



**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. 07/11

Date to Members: 18/02/11

Member's Deadline: 24/02/11 (5pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

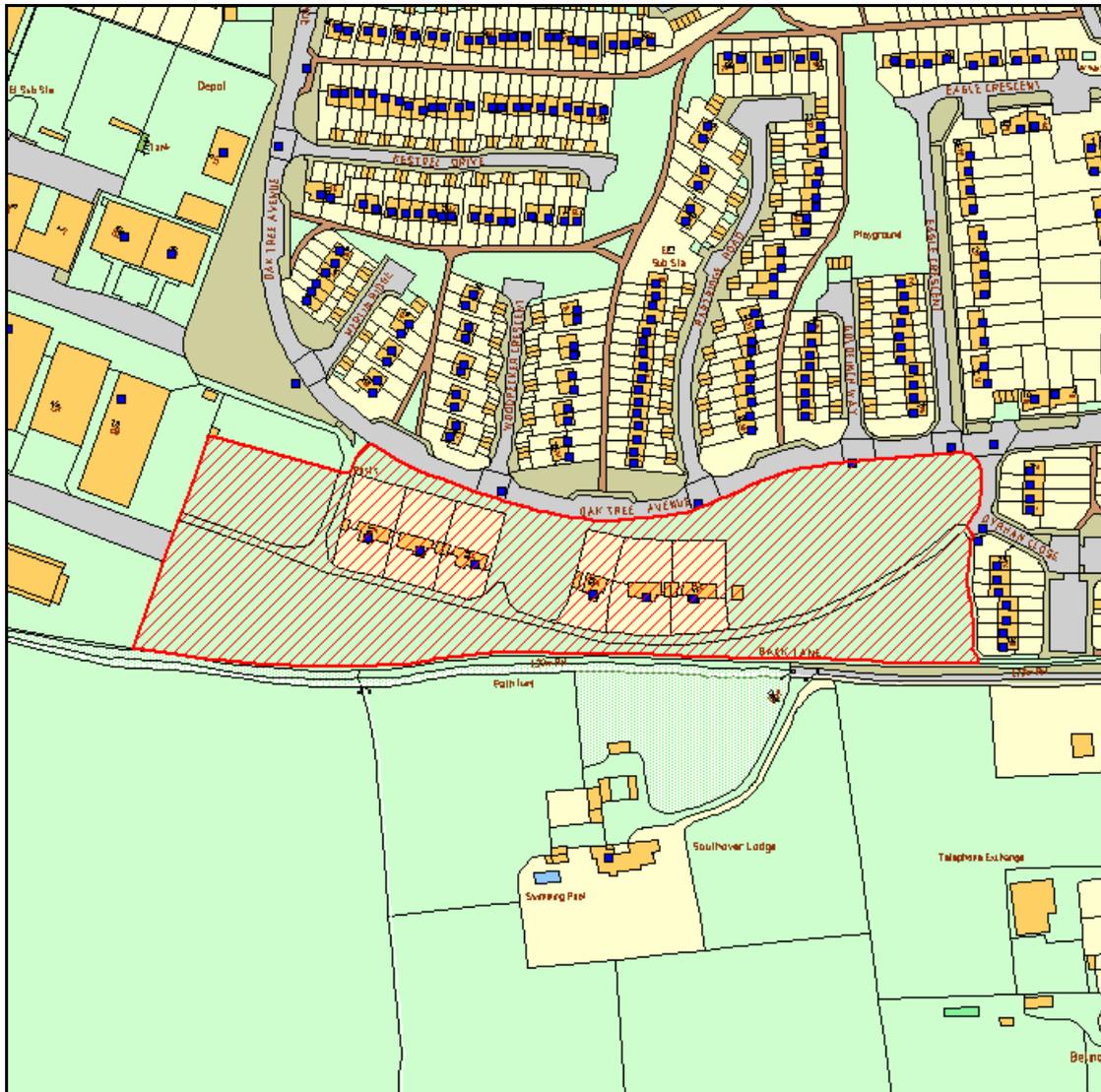
CIRCULATED SCHEDULE – 18 February 2011

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK10/3380/O	Approve with Conditions	Land At Oaktree Avenue Pucklechurch South Gloucestershire BS16 9SF	Boyd Valley	Pucklechurch Parish Council
2	PK10/3450/F	Refusal	Lansdown View Lodge Road Wick South Gloucestershire BS30 5TU	Boyd Valley	Wick And Abson Parish Council
3	PK10/3533/F	Approve with Conditions	56 Cleeve Hill (R/O) Downend South Gloucestershire BS16 6HQ	Downend	Downend And Bromley Heath Parish Council
4	PK10/3550/F	Approve with Conditions	35 Atherston North Common South Gloucestershire	Oldland	Bitton Parish Council
5	PK11/0041/F	Approve with Conditions	Land At Birdsbush Lane Wickwar Road Yate South Gloucestershire BS37 6PA	Ladden Brook	Wickwar Parish Council
6	PT10/3465/CLP	Approve with Conditions	36 Boundary Road Coalpit Heath South Gloucestershire BS36 2PU	Frampton Cotterell	Frampton Cotterell Parish Council
7	PT11/0006/F	Approve with Conditions	53 Factory Road Winterbourne South Gloucestershire BS36 1QL	Winterbourne	Winterbourne Parish Council
8	PT11/0024/CLE	Approve without conditions	Cottage Kennels Church Lane Hambrook South Gloucestershire BS16 1ST	Winterbourne	Winterbourne Parish Council
9	PT11/0038/F	Approve with Conditions	8 Park Avenue Frampton Cotterell South Gloucestershire BS36 2EY	Frampton Cotterell	Frampton Cotterell Parish Council
10	PT11/0179/F	Approve with Conditions	Stoneleigh Quarry Road Frenchay South Gloucestershire BS16 1LX	Frenchay And Stoke Park	Winterbourne Parish Council

