveries to specific destinations within 9 km of the site, (as also required in a S106 Agreement attached to the quarry extension permission ref. PT07/0573/F). It is not considered that further controls are necessary over and above highways controls already in place or would meet the relevant tests of Circular 11/95 in this instance and that the above route represents the most beneficial use of the local highway network to the anticipated commercial destinations.

- 5.4 Transportation improvements resultant from and attached to other developments associated with the quarry complex i.e. the S106 Agreement linked to quarry extension permission (ref. PT07/0573/F), that have recently been implemented to address the potential amount of HGV movements that could be generated from the site, such as the Tafarn Bach roundabout, or those that are currently in consultation and due to be implemented shortly, including additional pedestrian footpath provision, as well as other separate measures such as speed limit reviews, whilst not directly linked to this application should, nevertheless be acknowledged. These improvements were considered necessary to mitigate the extension development, but in doing so have improved the local highway network that would enable satisfactory accommodation of additional traffic. The temporary proposals even assuming that the quoted figures, representing the facility operating at maximum capacity, without any back loading are considered acceptable from a transportation perspective without further mitigation measures. On this basis there are no transportation objections to the proposals.

### 5.5 Landscape

The site lies within an existing operational quarry complex. The activities the subject of this proposal would be contained within and be in keeping with the range of activities associated with the quarry complex. There are no landscape objections to the proposals. Conditions are however recommended to restrict the height of any stockpiles, this would reflect other restrictions on the adjacent block making plant, immediately to the east.

### 5.6 Drainage

The site consists of hard surfacing and lies within an existing operational quarry complex. No new surfacing or buildings are proposed and surface water run-off will not be altered as a result of the proposals.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Minerals and Waste Local Plan (Adopted) 2002, and the West of England Joint Waste Core Strategy (Adopted) 2011, set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 That planning permission is granted, subject to the following provisions:
- 1) That authority be delegated to the Director of Environment and Community Services to grant planning permission, subject to the conditions set out below and:
    - (a) subject to the Environment Agency raising no objections to the proposals and their comments and recommendations included in an updated report
    - 2) That a further report be referred to the Circulated Schedule should the Environment Agency object to the application.

**Contact Officer: Simon Ford**  
**Tel. No. 01454 863714**

## **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 development hereby permitted shall cease 3 years from the date of this permission.  
  
Reason:  
To enable the Local Planning Authority to review the impact of the operations upon local amenity and to accord with Policies 4 and 12 of the West of England Joint Waste Core Strategy.
3. No operations, use of plant or machinery or HGV deliveries or dispatches hereby permitted shall take place on site except between the hours of 0700 and 1900, Monday to Friday, 0700 and 1300 on Saturdays. There shall be no operations on Sundays or Bank Holidays.

Reason:

In the interests of local amenity and in accordance with Policies 4 and 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

4. The level of noise emitted from the site shall not, at the nearest noise sensitive properties, exceed 55 dB(A). For the purpose of clarity the units are dB(A) LAeq, 1 hour (freefield).

Reason:

In the interests of local amenity and in accordance with Policies 4 and 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

5. Vehicular access to the site shall be gained only from the B4509, via the existing entrance to the site.

Reason:

In the interests of local amenity and highway safety and in accordance with Policies 4 and 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

6. No more than 60,000 tonnes of material shall be imported to the site in any one year. Records of deliveries shall be maintained and made available to the Local Planning Authority upon request.

Reason:

In the interests of local amenity and highway safety and in accordance with Policies 4 and 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

7. All vehicles leaving the site shall pass through an on site wheel wash.

Reason:

In the interests of local amenity and highway safety and in accordance with Policies 4 and 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

8. The height of stockpiles shall not exceed 6 metres.

Reason:

In the interests of local amenity and in accordance with Policies 4 and 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

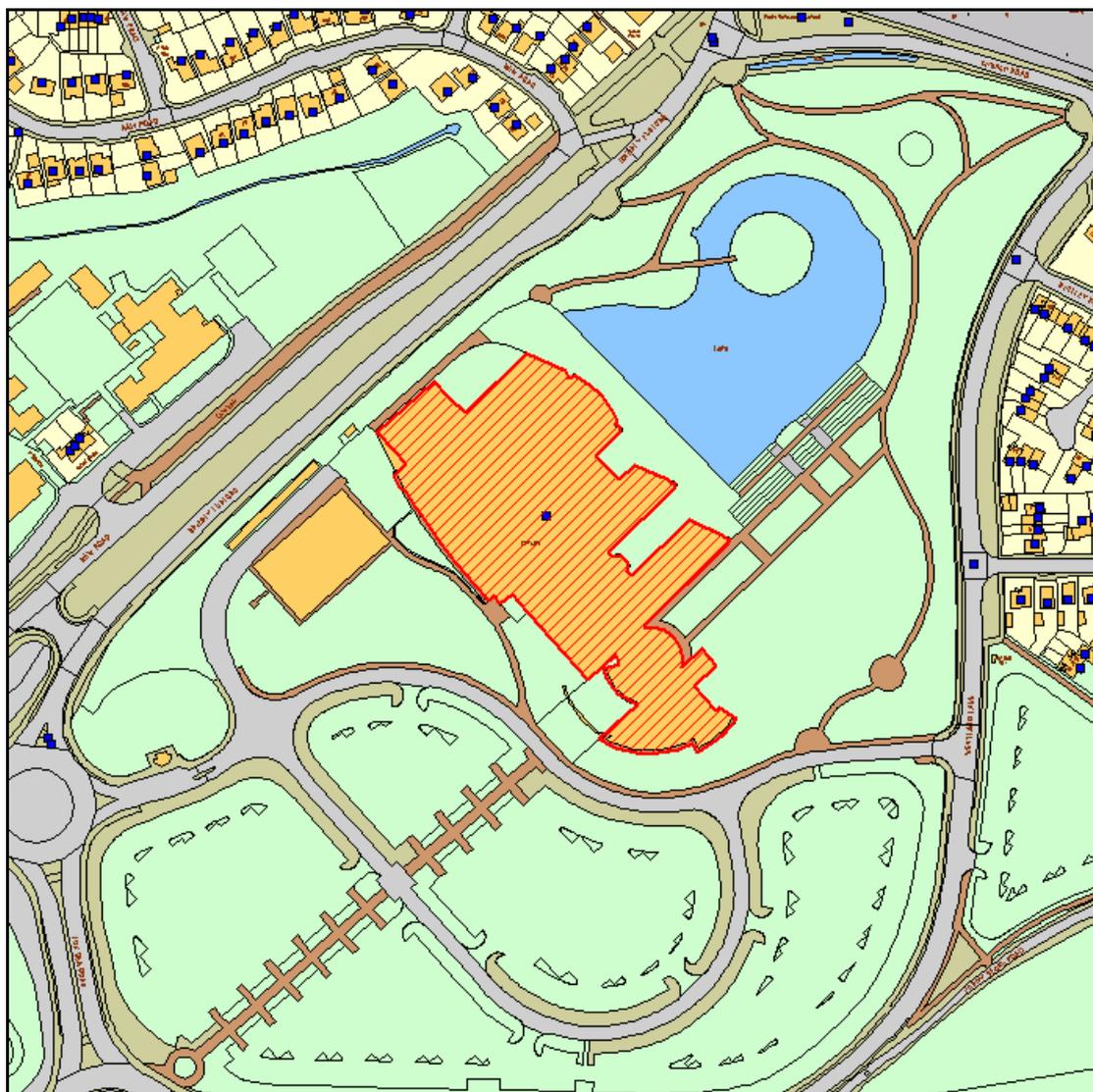
9. Nothing other than construction, demolition and excavation waste shall be accepted at the site for processing.

Reason:

In the interests of local amenity and to protect the local water environment and in accordance with Policies 4 and 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

CIRCULATED SCHEDULE NO. 42/11 – 28 OCTOBER 2011

<b>App No.:</b>	PT11/2716/ADV	<b>Applicant:</b>	FriendsLife
<b>Site:</b>	Friends Centre Bristol Brierly Furlong Stoke Gifford South Gloucestershire	<b>Date Reg:</b>	5th September 2011
<b>Proposal:</b>	Display of 2 no. non illuminated fascia signs	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	362081 179376	<b>Ward:</b>	Frenchay And Stoke Park
<b>Application Category:</b>	Minor	<b>Target Date:</b>	27th October 2011



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 100023410, 2008. **N.T.S.** **PT11/2716/ADV**

## **INTRODUCTION**

This application is being circulated to Members because the Officer's recommendation is contrary to a written representation received from the Parish Council.

### **1. THE PROPOSAL**

1.1 This application seeks advertisement consent for the display of 2no. non-illuminated fascia signs. The proposed signage would measure approximately 4.9 metres in height and 13.5 metres in width. It would be located at the top of two facades of financial services offices stuck to the outside of the windows using adhesive.

1.2 The advertisements would be located on elevations facing Bristol Parkway Station, Brierly Furlong and Church Road. They would be located in the settlement boundary of Stoke Gifford.

### **2. POLICY CONTEXT**

2.1 National Guidance  
Town and Country Planning (Control of Advertisements) Regulations 2007  
PPG19 Outdoor Advertisement Control

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

3.1 P97/1758/A Display of illuminated fascia, and freestanding signs. **Approved.** 01-AUG-97.

### **4. CONSULTATION RESPONSES**

4.1 Stoke Gifford Parish Council  
Objection - not in keeping with existing environment

4.2 Transport  
No objection.

#### **Other Representations**

4.3 Local Residents  
None received.

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

5.1 Principle of Development  
The display of outdoor advertisements is controlled through the Town and Country Planning (Control of Advertisements) Regulations 2007. Advertisements can only be controlled in the interests of visual amenity and public safety.

## 5.2 Public Safety

The proposed sign would not include any complicated text or logos which could prove distracting for pedestrians or motorists. On this basis, and since no transportation objections have been received, the proposed signage is considered acceptable in terms of public safety.

## 5.3 Visual Amenity

The proposed signage would be approximately 4.9 metres in height and 13.5 metres in width. The proposed fascia signage would be located at the top of two prominent corners of a landmark building which houses financial services offices. It would be attached to the outside of existing office windows on the penultimate floor. The proposed signage has been amended at the officer's request so that there is no longer a large sky blue edging around the outside of what is currently proposed. A condition is recommended specifying that that advertisement consent should only relate to the area containing the letters and would not consent to any form of border around the outside. Given the amendment it is considered that the proposed signage, is on balance acceptable in terms of visual amenity in this location.

## 6. CONCLUSION

6.1 The recommendation to grant advertisement consent 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.

## 7. RECOMMENDATION

7.1 That advertisement consent be **GRANTED** subject to the following conditions.

**Contact Officer: Genevieve Tuffnell**  
**Tel. No. 01454 863438**

## CONDITIONS

1. Notwithstanding the submitted details, the signage shall not be erected until details of the exact height of the signage have been submitted and approved by the Local Planning Authority. Moreover the signage shall not exceed 11.343 metres in width and there shall be no border surrounding the black rectangle containing the words 'FriendsLife' at any time without the express consent of the Local Planning Authority

Reason

To ensure a satisfactory external appearance in the interests of visual amenity and to accord with the Town and Country Planning (Control of Advertisements) Regulations 2007.

CIRCULATED SCHEDULE NO. 42/11 – 28 OCTOBER 2011

<b>App No.:</b>	PT11/2876/F	<b>Applicant:</b>	Mr D Williams
<b>Site:</b>	40 Bush Avenue Little Stoke South Gloucestershire BS34 8LX	<b>Date Reg:</b>	15th September 2011
<b>Proposal:</b>	Erection of two storey side extension to form additional living accommodation	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	361340 180417	<b>Ward:</b>	Stoke Gifford
<b>Application Category:</b>	Householder	<b>Target Date:</b>	7th November 2011



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 100023410, 2008. **N.T.S.** **PT11/2876/F**

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

This application appears on the Circulated Schedule because concerns have been raised by a member of the public contrary to the Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a two-storey side extension to provide additional living accommodation.
- 1.2 The application site comprises a two-storey semi-detached dwellinghouse situated on the southern side of Bush Avenue within the established residential area of Little Stoke. The host dwelling is a corner property. A Public Right of Way is located immediately to the east of the dwelling and leads to allotments. The proposal replaces an existing detached flat roof garage.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving a Good Standard of Design in New Development  
H4 Residential Development within Existing Residential Curtilages  
T12 Transportation Development Control Policy for New Development  
  
South Gloucestershire Core Strategy -Submission Draft Proposed Changes (December 2010)  
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist SPD (adopted)

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

- 3.1 No relevant planning history.

### **4. CONSULTATION RESPONSES**

- 4.1 Little Stoke Parish Council  
No objection – access needs to be maintained to adjacent footpath.  
  
Little Stoke Garden Society  
Little Stoke Garden Society Committee who manage the allotments on behalf of Stoke Gifford Parish Council and on behalf of their membership request comment regarding this application.

To ensure during building work at this property that clear access of this lane is maintained. To ensure that scaffolding or building material or equipment does not cause obstruction to or onto this lane.

## **Other Representations**

- 4.2 Local Residents  
No comments received

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Planning policy H4 allows for the principle of the proposed development. The main issues to consider are the appearance and form of the proposal (policies D1 and H4 of the Local Plan), the impact on the residential amenity of neighbouring occupiers (policy H4 of the Local Plan) and transportation impacts (policies T12 and H4 of the Local Plan).

### **5.2 Appearance/Form**

The proposal originally measured 4.5 metres in width so that it extended to almost tight to the edge of the curtilage boundary. The Officer considered the proposal to be overly large in terms of its width such that it appeared out of keeping with the proportions of the dwellinghouse to the detriment of its appearance. The agent has acceded to the Officers request to reduce the width of the extension and has submitted amended plans. The plans show the width of the extension to be approximately 3.5 metres in width. The proposal extends almost the entire length of the side of the dwelling flush with the existing rear elevation and set back approximately 1 metre behind the existing front elevation. The existing eaves level continues across to form the extension and the ridge height is lower than existing. Two windows are proposed in the front and rear elevations and a pedestrian access door is proposed in the rear elevation. The scale and appearance of the fenestration matches the existing fenestration in the dwelling. The applicant has specified concrete roof tiles and a render finish for the walls to match the existing dwelling, therefore, a condition on this basis is not required if permission is granted.

It is considered that the amended proposal is more in-keeping with the scale of the existing dwelling and will not bring about any significant adverse issues to the character of the streetscene. In addition, the reduction in the width of the proposal is such that there will be more spacing between the proposal and the flank boundary and have less of an impact on the amenity of the users of the public right of way to the east.

### **5.3 Residential Amenity**

The host dwelling is adjoined to the neighbouring occupier on the western elevation. The proposal does not project beyond the existing front and rear elevations of the dwelling, therefore, it is considered that it will not have a significant adverse impact on the adjoining occupiers in terms of loss of natural light or privacy. The host dwelling is separated from the neighbouring property to the east by approximately 7 metres. This separation distance and the fact that the proposal does not project beyond the existing front and rear elevations of the dwelling will ensure that it will not significantly adversely affect the neighbouring occupiers to the east in terms of loss of natural light. No openings are proposed in the side elevation of the proposal, therefore, it is considered that the proposal will not have a significant adverse impact on the privacy of the

neighbouring occupiers. The windows proposed in the front and rear elevations will not introduce any new privacy issues and any overlooking from the front and rear of the windows is considered to be acceptable given the location and proximity of the neighbouring dwellings.

#### 5.4 Transportation

The entire front garden of the dwelling is a brick paved parking area. Therefore, it is considered that an adequate amount of parking would be left to serve the dwelling notwithstanding the loss of the detached garage. No alterations are proposed to the existing access and it is not envisaged that there will be a material increase in vehicular traffic. As such, it is considered that there will not be a significant adverse impact on local highway conditions.

#### 5.5 Further Matters

The concerns raised by the Little Stoke Garden Society regarding the need to ensure that the building work does not obstruct access through the lane is noted. If permission is granted, a note can be applied to the decision notice to inform the applicant of the following:

No change to the surface of the right of way can be approved without consultation with the Council. The developer should be aware of his/her obligations not to interfere with the public right of way either whilst development is in progress or once it has been completed; such interference may well constitute a criminal offence. In particular, the developer must ensure that:

- a) There is no diminution in the width of the right of way available for use by members of the public.
- b) No building materials are stored on the right of way.
- c) No damage or substantial alteration, either temporary or permanent, is caused to the surface of the right of way.
- d) Vehicle movements are arranged so as not to unreasonably interfere with the public's use of the way.
- e) No additional barriers (e.g. gates) are placed across the right of way, of either a temporary or permanent nature.
- f) No wildlife fencing or other ecological protection features associated with wildlife mitigation measures are placed across the right of way or allowed to interfere with the right of way.
- g) The safety of members of the public using the right of way is ensured at all times.