ITEM 1

CIRCULATED SCHEDULE NO. 07/11 – 18 FEBRUARY 2011

App No.:	PK10/3380/O	Applicant:	Sovereign Housing Group
Site:	Land At Oaktree Avenue Pucklechurch Bristol South Gloucestershire BS16 9SF	Date Reg:	10th December 2010
Proposal:	Outline planning permission for the erection of 56no. dwellings and a doctors surgery. For the housing element Access, Appearance, Landscaping, Layout and Scale are to be considered (no matters reserved). For the doctors surgery element only access is to be considered (all other matters reserved).	Parish:	Pucklechurch Parish Council
Map Ref:	370116 175791	Ward:	Boyd Valley
Application Category:	Major	Target Date:	10th March 2011



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100023410, 2008. **N.T.S.** **PK10/3380/O**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the circulated schedule due to the receipt of 61 letters of objection from local residents.

1. THE PROPOSAL

- 1.1 This planning application seeks consent for the erection of 56 dwellings and doctors surgery. This is a hybrid application – this means that full planning permission is sought for the housing element of the site but only outline planning permission is sought for the doctors surgery. For the doctors surgery element, only access is to be considered – all other matters are reserved. For the housing element – all matters are for consideration with no issues reserved.
- 1.2 The application site relates to an area of green open space within the village of Pucklechurch. The site covers an area of approximately 2.2 hectares. The site is bound by an industrial estate to the west, residential development to the north and east, and open fields to the south. The site is not within the Green Belt and is within the defined settlement boundary of Pucklechurch. Six large detached dwellings sit centrally within the site but are not included within the development area.
- 1.3 The application site includes a listed structure – a balloon mooring station which is to be retained and protected. The proposal includes the creation of two vehicular access points and an area of public open space including an area of equipped play.
- 1.4 It is important to clarify that the fact that the doctors surgery element of the proposal is in outline only in not in any way intended to imply that the surgery may not go ahead. This is simply a procedural issue due to the time it takes to prepare detailed plans. There is every intention to develop both the housing and the doctors surgery.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS5	Planning for the Historic Environment
PPS25	Planning and Flood Risk

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	Landscape Protection and Enhancement
L5	Open Areas within Settlement Boundaries
L9	Species Protection
L11	Archaeology
L13	Listed Buildings
EP1	Environmental Pollution

- EP2 Flood Risk and Development
- T7 Cycle Parking
- T8 Parking Standards
- T12 Transportation Development Control
- H2 Residential Development
- H6 Affordable Housing
- LC1 Community Facilities
- LC2 Provision for Education Facilities
- LC4 Proposals for Community Facilities
- LC8 Open Space and Children's Play
- LC9 Protection of Open Space and Playing Fields

South Gloucestershire Core Strategy Submission Draft (Dec 2010)

- CS1 High Quality Design
- CS2 Green Infrastructure
- CS5 Location of Development
- CS6 Infrastructure and Developer Contributions
- CS9 Managing the Environment and Built Heritage
- CS15 Distribution of Housing
- CS16 Housing Density
- CS18 Affordable Housing
- CS24 Green Infrastructure, Sport and Recreation Standards
- CS34 Rural Areas

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK01/3426/O Erection of 72 no. dwellings (outline).
Withdrawn April 2005

4. CONSULTATION RESPONSES

4.1 Pucklechurch Parish Council

The Parish Council has sent in a number of sets of comments to the scheme as it has evolved. The final set of comments received reads as follows:

Councillors accept the scheme will go ahead but would like the following concerns taken into consideration:

1. Social Car Scheme. Councillors believe the £20,000 would give greater value if it was not restricted to transporting patients to and from the proposed medical centre for appointments.
2. Design and Visual Appearance. We acknowledge that the design is now acceptable but still have reservations about the 2.5 storey flats.
3. Parking. We note the effort to increase parking but are still concerned about the overall state of parking in the area resulting from the loss of the existing off street parking on Oaktree Avenue following the development.
4. Sewage. We are concerned that there are no comments from Wessex Water and would like confirmation that the Sewage Works in Redford Lane will be able to cope with the extra sewage from this development.

5. Nature conservation. Notwithstanding South Gloucestershire Councils Ecologist having no problem, based on the recommendations of Natural England and our own meteorological data there is concern that the survey was carried out too quickly and not during suitable weather conditions.
6. Affordable Housing. A proportion of the affordable housing should be prioritised for people with a local connection to the Parish of Pucklechurch, as evidences in the SGC Housing survey report December 2010.