## **6. CONCLUSION**

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

The proposal is in-keeping with the character of the host dwelling and surrounding properties in terms of scale, form, siting and materials and will not adversely affect the character of the surrounding area – policies D1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposal will not adversely affect the residential amenity of the neighbouring properties through loss of natural light or privacy – policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.

Sufficient parking will remain to the front of the property following the removal of the garage. The proposal will not result in a significant increase in vehicular trips – policies T12 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

## **7. RECOMMENDATION**

- 7.1 Planning permission is GRANTED subject to the following condition.

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

### **CONDITIONS**

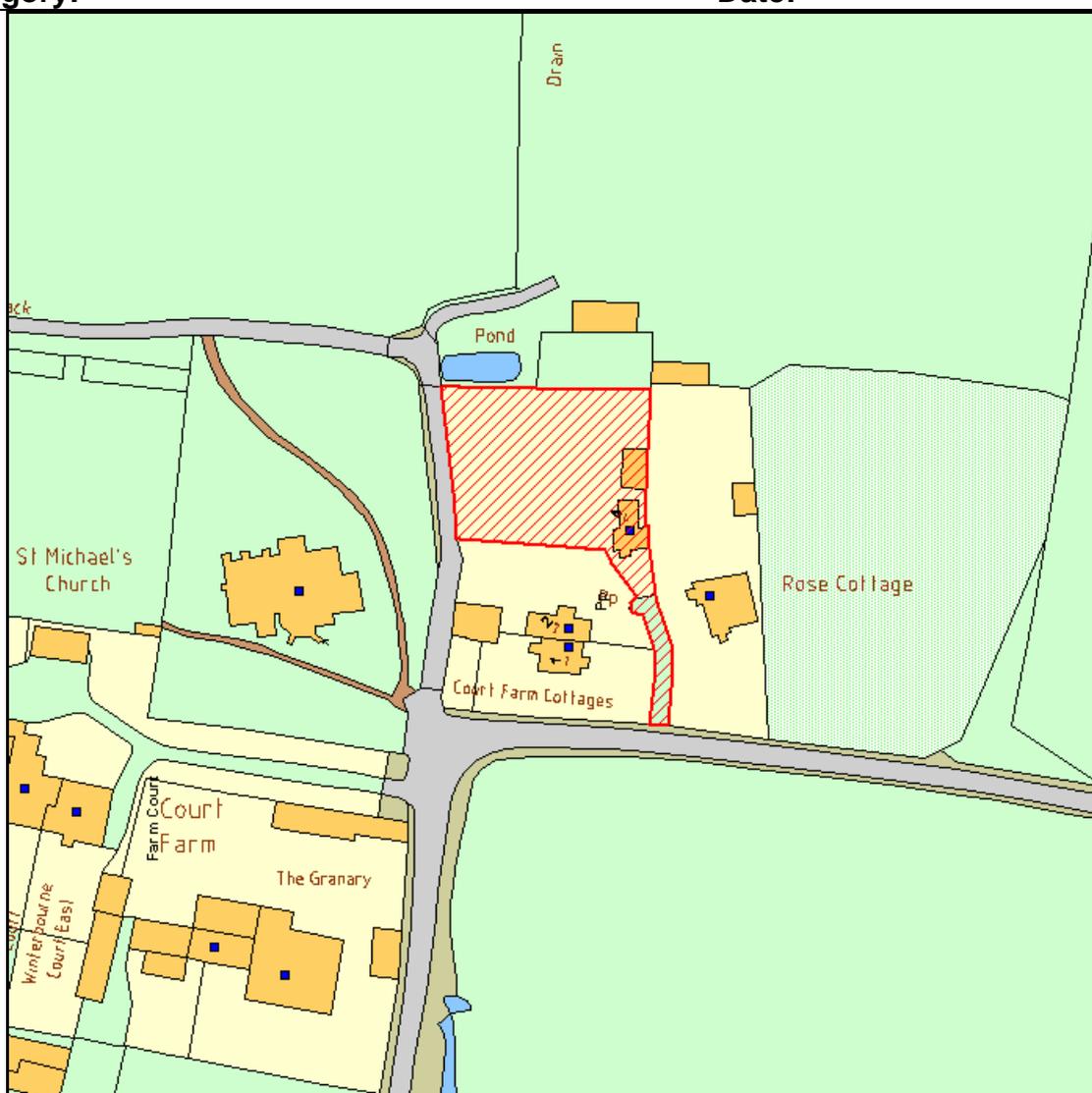
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

## CIRCULATED SCHEDULE NO. 42/11 – 28 OCTOBER 2011

<b>App No.:</b>	PT11/2918/LB	<b>Applicant:</b>	Mr And Mrs H And J Pitcher
<b>Site:</b>	4 Court Farm Cottages Church Lane Winterbourne Bristol South Gloucestershire	<b>Date Reg:</b>	19th September 2011
<b>Proposal:</b>	Erection of single storey rear extension to provide additional living accommodation and associated internal alterations. Removal of part existing porch, and removal of 1no. chimney on east elevation. Demolition of part existing outbuilding. Installation of external heat pump unit, rooflights and 1 no. window in original cottage (Resubmission of PT11/1172/LB)	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	364209 181019	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Minor	<b>Target Date:</b>	8th November 2011



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

This listed building consent application is being circulated to Members because the Officer's recommendation is contrary to a written representation received from the Georgian Group who is a statutory consultee.

### **1. THE PROPOSAL**

- 1.1 This listed building consent application seeks consent to erect a single storey rear extension and the installation of a heatpump. The proposed single storey extension would be located to the rear of the property and would measure approximately 10.5 metres in length, 5.7 metres in width and 3.5 metres in height with a slightly pitched roof to accommodate low profile roof lights.
- 1.2 The proposed heat pump would be located to the north of the proposed works at the rear of the property in the northeast corner of the existing garden. It would be housed in a timber enclosure measuring approximately 1.2 metres in height, 1.3 metres in depth and circa 1.9 metres in width.
- 1.3 The application site relates to a two storey detached dwelling. It is a Grade II Listed building located in the Green Belt outside the defined Settlement boundary of Winterbourne within the Winterbourne Conservation Area.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

PPS5 Historic Environment

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

- 3.1 PT11/1171/F           Erection of two storey rear and side extension including a first floor balcony to provide additional living accommodation. Installation of external heat pump unit and 2no. solar panels.  
**Withdrawn. 02-JUN-11.**
- 3.2 PT11/1172/LB       Erection of two storey rear and side extension including first floor balcony to provide additional living accommodation and associated internal alterations. Removal of part existing porch, and removal of 1no. chimney on east elevation. Installation of solar panel, 1 no. window and rooflights. Demolition of part existing outbuilding. Installation of external heat pump unit.  
**Withdrawn. 02-JUN-11.**

- 3.3 PT11/2918/LB Erection of single storey extension including first floor balcony to provide additional living accommodation and associated internal alterations. Removal of part existing porch, and removal of 1no. chimney on east elevation. Installation of solar panel, 1 no. window and rooflights. Demolition of part existing outbuilding. Installation of external heat pump unit.  
Duplicate Application undetermined at the time of report compilation.

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

- 4.1 Winterbourne Parish Council  
No objection
- 4.2 Conservation and Listed Building Officer  
No objection subject to conditions.
- 4.3 Archaeology  
No objection

#### **Other Representations**

- 4.4 Local Residents  
None received.
- 4.5 Georgian Group  
Objection on the following grounds:  
a) visual impact on exterior of listed building;  
b) alterations would be damaging to the historical and architectural significance of the listed building and Conservation Area.

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

- 5.1 Principle of Works  
The only issue to consider in this application is the impact on the special architecture and historic character and significance of the listed building.
- 5.2 The four cottages are all understood to have been built in 1829. As their name suggests they are thought to have been built as part of Court Farm, probably for farm workers. The 1844 tithe map identifies the buildings were occupied by tenants.
- 5.3 The Georgian Group, in their consultation response as a statutory consultee, has identified the possibility that the cottages were designed by the same architect responsible for The Rectory (which is located approximately 300m further to the north east and set back from the junction of Winterbourne High Street and Church Lane). Although the stylistic qualities of the cottages could suggest that this architect was responsible, the land was not in the same ownership as that of the Rectory, and the use of the same architect would therefore seem unlikely.

- 5.4 The manor at Winterbourne, with its manor house at Winterbourne Court, was owned by the crown both before and after the Norman conquest. In the medieval period the land on which the present rectory is built was part of Winterbourne's glebe. The rectory at this time is understood to have been to the east of the church, on the site of the four cottages. The glebe land was managed by Glebe Farm, which stood at the junction of Winterbourne Road and Church lane (the site of the current Rectory). Enclosure of open land around the village was understood to be taking place as early as the mid sixteenth century. It was as part of this process of dispersal of manorial land that the advowson of Winterbourne was bought from the manor by St Johns College, Oxford in 1733. They also bought the glebe lands. It seems likely that this was the time when the rectory moved from its location directly to the east of the church to Glebe Farm. The 1727 map and 1755 College survey of the glebe lands show no glebe land around the church itself which suggests that the former rectory was either built on manorial land or the land had been released to Court Farm. The Rectory was built by Daniel Robertson, an Oxford architect, which is explained by the land being in the ownership of St John's College. The land on which Court Farm cottages are built was not in their ownership.
- 5.5 The original cottage was built in 1829. The original part of the cottage is the main frontage block with hipped roof. The earliest map which shows the building in any detail is the 1844 tithe map. This and the 1880 and 1902 maps show the main cottage (of two up two down plan), with a rear projection which is shallow in depth and extends almost the entire width of the rear elevation. This projection, which may have been an attached single storey outbuilding (seen on other cottages) would clearly have been either a later addition or accessed externally only as the doorway from the living room is the only access point and is not original). This earlier rear element of the building was evidently demolished to make way for the current two storey extension, which is clearly of much later date and stylistic treatment, and built of brick and stone cavity wall construction. The first cartographic evidence of this extension is the c1832-39 map. This two storey extension is believed to date from the interwar period.
- 5.6 The application follows a previously submitted proposal for a two storey extension. This was not considered acceptable in principle due to the scale. The original one and a half storey cottage of two up two down plan has been extended in the twentieth century with a two storey extension of relatively unsympathetic proportions. It was therefore considered necessary to keep the height of any further addition low. The proposed extension is of very different design and appearance to the cottage, although the use of pennant stone piers will help to integrate it with the house. The extensive use of a high quality slim section glazing system for the elevation will, subject to detailed design, result in a lightweight extension, and allow the original cottage to remain clearly legible.

Generally the form of the extension follows pre-application discussions and several revised and amended plans have been received. The latest revision shows the entire removal of the original outbuilding with the proposed works located in its place with a similar form. Historic maps have indicated that historically there may have been several glasshouses in this location. On this basis the use of lightweight glazing throughout the whole of the west elevation

of the works is proposed. The use of light weight and slight materials has also been included to soften the proposed extension in terms of bulk and appearance and to help integrate it with the existing property.

Notwithstanding submitted plans and details it is considered that given the relationship of the proposal with regards to the character of the listed building and its setting, that conditions should be attached to any approval with regards to proposed materials, windows, doors, finishes, flues, vents and stonewalling.

- 5.7 The retention of a section of outbuilding was not discussed and has been entirely removed. The air heat pump has been enclosed within a timber louvred covering for aesthetic purposes following officer advice.  
The porch has been reduced in size from the existing and will be replaced with a more balanced design.
- 5.8 The proposed extension would be located in very close proximity to an existing boundary wall which is considered to be part of the listing of the dwelling. As such in order to protect this wall it is considered that a method statement should be submitted demonstrating the measures of protection for this wall during the demolition of the existing outbuilding and the construction of the proposed works. A condition is recommended to ensure such protection. The materials for all new or replacement paving shown on the plan seems extensive and would detract from the attractive and natural garden. Details are necessary before works is commenced and a condition to ensure this is recommended.

## 6. CONCLUSION

- 6.1 The recommendation to approve Listed Building Consent has been made having regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Government advice contained in PPS5.

## 7. RECOMMENDATION

- 7.1 That Listed Building Consent be **GRANTED**.

**Contact Officer: Genevieve Tuffnell**  
**Tel. No. 01454 863438**

## CONDITIONS

1. The works hereby permitted shall be begun before the expiration of three years from the date of the consent.

Reason

As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to avoid the accumulation of Listed Building Consents.

2. No works shall commence until a representative sample panel of stone facing walling of at least one metre square showing the stone, coursing, mortar and pointing shall be erected on site and approved in writing by the local planning authority. The works shall be completed strictly in accordance with the approved panel which shall be retained on site until completion of the works for consistency.

Reason

To preserve and safeguard the special historic character of the listed wall and to accord with national policy PPS5 and the Planning (Listed Buildings and Conservation Areas) Act 1990

3. Notwithstanding previously submitted details, no works shall commence until a detailed method statement relating to the protection of the existing boundary wall during the demolition of the existing outbuilding, and construction of the new extension, for which consent is expressly reserved, is submitted and approved in writing by the local planning authority. The method statement shall include details of the new foundations and the method of protecting the structural integrity of the existing wall throughout the works. The works shall be carried out in accordance with these agreed details.

Reason

To preserve and safeguard the special historic character of the listed building and to accord with national policy PPS5 and the Planning (Listed Buildings and Conservation Areas) Act 1990

4. Notwithstanding previously submitted details, no works shall commence until detailed designs of the following items have been submitted and approved in writing by the local planning authority:
  - a. all new vents and flues
  - b. all new windows including furniture and fittings (for the avoidance of doubt the new window frames in the original cottage shall be of a matching profile to the remaining original window in the building and include a central glazing bar).
  - c. all new internal and external doors (including furniture and fittings)
  - d. eaves

The details shall include large scale section drawings at a scale of 1:5 and the works shall be implemented strictly in accordance with the agreed details and thereafter retained as such.

Reason

To preserve and safeguard the special architectural and historic character of the listed building and to accord with national policy PPS5 and the Planning (Listed Buildings and Conservation Areas) Act 1990

5. Notwithstanding submitted details no works shall commence until details of the finish of the internal walls, floors and ceilings have submitted and approved in writing by the local planning authority. The works shall be implemented in accordance with these agreed details and shall be retained as such thereafter.

Reason

To preserve and safeguard the special architectural and historic character of the listed building and to accord with national policy PPS5 and the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. Notwithstanding previously submitted details, no works shall commence until the details of the finish and colour of the new timber windows has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with these agreed details.

Reason

To preserve and safeguard the special architectural and historic character of the listed building and to accord with national policy PPS5 and the Planning (Listed Buildings and Conservation Areas) Act 1990.