Other Consultees [including internal consultees of the Council]

- 4.2 Public Rights of Way Officer
Initially raised an objection, which has been withdrawn during the course of the application.
- 4.3 Community Services
No Objection subject to a S106 agreement
- 4.4 Education
No Objection subject to a S106 agreement
- 4.5 Housing Enabling
No Objection subject to a S106 agreement
- 4.6 Listed Building Officer
No objection
- 4.7 Ecology
No objection subject to the attachment of conditions
- 4.8 Urban Design Officer
No objection to the principle of the development
- 4.9 Environmental Protection
No objection subject to adequate mitigation measures being installed.
- 4.10 Environment Agency
Initially raised an objection but this was withdrawn during the course of the application subject to conditions.
- 4.11 Highways Officer
No objection subject to a S106 agreement
- 4.12 Drainage Engineer
No objection subject to the FRA being approved by the Environment Agency

Other Representations

- 4.13 Local Residents
61 letters of objection have been received. A summary of the grounds of objection can be summarised as follows:
 - The plans leave no grass outside at all – more grass should be left

- The development will take light away from the homes of neighbours
- Intensity of the housing – it resembles a ghetto
- The off street parking spaces directly from Oaktree Avenue is very dangerous
- The influx of people will add to the transport and parking problems
- The existing bus service is woeful
- Can see the positive benefit of the doctors but do not want the housing
- Road links are not substantial enough
- Will bring more cars to the area – issues of traffic congestion
- Not enough parking within the site
- Issues over bin stores
- The footpath will become blocked on bin collection day
- It will displace existing on street parking on Oaktree Avenue
- Existing (new) bus stop in front of the site
- The design is completely out of character with the rest of the houses – the houses should be back to front like the adjacent estate
- Too many houses on the site
- Objection to providing any on street parking
- Oaktree Avenue is on a busy bus route
- Pucklechurch Primary School is full – where will the additional children be placed in school?
- Noise from the adjacent industrial estate
- Who will maintain the boundary fence
- Previous objections were raised to PK01/3426/O
- Pucklechurch has limited amenities
- Another valuable piece of Green belt will disappear
- Impact on house prices
- Loss of open space will have a detrimental impact on the aesthetics of the area and leave young children without a place to play
- Reptile survey carried out at wrong time of year and the results are not valid
- The tree survey is inaccurate and incorrect
- The topographical survey is out of date and incorrect
- The environmental impact assessment is incomplete
- The objector would like to see the Parish Housing Needs survey that provides evidence of affordable housing needs in the Parish
- Objects to being held to ransom over the new doctors surgery
- No link to the village centre and elderly residents areas
- No new jobs or new business created
- Young people are not looking to move to the area
- Not acceptable that the new buildings do not include renewable energy
- The surgery must have its own access onto the main road
- Sewage and drainage proposals are unacceptable and inadequate
- Trees should be retained
- The low walls should have railings on them to stop people congregating
- Additional double yellow lines would be beneficial
- 3 storey block of flats is not appropriate

- It is the wrong location for a surgery – on the outskirts of the village, on top of a hill, alongside a dangerous road
- The modern cladding will look out of place
- Issues over the consultation dates
- Questions about how much the land is being sold for
- Houses in Pucklechurch are already cheap – do we need affordable housing?
- Crime will increase
- Who will want to live here?
- Overlooking of neighbours properties
- Detrimental to the community spirit
- The land is used for walking, exercising dogs, games, cycle riding, playing etc – this will all have to stop
- The use of several different building materials is out of keeping
- Risk of flooding
- Impact on bird life
- The rural area and green space is the reason several objectors moved to the area in the first place
- Lack of footpaths

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The site lies within the defined settlement boundary of Pucklechurch and does not sit within the Green Belt. The principle of development is therefore acceptable subject to all the criteria contained within the policies listed in section 2. The key issues that need to be addressed include the loss of the green open space, the design, access and parking arrangements and impact on residential amenity. The report will be split into two sections – the first section will deal with the residential element and the second part will deal with the doctors surgery element. All issues will be discussed in detail below.

Residential Element of the Scheme

5.2 Design/Visual Amenity

In accordance with the requirements of Policies D1 and H2 of the South Gloucestershire Local Plan and Policy CS1 of the South Gloucestershire Core Strategy, development will only be permitted where good standard of planning and design are achieved.

5.3 The site layout effectively splits the site into two parcels east and west of 3 substantial (former RAF) dwellings. Each parcel is served by its own access point off of Oaktree Avenue. Open space is provided on the eastern parcel so providing some setting to the barrage balloon mooring. The access road at this end of the site extends Dyrham Close and runs alongside the historic hedge on the southern boundary so providing maintenance access, and then alongside the area of Public Open Space. Dwellings orientate to front onto Oaktree Avenue and the new access road and the area of public open space, creating a 'square' block of housing. Parking is provided to the fronts of dwellings in contrast to the nearby Radburn style of housing. Dwellings are in short

terraces, similar to nearby development. An apartment block also terminates the cul-de-sac in the northwest corner of this parcel. The cul-de-sac is also known as a 'homezone/shared space'.