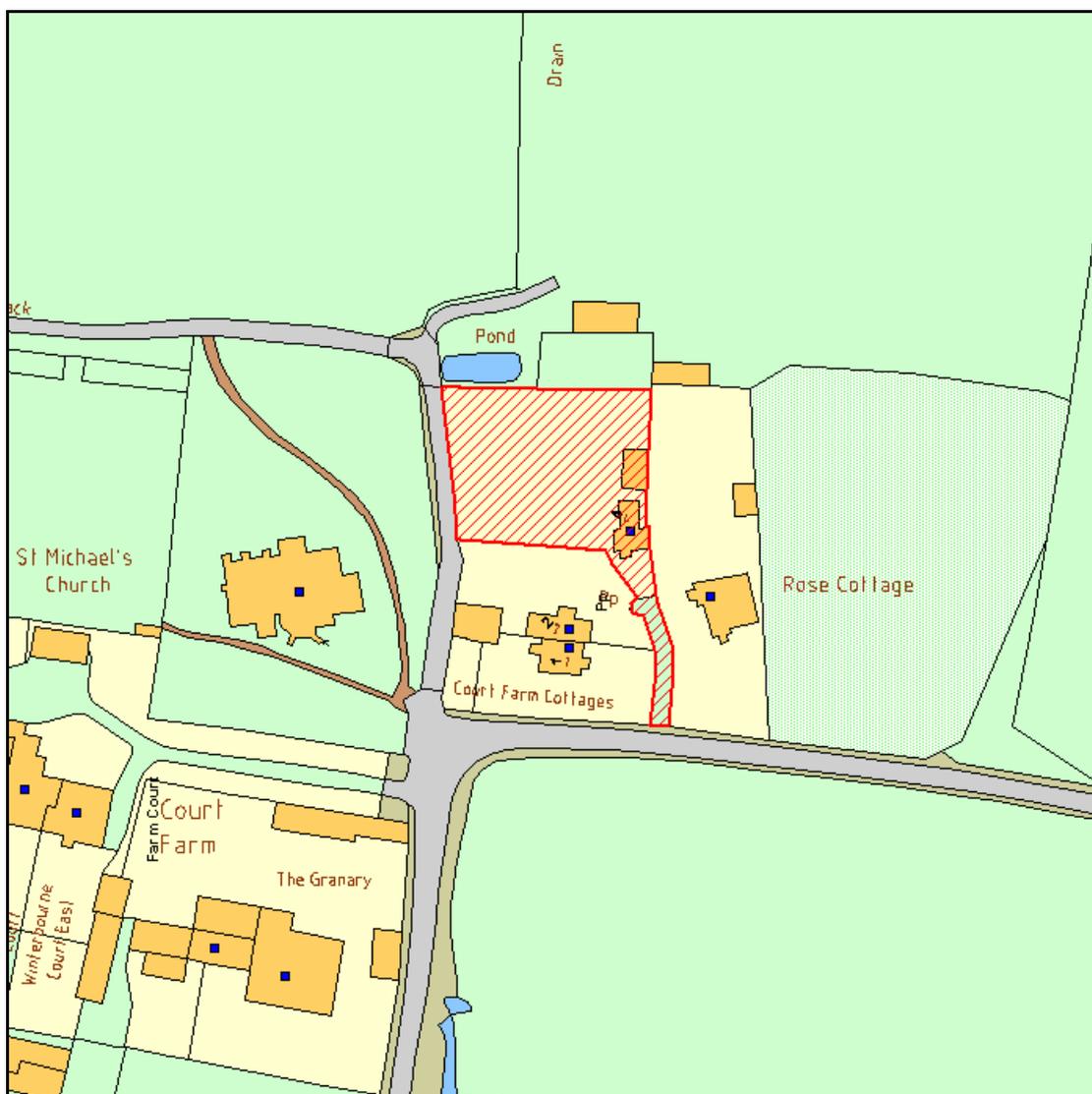
7. Notwithstanding previously submitted details, no works shall commence until a sample of natural stone paving has been received and approved in writing by the local planning authority. The works shall then be implemented in accordance with these agreed details.

Reason

To preserve and safeguard the special architectural and historic character of the listed building and to accord with national policy PPS5 and the Planning (Listed Buildings and Conservation Areas) Act 1990

**CIRCULATED SCHEDULE NO. 42/11 – 28 OCTOBER 2011**

<b>App No.:</b>	PT11/2920/F	<b>Applicant:</b>	Mr & Mrs H and J Pitcher
<b>Site:</b>	4 Court Farm Cottages Church Lane Winterbourne South Gloucestershire	<b>Date Reg:</b>	19th September 2011
<b>Proposal:</b>	Erection of single storey rear extension to provide additional living accommodation. Installation of heat pump. (Resubmission of PT11/1171/F)	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	364209 181019	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Householder	<b>Target Date:</b>	8th November 2011



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 100023410, 2008. **N.T.S.** **PT11/2920/F**

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

This planning application is being circulated to members because the officer's recommendation is contrary to a written representation received from the Georgian Group.

### **1. THE PROPOSAL**

- 1.1 This planning application seeks permission to erect a single storey rear extension and the installation of a heat pump. The proposed single storey extension would be located to the rear of the property and would measure approximately 10.5 metres in length, 5.7 metres in width and 3.5 metres in height with a slightly pitched roof to accommodate low profile roof lights.
- 1.2 The proposed heat pump would be located to the north of the proposed development at the rear of the property in the northeast corner of the existing garden. It would be housed in a timber enclosure measuring approximately 1.2 metres in height, 1.3 metres in depth and circa 1.9 metres in width.
- 1.3 The application site relates to a two storey detached dwelling. It is a Grade II Listed building located in the Green Belt outside the defined Settlement boundary of Winterbourne within the Winterbourne Conservation Area.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPG2 Green Belts  
PPS5 Historic Environment
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
GB1 Development in the Green belt  
D1: Achieving Good Design  
H4: Development within Existing Residential Curtilages  
L13: Listed Buildings  
L12: Conservation Areas  
L11: Archaeology
- 2.3 Emerging Policy  
South Gloucestershire Council Core Strategy Proposed Changes Version December 2010:  
CS1: High Quality Design  
CS9: Environmental Heritage
- 2.4 Supplementary Planning Guidance  
South Gloucestershire Design Checklist Supplementary Planning Document 2007  
South Gloucestershire Development in the Green Belt Supplementary Planning Document 2007

### 3. RELEVANT PLANNING HISTORY

- 3.1 PT11/1171/F Erection of two storey rear and side extension including a first floor balcony to provide additional living accommodation. Installation of external heat pump unit and 2no. solar panels.  
**Withdrawn. 02-JUN-11.**
- 3.2 PT11/1172/LB Erection of two storey rear and side extension including first floor balcony to provide additional living accommodation and associated internal alterations. Removal of part existing porch, and removal of 1no. chimney on east elevation. Installation of solar panel, 1 no. window and rooflights. Demolition of part existing outbuilding. Installation of external heat pump unit.  
**Withdrawn. 02-JUN-11.**
- 3.3 PT11/2918/LB Erection of single storey extension including first floor balcony to provide additional living accommodation and associated internal alterations. Removal of part existing porch, and removal of 1no. chimney on east elevation. Installation of solar panel, 1 no. window and rooflights. Demolition of part existing outbuilding. Installation of external heat pump unit.  
Duplicate Application undetermined at the time of report compilation.

### 4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council  
No objection
- 4.2 Conservation and Listed Building Officer  
No objection subject to conditions.
- 4.3 Archaeology  
No objection

#### Other Representations

- 4.4 Local Residents  
None received.
- 4.5 Georgian Group  
Objection on the following grounds:  
a) visual impact on exterior of listed building;  
b) alterations would be damaging to the historical and architectural significance of the listed building and Conservation Area.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The proposed development consists of an extension to a Grade II Listed Building 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 Impact on the Green Belt

Policy GB1 of the Local Plan allows for limited extensions to dwellings within the greenbelt providing that they do not result in disproportionate additions over and above the size of the original building. The South Gloucestershire Development within the Green Belt SPD states that an addition resulting in a volume increase of 50% or more of the original dwelling would be considered in excess of any reasonable definition of 'limited extension'.

5.3 From the site history and the officers site visits it is clear that there is a large extension on the rear elevation of the original cottage. However this is shown on historic maps to be in situ prior to 1948 and as such is considered part of the original dwelling. Moreover there is an existing outbuilding which is in close proximity to the dwelling which also appears on the historic maps prior to 1948 and is considered part of the original dwelling given the close relationship.

5.4 Accordingly the original dwelling including outbuilding is estimated to be approximately 425 cubic metres in volume (this is taken from the scaled drawings of the existing dwelling submitted originally as part of this application). The proposed extension is estimated at 209 cubic metres based on the revised plans drg. No. 1030-10 A. This equates to approximately 48% of the original dwelling and as such is considered proportionate and appropriate in relation to this particular dwelling in this location in these circumstances. As such the proposal is considered appropriate development and meets criteria contained within national policy PPG2, policy GB1 of the South Gloucestershire Local Plan (Adopted) 2006 and the development in the greenbelt SPD 2007.