- 5.4 The same general principles have been adopted at the western end of the site. Short terraces of dwellings have car parking to their front, a key block (No's 32 to 36) of 2.5 storeys is located at the main access point. A gated footpath also provides maintenance access to the hedge along the southern boundary as well as rear access to the dwellings. A landscaped noise attenuation bund is also proposed along the western boundary.
- 5.5 The amount of development should not be driven by arbitrary calculations and comparisons of density with adjoining houses but by site constraints, character considerations and local amenity issues. In addition, it is expected that land should be used efficiently and contribute to mixed and balanced communities. Taking these considerations into account, officers are confident that the main constraints (balloon mooring, noise from the industrial estate and the historic hedgeline) have been responded too appropriately. The historic core of Pucklechurch, as well as immediately adjacent development, is characterised by terraced building forms. There is a range of dwelling sizes so contributing towards local needs. In light of this, it is considered that the amount of development and the number of units is appropriate.
- 5.6 National and local guidance seeks to promote development that 'responds to its context' and is 'distinctive'. It is not the role of the local planning authority to dictate certain architectural styles. It is therefore for the applicant to demonstrate that they have studied the local architectural styles and either closely interpreted it in a 'traditional' sense or taken cues from it in terms of materials, colours, details etc. in a modern approach. The applicant has taken the latter approach on this site, which is considered to be wholly appropriate. Explanation is given in the design and access statement explaining the cues they have been taken and the features that they have sought to incorporate. The combination of materials, apparent random positioning of windows and front bays create a distinctive scheme. This approach and the design principles are supported by the Council
- 5.7 During the course of the application, in consultation with the Parish Council, the design of the dwellings has been slightly amended. As initially submitted, the proposal included mono-pitched front gables facing onto Oaktree Avenue. Due to concerns raised, amended plans have been received to remove these mono-pitched elements and replace them with more traditional gable fronts. Steps have also been taken to reduce the height of the flat elements of the scheme as far as possible. Whilst it is appreciated that the Parish Council still have concerns over the height of the flats, at 2.5 storeys, it is not considered they will dominate or detract visually from the appearance of the site. Also, given the siting of the taller elements at prominent positions within the site, they will integrate successfully and their design is considered to be appropriate.
- 5.8 Sustainability
In accordance with Core Strategy Policy CS1, the applicant is proposing to meet Code for Sustainable Homes level 3 across all dwellings. Code for

Sustainable Level Homes level 3 is mandatory for the affordable properties (receiving grant subsidy) but is not mandatory for market housing (which makes up 66% of the site). Therefore, for the market housing elements, the dwellings will be built to a higher standard than is required by building regulations. The code pre-assessment has been submitted to demonstrate how the applicant intends to meet code level 3.

5.9 It is accepted that there may be scope within the site to include additional measures of sustainable energy production – for example through the inclusion of solar panels. However, given that the dwellings are already meeting code level 3, this alone is not a reason to object to the application. The cost of such additional measures would also have an impact on the viability of the scheme as a whole. This does not of course prevent future owners fitting additional measures to generate sustainable energy in the future.

5.10 Open Spaces

It is appreciated that one of the key objections raised in a large number of the objection letters received relates to the loss of the green open space. There is a strong feeling that the space is an important part of village life and is used on a very regular basis. Policy L5 of the South Gloucestershire Local Plan and Policy CS24 of the Core Strategy (Submission Draft) recognise that green infrastructure assets are integral to providing sustainable communities. Policy L5 states that, 'Development will not be permitted where it would adversely affect the contribution that an open area makes to the quality, character, amenity and distinctiveness of the locality'. Policy CS24 builds upon this statement and sets out three criteria that must be satisfied

5.11 It is important to point out that whilst of course the proposal will result in the loss of a green area of open space, large areas are also being retained on site. In addition to the above, whilst at present the grass is used on a very informal basis, an equipped play area is being provided on site for use by younger children.

5.12 A band of green open space is being retained across the front of the site. This is being supplemented with additional tree planting which will have a significant and positive impact on the street scene and character of the area.

5.13 Given however that green open space is being lost, in accordance with Policy L5, S106 contributions are being sought to mitigate against the impact of the development. Information submitted by the application, and confirmed through the submission of a plan identifies that three areas of informal open space are being provided – 823sqm, 641sqm and 315sqm together with a larger area labelled as 1990sqm made up of categories 2 and 3 as well as informal space (378sqm informal, 294sqm Cat 2 and 1319sqm Cat3). As a total therefore, 3769sqm of public open space is being provided on site.

5.14 Using current data and the proposed number and mix of dwellings, the Council's community services department estimate this development of 56 dwellings would generate a population increase of 124.85 residents. The proposed development would create a need for extra public open space (POS). Extensive, periodic pre-application discussions have taken place regarding the

development proposals resulting in proposed on-site provision of Policy LC8 Categories 2, 3 and informal open space, with an off-site financial contribution towards off-site Category 1 open space in the absence of its provision on site. Despite requests for Category 1 on site, site constraints have limited the ability to provide Category 1 on site.

- 5.15 Policy LC8 of the South Gloucestershire Local Plan requires measures to be put into place to ensure the future maintenance of open spaces. Maintenance standards send powerful signals that undoubtedly influence people's behaviour. It is vitally important that ownerships and responsibilities for external spaces are clearly identified, and that design should facilitate ease of maintenance and management. High standards of maintenance will encourage active use and enjoyment by the community, and generate a sense of civic pride and vitality.
- 5.16 A desk top based PPG17 audit has identified a shortfall of existing POS within 1.2km of the development, (1.2km is the benchmark recommended standard for outdoor sports in "Fields in Trust [FIT] Planning and designing for Outdoor Sports and Play 2008"). As the applicant does not intend to comply fully with Policy LC8 in terms of open space provision on site i.e. Category 1 provision, to offset the increased demand on existing POS the Council requires a financial contribution towards providing or enhancing open space. In order to mitigate against the impact of the development and to provide an appropriate level of public open space, the following S106 contributions are being requested; A total of £73,141.74 towards Off-site Category 1 open space (that is £45,441.65 toward the provision of the open space and £27,700.09 towards its maintenance for a 15 year period) plus and on-site commuted sum of £101,257.63. That is a total Public open space contribution of £174,399.37
- 5.17 Subject to the signing of a S106 agreement to secure the contribution as outline above, adequate provision is made form public open space to meet the needs arising from the development and there is thus no objection to the proposal on these grounds.
- 5.18 Library Service
The Council has adopted the MLA recommended standard charge in the *Library Delivery Plan of 2009-2013* for use in negotiations on developer contributions; this seeks £90 per resident based on providing 30sqm of gross internal floor space per 1000 population. Library provision is important to the successful delivery of many of the objectives of the Council's *Sustainable Community Strategy*. These include promoting stronger and safer communities, investing in children and young people, reducing social exclusion and modernising services.
- 5.19 The Council runs an award winning library service which provides the community with access to reading, information and IT facilities. It has an active programme of working with young people and is also an important local centre for the provision of learning through its IT suite. For many people the library is a local building which provides a safe, pleasant environment where they can meet, use the facilities and borrow books, DVDs and CDs. Over one million visits are made to South Gloucestershire Libraries each year.

- 5.20 Public library provision is a statutory responsibility of South Gloucestershire Council and the authority is charged with providing a 'comprehensive and efficient' public library service. This was defined in the DCMS document "Comprehensive, Efficient and Modern Public Libraries (2001)" which provided minimum standards of service. Each of the national standards defined in the DCMS document sought to establish an entitlement to a level of library provision for every person who lives, works or studies full time in the area of a library authority.
- 5.21 The increase in population arising from this development will place additional pressure on the Library Service moving it further away from the standard for a modern library service, leading to a decrease in the quality of service overall.
- 5.22 Extra demand will lead to increased use of library stock, accelerate deterioration of stock, the range of stock available to borrowers will be limited due to an increased proportion of the overall stock being out on loan waiting times for library users for a range of services within the library will increase. A reduction in availability of stock and other facilities will lead to people not using the library which could impact on National Indicator 9 on use of public libraries. In order to ameliorate this impact the Council has requested financial contributions towards expanding library services in the area to meet the needs of the new residents.
- 5.23 On the understanding that a development of this size is likely to result in 124.85 new residents, a contribution per person of £90, the total contribution towards the library service is £11,236.50. Subject to a S106 agreement to secure this funding, there is no objection to the scheme in this respect.
- 5.24 Dog and Litter Bins
Litter and dog fouling are addressed in the government guidance *Living Places – Cleaner, Safer, Greener* [ODPM] October 2002, which identifies the need for clean and safe public space environments as a high priority. The importance of dog bins arises out of the public health imperative to prevent or reduce the potential for transmission of toxocariasis (National Health Service Direct Website, 2007) from dog faeces. The provision of dog bins is especially important in areas where children can play. Dog owners are required to dispose of their dog's faeces in an appropriate manner. This is a legal requirement imposed by the 'Dogs (Fouling of Land) Act, 1996'. Research carried out by the Pet Food Manufacturer Association in 2008 indicated that the South West region had among the highest level of dog ownership with 29% of households having a dog.
- 5.25 Dog bins are required to help residents be responsible for clearing up after their dogs. Within South Gloucestershire we have a high demand for dog bins, currently collecting approximately 20 tonnes a month of dog waste from our bins. Dog fouling is not only unpleasant it is dangerous. The biggest threat to public health from dog excrement is toxocariasis, which if ingested can result in eye disorders, aches, dizziness, nausea, asthma and epileptic fits. People can become infected from surfaces contaminated with faeces such as the wheels of toys and the soles of shoes. Toxocariasis most commonly affects children between 18 months and five years.