### 5.5 Design, Conservation Area and Listed Building Considerations

The original cottage was built in 1829. The original part of the cottage is the main frontage block with hipped roof. The earliest map which shows the building in any detail is the 1844 tithe map and suggests that the cottage with the other 3 cottages were occupied by farm working tenants. This and the 1880 and 1902 maps show the main cottage (of two up two down plan), with a rear projection which is shallow in depth and extends almost the entire width of the rear elevation. This projection, which may have been an attached single storey outbuilding (seen on other cottages) would clearly have been either a later addition or accessed externally only as the doorway from the living room is the only access point and is not original). This earlier rear element of the building was evidently demolished to make way for the current two storey extension, which is clearly of much later date and stylistic treatment, and built of brick and stone cavity wall construction. The first cartographic evidence of this extension is the c1832-39 map. This two storey extension is believed to date from the interwar period.

- 5.6 The Georgian Group has identified the possibility that the cottages were designed by the same architect responsible for The Rectory (which is located approximately 300m further to the north east and set back from the junction of Winterbourne High Street and Church Lane). Although the stylistic qualities of the cottages could suggest that this architect was responsible, the land was not in the same ownership as that of the Rectory, and the use of the same architect would therefore seem unlikely.
- 5.7 The application follows a previously submitted proposal for a two storey extension. This was not considered acceptable in principle due to the size and scale. The original cottage of two up two down plan has been extended in the twentieth century with a two storey extension of relatively unsympathetic proportions. It was therefore considered necessary to keep the height of any further addition low. The proposed extension is of very different design and appearance to the cottage, although the use of pennant stone piers will help to integrate it with the house. The extensive use of a high quality slim section glazing system for the elevation will, subject to detailed design, result in a lightweight extension, and allow the original cottage to remain clearly legible.
- 5.8 Generally the form of the extension follows pre-application discussions and several revised and amended plans have been received. The latest revision shows the entire removal of the original outbuilding with the proposed development located in its place with a similar form. Historic maps have indicated that historically there may have been several glasshouses in this location. On this basis the use of lightweight glazing throughout the whole of the west elevation of the development is proposed. The use of light weight and slight materials has also been included to soften the proposed extension in terms of bulk and appearance and to help integrate it with the existing property. Notwithstanding submitted plans and details it is considered that given the relationship of the proposal with regards to the character of the listed building and its setting, that conditions should be attached to any approval with regards to materials, windows, doors and paving.
- 5.9 The proposed extension would be located in very close proximity to an existing boundary wall which is considered to be part of the listing of the dwelling. As such in order to protect this wall it is considered that a method statement should be submitted demonstrating the measures of protection for this wall during the demolition of the existing outbuilding and the construction of the proposed development. A condition is recommended to ensure such protection.
- 5.10 The heat pump would be located in the far northeast corner of the rear garden enclosed in timber. This is considered acceptable because it is of small scale and would not be visually intrusive given the proposed materials and location.
- 5.11 Accordingly it is considered that the proposed development would respect the character and location of the existing dwelling and locality. It would respect the listed building and its setting. As such the proposal is considered to accord with PPS5 and policies H4, D1, L13 and L12 of the South Gloucestershire Local Plan (Adopted) 2006.

#### 5.12 Archaeology

The application site lies close to the important medieval manorial complex (possibly within the associated medieval settlement) of Church Lane Winterbourne, a heritage asset of high importance. The core of the settlement would have been concentrated around the court and church to the east; on analogies with similar sites settlement is unlikely to have extended as far as the current application and therefore the impact of the proposals is unlikely to have an adverse effect on any buried archaeological remains. Accordingly no archaeological mitigation is required.

#### 5.13 Residential Amenity

The proposed development would be situated to the rear of the existing property extending into a large garden. To the north, south and west of the proposal there are approximately 3 metre tall natural stone walls enclosing a large lawned garden area. To the east behind the proposed development is an existing boundary wall of approximately 2 metres in height. The proposed development would be raised approximately a metre above this boundary wall and glazing would be inserted to maximise the light into the extension. These windows would face the rear garden of the neighbouring property but given the height of the proposed glazing and the location it is considered that it would not result in inter-visibility between principal rooms, overlooking or a loss of privacy. Given the single storey nature of the development, it would not result in an overbearing impact. Sufficient amenity space would be retained and no issues of highway safety are raised.

5.14 Given the location of the proposed heat pump it is considered that this would not result in a detrimental impact on neighbouring occupiers in terms of residential amenity. As such the proposed development would not give rise to a material impact on the existing levels of residential amenity afforded to neighbouring or future occupiers and the proposal meets criteria contained in policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

### 6. CONCLUSION

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

6.2 The proposed development is considered appropriate development within the green belt and accords with policy GB1 and the development in the Green Belt SPD 2007.

6.3 The proposed development by virtue of the proposed materials and respect of the character of the listed building and its setting in addition to the minimal impact in terms of visual amenity resulting from the development by virtue of its size, scale and location accords with policies PPS5, and L12, L13, D1 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.

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

## 7. RECOMMENDATION

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

**Contact Officer: Genevieve Tuffnell**  
**Tel. No. 01454 863438**

### CONDITIONS

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

Reason

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

2. No development shall commence until a representative sample panel of stone facing walling of at least one metre square showing the stone, coursing, mortar and pointing shall be erected on site and approved in writing by the local planning authority. The development shall be completed strictly in accordance with the approved panel which shall be retained on site until completion of the development for consistency.

Reason

To maintain and enhance the character and appearance of the Conservation Area and the Listed Building and to accord with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national policy PPS5 and policies L12 and L13 of the South Gloucestershire Local Plan

3. Notwithstanding previously submitted details, no development shall commence until a detailed method statement relating to the protection of the existing boundary wall during the demolition of the existing outbuilding, and construction of the new extension, for which consent is expressly reserved, is submitted and approved in writing by the local planning authority. The method statement shall include details of the new foundations and the method of protecting the structural integrity of the existing wall throughout the development. The development shall be carried out in accordance with these agreed details.

Reason

To safeguard the special historic character of the listed wall and to accord with Section 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national policy PPS5 and policy L13 of the South Gloucestershire Local Plan

4. Notwithstanding previously submitted details, no development shall commence until detailed designs of the following items have been submitted and approved in writing by the local planning authority:

- a. all new vents and flues
- b. all new windows including furniture and fittings (for the avoidance of doubt the new window frames in the original cottage shall be of a matching profile to the remaining original window in the building and include a central glazing bar).
- c. all new external doors (including furniture and fittings)
- d. eaves

The details shall include large scale section drawings at a scale of 1:5 and the development shall be implemented strictly in accordance with the agreed details and thereafter retained as such.

#### Reason

In order to preserve the architectural and historic interest of the listed building, in accordance with sections 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPS5 and policy L13 of the Adopted South Gloucestershire Local Plan.

6. Notwithstanding previously submitted details, no development shall commence until the details of the finish and colour of the new timber windows has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with these agreed details.

#### Reason

In order to preserve the architectural and historic interest of the listed building, in accordance with section 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPS5 and policy L13 of the Adopted South Gloucestershire Local Plan.