- 5.26 The provision of litter bins in targeted areas such as around shops, transport facilities, recreation areas and routes to school can help keep the local environment clean. There is a link between crime and cleanliness with residents feeling safer in a cleaner environment. The cleanliness of the local area is important to residents – in a recent survey (*The Word on the Street Report 2009, Keep Britain Tidy*) residents stated the appearance of their local area being clean was their third biggest concern after the credit crunch and violent crime.
- 5.27 Until the site is occupied and it is clear how the public spaces will be used by residents it is difficult to determine the best location for the litter and dog bin. It is anticipated that the dog bin will be sited on the open space opposite Partridge Road and the litter bin will be sited in the same area.
- 5.28 One dog bin and one litter bin are required to meet the needs of the development. 1 dog bin costs £333.36 to provide and 15 years of emptying costs £2,771.73. 1 litter bin costs £539.05 to provide and 15 years of emptying costs £2,490.54. The total contribution requested therefore towards the provision of dog and litter bins is £6,134.68. Subject to the signing of a S106 agreement to secure this funding, there are no objections to the proposal in this respect.
- 5.29 Residential Amenity
Policies D1 and H2 of the South Gloucestershire Local Plan require that new development provides both an acceptable level of residential amenity for future occupiers of the site but also that the levels of residential amenity for neighbouring dwellings is protected. The application has been assessed and it is considered that adequate levels of residential amenity are provided for both the existing and future occupiers.
- 5.30 Private gardens are provided for each of the individual dwellings (not including the flats). Each private dwelling will also be provided with a cycle store in the form of a garden shed and a bin storage area. Communal bin and cycle storage areas and communal garden areas are provided to meet the needs of the occupants of the proposed flats.
- 5.31 Care and attention has been paid to the layout of the site to ensure that adequate visibility distances are provided between the proposed dwellings. No unacceptable situations of overlooking or intervisibility will result between the proposed units. In addition to this, to ensure the neighbouring residents are not unduly affected during the construction phase, a condition will be attached to limit the hours of construction.
- 5.32 In addition to the above, existing levels of residential amenity for the existing dwellings will be protected. The new dwellings will be just over 20m from the existing dwellings on Dyrham Close and just over 24m from the dwellings on the opposite side of Oaktree Avenue. At these distances, it is not considered that any issues of overbearing or overshadowing will result. The new dwellings on the western side of the site will be over 26m from the front elevation of the

existing dwellings within the site so again existing levels of residential amenity will be protected.

5.33 Ecology

In accordance with the requirements of Policy L9 of South Gloucestershire Local Plan (Adopted) development which would directly or indirectly have an adverse effect on protected species will not be supported unless adequate mitigation measures are in place.

5.34 The application site comprises largely amenity grassland with smaller amounts of tall ruderal vegetation and ornamental garden shrub planting. Broad leaf trees, including Oak, form a scattered component of the site and occur along the southern and eastern perimeters. A detailed ecological report has been prepared and submitted with the application. Within this ecological report, the site is explained in detail, it was investigated and found not to support slow worms. The conclusion of the Thomson report are that the site is not of intrinsic ecological value and this is confirmed by the survey data. Furthermore, the site is not covered by any statutory or non-statutory designations. The recording of tree sparrow, a UK BAP priority species, is an important and surprising finding for this location.

5.35 During the course of the application, meteorological data collected by a resident of Pucklechurch was submitted to the Council due to concerns that the findings of the submitted survey are not accurate. Notwithstanding this submitted data, the findings of the ecological report are accepted by the Councils Ecologist and key habitats lying outside the site that would be of most value to tree sparrow, do not appear to be impacted by the development. Subject to the attachment of a condition to ensure that the ecological enhancements out forward in the report are implemented, there are no ecological concerns raised to the application.

5.36 Tree Protection/Landscaping

The southern edge of the site is bound by a historic hedge. There are various other smaller trees and shrubs dotted around the site. In accordance with the requirements of Policy L1 of the South Gloucestershire Local Plan (Adopted) development is expected to conserve and enhance those attributes that make a positive contribution to the character of the area.

5.37 A detailed Tree Survey is submitted with the application to clearly mark the trees on the site, to assess their character and form and to recommend which are worthy of retention. The report is supplemented with a map showing the tree protection measures that are to be implemented to ensure that the important trees and hedgerow are protected during construction.

5.38 Subject to the attachment of conditions to ensure that the development is carried out in accordance with the recommendations of the tree report and the tree protection measures installed, there are no objections to the scheme in this respect.

5.39 The hedgerow along the southern boundary of the site is part of a larger historic landscape feature that extends as an almost continuous linear feature

for approximately 2km from Shortwood Road eastwards towards Dyrham. Where it passes the site, the feature comprises a double hedgerow and banks containing a bridleway. This landscape feature is historically significant, may have nature conservation value, and consequently must be retained, protected and managed to ensure its long-term health and well being in accordance with Policy L1 of the adopted local plan.

5.40 The site layout has been carefully designed to ensure that this historic hedge is protected during the development phase and that it is accessible for future maintenance once the development has been completed. The hedge does not sit within the gardens of any of the properties but instead is segregated from the garden by paths. This will limit the unauthorised pruning of the hedge by residents should the hedge encroach over their gardens. The pathway along the boundary of the hedge will also allow access for future maintenance.

5.41 Drainage and Flood Risk

As initially submitted, the Environment Agency raised an objection to the proposed development on the basis that the Flood Risk assessment failed to address the potential surface water run off impact in sufficient detail. During the course of the application however, the applicants drainage engineers have worked closely with the engineers from the environment agency. The Environment Agency is now happy with the proposed flood risk mitigation measures and subject to the attachment of conditions, raise no objection to the proposed scheme.