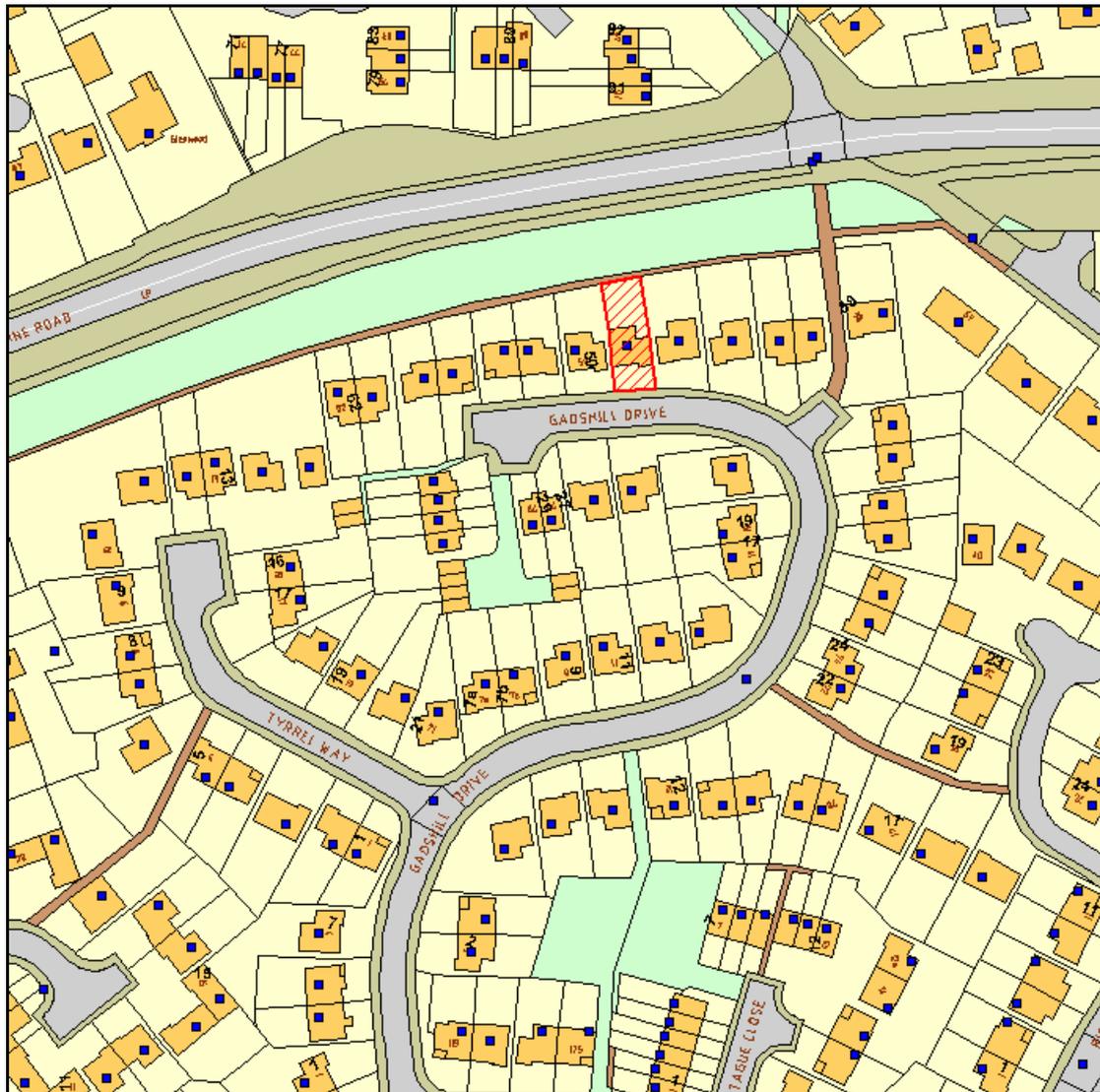
7. Notwithstanding previously submitted details, no development shall commence until a sample of natural stone paving has been received and approved in writing by the local planning authority. The development shall then be implemented in accordance with these agreed details.

#### Reason

In order to preserve the architectural and historic interest of the listed building, in accordance with section 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPS5 and policy L13 of the Adopted South Gloucestershire Local Plan.

## CIRCULATED SCHEDULE NO. 42/11 – 28 OCTOBER 2011

<b>App No.:</b>	PT11/2924/CLP	<b>Applicant:</b>	Mr And Mrs Fairchild
<b>Site:</b>	48 Gadshill Drive Stoke Gifford Bristol South Gloucestershire BS34 8UX	<b>Date Reg:</b>	14th September 2011
<b>Proposal:</b>	Conversion of existing garage to living space	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	362378 180560	<b>Ward:</b>	Stoke Gifford
<b>Application Category:</b>	Minor	<b>Target Date:</b>	8th November 2011



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

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

### **1. THE PROPOSAL**

- 1.1 This application seeks a Certificate of Lawfulness for the proposed conversion of an existing garage to living accommodation.
- 1.2 The application site comprises a two-storey detached dwellinghouse situated on the northern side of Gadshill Drive.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
The Town and Country Planning (Development Management Procedure) Order 2010  
The Town and Country Planning (General Permitted Development) Order 1995 (as amended)

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

- 3.1 N2483, master plan in connection with development of approximately 174 acres of land for residential ancillary purposes, approval, 13/07/76
- 3.2 N2483/AP3, Erection of 665 dwellings and garages; 27 flats and 6 shop units with flats over and construction of estate roads, together with the provision of site for a primary school, community use and open spaces on approximately 37 hectares (in accordance with the revised layout plan received by the Council on 23rd March 1979). (details following outline). To be read in conjunction with planning permission Ref.No. N.2483, approval, 12/04/79
- 3.3 N2483/62, Substitution of house types on plots 677-831 and 1081-1097 involving a total of 172 dwellings (in accordance with amended plans received by the Council on 28th February 1983), approval, 21/04/83.

### **4. CONSULTATION RESPONSES**

- 4.1 Stoke Gifford Parish Council  
No objection

#### **Other Representations**

- 4.3 Local Residents  
No comments received

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The applicant is seeking a Certificate to state that the proposed development is lawful. It is not a planning application where the relative merits of the scheme are assessed against policy; it is an evidential test of whether it would be lawful to proceed with the proposal. The key evidential test in this case is whether the proposal falls within the permitted development rights afforded to householders. The proposal relates to the conversion of an existing integral garage to additional living accommodation. This involves infilling an existing vehicular access and replacing the vehicular door with a pedestrian door and window on the front elevation. A single pedestrian door is replaced by sliding double doors on the rear elevation. No alteration is proposed to the scale or siting of the dwelling. Therefore, the main issue is whether the proposal falls within the criteria of Schedule 2, Part 1 (Development within the Curtilage of a Dwellinghouse), Class A (The enlargement, improvement or other alteration of a dwellinghouse). The application site comprises a single dwellinghouse. Condition E in the original permission of the property specifies that *Notwithstanding the provisions of Classes I and II of Schedule 1 of the Town and Country Planning General Development Order 1977, no wall, fence gate or structure of any kind, other than those indicated on the plans hereby approved, shall be erected without the prior consent in writing of the council.* This condition prevents new structures being erected, but it does not remove the permitted development rights of the property outright. The proposal relates to the alteration of the existing wall of the dwellinghouse, therefore, it is not in conflict with this condition. There are no other relevant conditions in the original permission to consider.

- 5.2 The criteria in Class A, A1 of the General Permitted Development Order is mainly applicable to physical extensions to dwellinghouses because it includes criteria relating to how high the extension is and the distance that it will extend beyond the existing dwelling. However, since the proposal involves no physical increase in the size of the dwelling, it is considered that it is not applicable in this instance. Class A, A2 of the General Permitted Development Order is only applicable to dwellinghouses that are located on article 1(5) land. The interpretation of article 1(5) land is stated as a National Park, the Broads, an area of outstanding natural beauty, a Conservation Area and a World Heritage site. As such, the dwelling is not considered to be located on article 1(5) land and therefore the criteria in Class A A2 are not applicable in this instance. Class A, A3 contains various conditions. Condition (a) requires that the materials used in any exterior work shall be of a similar appearance to those in the existing dwelling. The applicants have specified that facing brickwork will be used in the proposal to match the existing dwelling. Brown uPVC is proposed for the window and doors, which matches the existing dwelling. The proposal therefore, complies with condition (a). The other conditions in A3 require that any upper window in a wall or roof slope forming a side elevation are obscure glazed and non-opening and where the enlarged part of the dwelling has more than one storey, the roof pitch shall as far as practical be the same roof pitch of the original dwellinghouse. Given that the proposal comprises a ground floor garage conversion these criteria are not applicable.

5.3 Given the above, on the balance of probability, it is considered that the proposal is permitted development by virtue of Schedule 2, Part 1 (Development within the Curtilage of a Dwellinghouse), Class A (The enlargement, improvement or other alteration of a dwellinghouse).