5.42 In accordance with the requirements of PPS25, developers, the local planning authority, and other authorities including the Environment Agency should be promoting the use of Sustainable Drainage (SuDs) to achieve wider benefits such as water quality, biodiversity and local amenity. There are huge opportunities to follow the guidance clearly laid out within PPS25 and making space for this should influence the design and layout, especially for a greenfield site that does not have any existing constraints. The practice guide highlights the differences expected between high density urban areas where it may be difficult to incorporate SuDs. Tank solutions are not listed in their recommendations for water attenuation and we would not expect underground attenuation at a green field site. This position is supported by PPS25 Practice Guide.

5.43 Through the submission of additional flood risk information, and alterations to the flood risk measures (including the addition of a water attenuation pond). Flooding and surface water drainage on the site is satisfactorily addressed. Whilst it is noted that the parish and local residents are concerned about the capacity of the existing sewers, this would be addressed in detail at building control stage and not as part of this planning application.

5.44 Noise

The western edge of the site is bound by an industrial estate and it is recognised that there is always potential for conflict when residential, and noise sensitive development and industrial uses are sited in close proximity to each other. In accordance with the requirements of Policy EP4 of the South Gloucestershire Local Plan (Adopted) Ideally, noise sensitive development

- should not be sited next to an industrial estate, with 24 house use and major noise sources. If however separation of land is not possible, the Planning Authority may consider it appropriate to use conditions to control, mitigate or reduce the impact of noise.
- 5.45 There is currently a distribution centre operating adjacent to the proposed development site. Night-time and early morning noise from vehicle movements is therefore likely to be an issue and has the potential to impact on residential amenity.
- 5.46 In order to address the potential noise conflict a detailed Noise Report has been submitted with this application. The most fundamental outcome of this noise assessment, and in order to satisfy the Councils Environmental Protection team, a five metre high acoustic bund is being provided along the western boundary of the site. The acoustic bund consists of a landscaped bank with a close boarded fence on top.
- 5.47 In accordance with the advice given by the Councils Environmental Protection Officer, the acoustic bund runs the whole length of the residential part of the site and includes a return at the southern end to prevent the creep of noise around the barrier. In addition to the acoustic bund, consideration has been given to the design and internal layout of the dwellings closest to the industrial estate to ensure that, as far as possible, the main habitable rooms are on the rear of the dwellings – facing away from the industrial estate. This, combined with the use of high level double glazing units in dwellings No 45 to 56 will ensure that adequate mitigation measures are installed to protect the amenities of future occupiers as far as possible.
- 5.48 Noise is not the only consideration regarding this application. It should be noted that any industrial use could come to the industrial estate and other environmental issues of smell, dust, and effluvia could arise in the future. Amenity, which is a planning consideration, is a much wider concept than nuisance. Nuisance is about what is reasonable and based on case law and precedent. In terms of nuisance, if residential development is permitted, the industrial units would have to conduct their activities so as not to give rise to nuisance from noise, smell, dust effluvia etc. If permission is granted there would have to be a certain amount of "buyer beware" from those living on the new development. Whilst there have been some complaints in the past about activities on the industrial site, they have not caused widespread nuisance to the occupants of existing residential properties. Subject to the attachment of conditions, the Councils environmental protection team do not raise an objection to the proposed scheme.
- 5.49 Listed Building
The application site includes a grade II listed barrage balloon mooring station, which dates from c.1938-40, and which formed part of a larger balloon mooring site. The listed structures which make up the station are formed from pre-cast concrete blocks, each with a cast-iron ring set into its upper surface, set in a circular pattern flush with the ground surface. Outside the central anchorage, is a second circle of mooring blocks circa 11m in diameter to which the guy ropes would have been fixed when the balloon was fully bedded-down. Beyond the

site is a shallow circular ditch circa 27m in diameter outside the central anchorage, around which the trailer winch, which wound the tethering ropes up and down, would have run. The history and development of hydrogen filled barrage balloons, for use as anti-aircraft devices during the first and second world war, is set out in the comprehensive list description. 18 balloon depots were established around the country, between 1938 and 1940, in areas which would be vulnerable to attack from the air, such as naval bases, large cities, ports and industrial plants.