## **6. RECOMMENDATION**

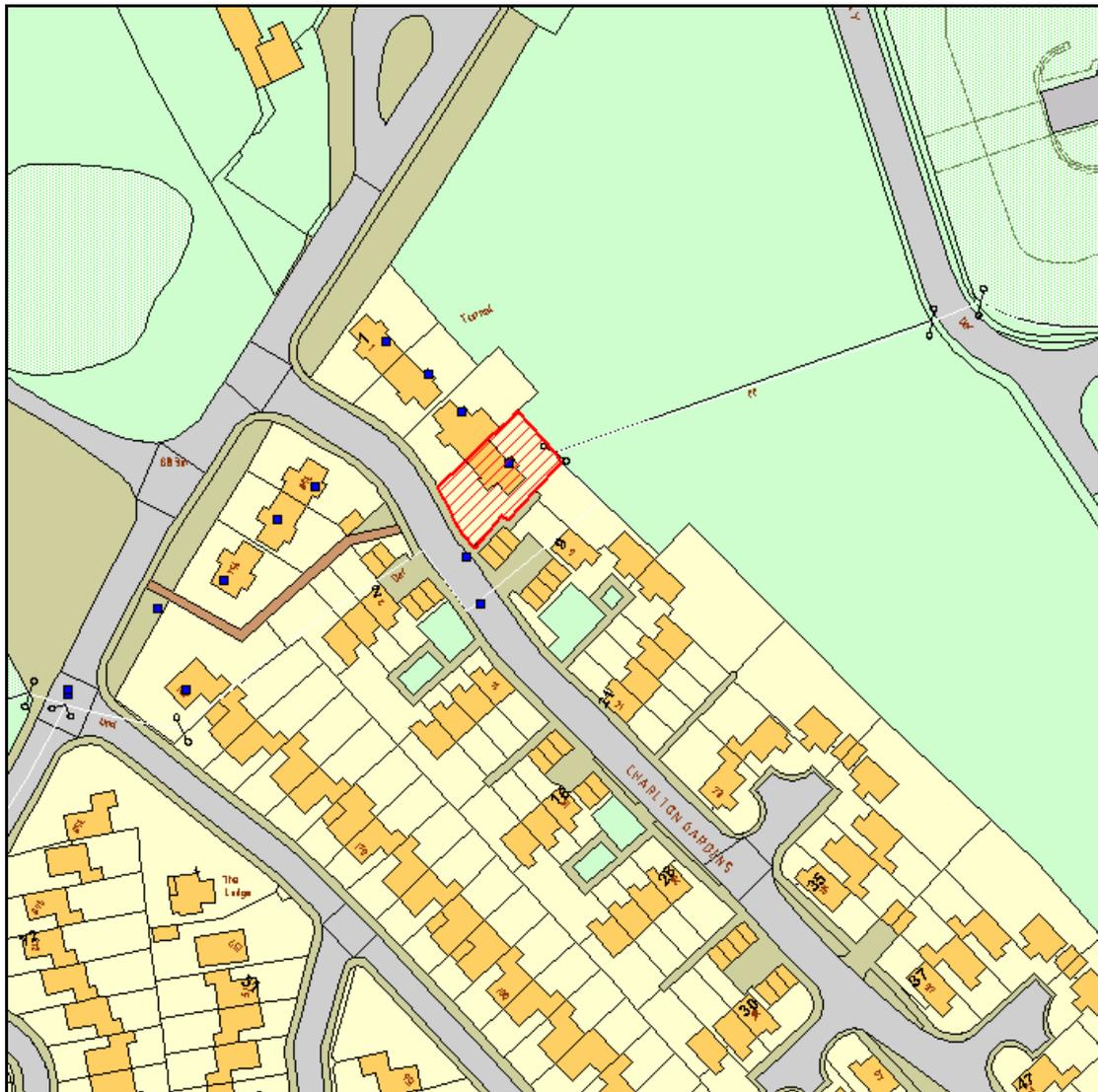
6.1 That a Certificate of Proposed Lawful Development is GRANTED for the following reason:

Evidence has been submitted to demonstrate that on the balance of probability the proposal falls within permitted development within the curtilage of a dwellinghouse under Part 1, Class A of The Town and Country Planning (General Permitted Development) Order 1995 (as amended).

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

**CIRCULATED SCHEDULE NO. 42/11 – 28 OCTOBER 2011**

<b>App No.:</b>	PT11/2972/F	<b>Applicant:</b>	Mr Phelon
<b>Site:</b>	7 Charlton Gardens Brentry Bristol South Gloucestershire BS10 6LU	<b>Date Reg:</b>	27th September 2011
<b>Proposal:</b>	Erection of two storey and single storey rear extension to form additional living accommodation.	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	358851 179821	<b>Ward:</b>	Patchway
<b>Application Category:</b>	Householder	<b>Target Date:</b>	18th November 2011



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

This application has been referred to the Circulated Schedule due to letters of objection received from local residents, contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 This full planning application relates to the erection of two storey and single storey rear extension at 7 Charlton Gardens, Brentry.
- 1.2 The proposal has a depth of 3.8m, with the two storey element having a ridge height of 6.2m and width of 3.6m. The single storey element measures 2.5m in width. This part of the extension abuts the side boundary.
- 1.3 The application site is a link detached property with vehicular access to the front of the site, off Charlton Gardens which is a cul-de-sac. The rear of the site backs onto undeveloped land and the BAE site.

### **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 Development Within Existing Residential Curtilages,  
Including Extensions and New Dwellings  
T12 Transportation Development Control Policy for New  
Development  
  
South Gloucestershire Core Strategy -Submission Draft (December 2010)  
CS1 High Quality Design  
CS26 Cribbs/Patchway New Neighbourhood
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted)

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

- 3.1 None.

### **4. CONSULTATION RESPONSES**

- 4.1 Almondsbury Parish Council  
No objection.

## **Other Representations**

### 4.2 Local Residents

2 letters have been received objecting to the proposal on the following grounds:-

- a) size of extension will result in loss of sunlight/daylight;
- b) loss of outlook;
- c) loss of privacy;
- d) light pollution;
- e) storage of building materials;
- f) noise pollution;
- g) building dust could affect my pet animals;
- h) unable to hang out washing to dry during construction;
- i) footings have already been dug;
- j) rear boundary fence has moved;
- k) shared fence.

### 4.3 Sustainable Transport

No objection.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

In assessing applications for residential extensions, planning policies D1 and H4 of the adopted local plan are particularly relevant. Policy D1 is a general design policy and cites that development will only be permitted where good standards of site planning and design are achieved. In particular, proposals will be required to demonstrate that siting, overall massing, form, scale, height, detailing, colour and materials respect and enhance the amenity, character and distinctiveness of both the site and the locality. Policy H4 specifically relates to residential development, including extensions, and considers issues such as design, residential amenity and highway safety.

### 5.2 Design

The proposed extensions are considered acceptable in terms of design. The two storey element is clearly a subservient addition to the host dwelling as it's ridge height is some 0.8m lower. Its limited width replicates the proportions of the main dwelling and all materials match existing.

### 5.3 Residential Amenity

Although the extension has an overall depth of 3.8m, the single story element is located adjacent to the boundary with the adjoining property of 6 Charlton Gardens, which has also been extended by a similar depth single storey rear extension. As such no overbearing impact/loss of privacy will result to this property. The other properties of 9 and 11 Charlton Gardens are located some 10m and 19m away respectively from the application site boundary. This distance is considered to be more than satisfactory and would ensure that no loss of sun/daylight would result from the proposal to any material degree. With regard to loss of privacy, no properties are located to the rear of the site and no windows are proposed in the side elevations of the extension. No loss of privacy will result from the proposal.

#### 5.4 Transportation Issues

Access and parking remain unchanged by the proposal.

#### 5.5 Other Issues

Due to the location of the property within the street scene and the siting of the extension, loss of outlook is not considered to be an issue, especially considering the distance between surrounding properties. Issues relating to light pollution from security lighting and shared fencing are civil matters and not of a material planning consideration in this instance. Concern over the storage of building materials and noise/dust from the construction of the extension, whilst noted, are not sufficient grounds to warrant the refusal of planning permission. With regard to the boundary fence being moved, this is a land ownership issue and not a planning consideration. Finally, with regard to the digging of footings, this does not require planning permission.

### 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 proposed extensions due to their limited size, location and design are considered to be acceptable in terms of visual and residential amenity. The proposal would therefore accord with Planning Policies D1 (Achieving Good Quality Design in New Development) and H4 (Development within Existing Residential Curtilages, Including Extensions and New Dwellings) of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The proposal has no impact in highway safety terms. As such the proposal is considered to be compliant with Planning Policy T12 (Transportation Development Control Policy) of the South Gloucestershire Local Plan (Adopted) January 2006.

### 7. RECOMMENDATION

7.1 Planning permission be granted subject to the conditions attached to the decision notice.

**Contact Officer: Vivian Butt**  
**Tel. No. 01454 863427**

## **CONDITIONS**

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

Reason

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

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

Reason

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

3. No windows other than those shown on the plans hereby approved shall be inserted at any time at first floor level in the side elevations of the extension hereby permitted.

Reason

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