- 5.50 Built around 1938 as No.11 Balloon Centre, Pucklechurch covered the defence of the city of Bristol, aeronautical manufacturing at Filton, and the important docks at Avonmouth. Barrage balloons were brought to the site for repair when they were damaged, either in combat or if they had been damaged after breaking loose of their moorings. The Pucklechurch site consisted of four balloon workshops, of which two survive largely unaltered and were listed at Grade II in 2003. The balloon mooring site is situated approximately 390m south-east of the listed balloon repair workshops. The Pucklechurch Balloon Centre continued to function until RAF Balloon Command was disbanded in January 1945, by which time the balloon barrages had served their purpose. The disposal of the site was begun in 1962, when the western part of the site was transferred to HM Prison Service, which built Pucklechurch Remand Centre, now HMP and YOI Ashfield. The rest of the site became a trading estate, including the wartime balloon repair workshops, which remain in light industrial use. The balloon mooring site is now situated in a green space within an area of post-war housing development. Most of the mooring area has since been built upon leaving those features within the application study area as the only remaining physical evidence of this part of the centre.
- 5.51 The earliest of the photographs gives a very clear view of how the study area must have looked during the war years, the infrastructure of the Balloon Centre remaining largely intact at this point. The southern portion of the road, which serviced the balloon mooring area, is the most visible of the still extant features on site.
- 5.52 The application does not provide very much information about how the listed balloon mooring station will be treated as part of the scheme. The mooring station and land immediately surrounding it are proposed to be allocated as an open space within the development, however the specific treatment of this space, and the listed structures is vague. The design and access statement proposes that the outer ditch which has been filled in *will be marked on the surface with a gravel path to more clearly demonstrate the full extent of the original installation*. Elsewhere the design and access statement states that *'the listed structures will be the subject of a listed building consent'*. This implies that works are proposed to the listed structures although what these works involve is unclear. Notwithstanding the various statements within the application, the agent has confirmed verbally that there are to be no changes to the listed structure. The application is being determined on the assumption that this is the case. A condition will be attached requiring the submission of a landscaping plan to clearly show if any landscaping works are in fact required to the listed structure. It will also be made clear on the decision notice that any alterations to the listed structure may in fact require further listed building

consent and that the landscaping plan will have to be agreed with the conservation officer.

5.53 With regard to the wider development, the Councils Conservation Officer has no objection to the development in principle in terms of the setting of the designated asset. The other allied mooring stations originally forming part of the balloon centre have been built upon, with only a few remnants of parts of stations remaining. Therefore any visual connection between the mooring stations has been lost. Similarly the barrage balloon workshops are some distance away and other buildings intervene, therefore not visually associated with the existing setting of the balloon station. While space around the structures contributes to an appreciation of their historic function, this is of course primarily space directly above the station. The original trackways serving the station also contribute to an understanding of the historic operations of the site however much of the original infrastructure serving the other stations have been lost, and therefore the remaining element to the south and south east of the mooring station is relatively meaningless.

5.54 Transportation – Access and Parking

As discussed previously, the proposal is made up of two halves and the new development would be served by two separate junctions – one of which is a new junction to be constructed off of Oaktree Avenue. The eastern side of the development would be served by an existing access road, Dyrham Close, which would be extended. Dyrham Close has been constructed to adoptable standards and the turning area has been designed so that it can be extended. By extending this arm of the road, a new road can be created to serve the eastern side of the development. The new road would be constructed to adoptable standards.

5.55 A new junction with Oaktree Avenue would also be constructed and it would provide vehicular access to the western side of the residential development as well as providing access to the new doctors surgery. The new junction would provide adequate visibility onto the public highway and it would be constructed to adoptable standards. Suitable footways would also be created along the new residential roads.

5.56 Some direct vehicular access to 14 units would be created from Oaktree Avenue. This arrangement would impact on the position of an existing bus stop. This bus stop must therefore be relocated to a suitable new location and the developers expense and secured through a legal agreement. It is noted that concern has been raised that the proposed parking and access arrangement will displace some existing on street parking. It is the case that at present, residents of the surrounding estates do park vehicles along the edge of Oaktree Avenue. It is not however the role of the developer to provide parking spaces for dwellings outside of the application site. It is the case that the developers have tried to fit as much parking as possible onto the site to accommodate vehicles. Residents living in the surrounding estate will still be able to park elsewhere in the area on the public highway although it is accepted that their vehicles may be slightly further from their houses.

5.57 There is currently no footway along the South Side of Oaktree Avenue. The applicant is therefore required to provide a footway along the entire site frontage on Oaktree Avenue. This footway needs to be extended to the bus stop approximately 100m west of the new doctors surgery site. The footpath across the site will be secured through a S106 agreement.

5.58 Education

In accordance with Policy LC2 of the South Gloucestershire Local Plan, where existing education provision is inadequate to meet projected need arising from a development, the Council will negotiate to secure provision in scale to meet these needs. Despite the concerns raised by the objectors about the ability of Pucklechurch Primary School to cope with the influx of students, the Council's education officer has confirmed that there is projected surplus capacity at both primary and secondary schools within the area of the proposed development. For this reason, as part of this application we are not requesting a contribution for additional school places.

5.59 The proposed development of 56 dwellings will generate three additional secondary school pupils based on the pupil number calculator. The nearest secondary school is over three miles away, which is considered the maximum walking distance for secondary pupils. The Local Authority would require a Section 106 contribution towards transport to schools costs. The most cost effective means of transporting pupils to a local secondary school would be by bus. The cost is £5 per student per day. There are 190 school days in the school year and a student will be in secondary education for 5 years. The contribution requested towards transport to school is therefore 3 students x £5 x 190 days x 5 years = £14,250. Subject to a S106 agreement to secure this funding, there are no objections to the proposed scheme from an education perspective.

5.60 Public Right of Way

The definitive line of public footpath LPU59 crosses the site and whilst mainly crossing an area of Public Open Space, the line appears to conflict with proposed planting and a change in surface detail towards the southern boundary of the site. As it stands, no development may take place unless the plan is able to accommodate the footpath, or an application to divert under S.257 of the Town and Country Planning Act 1990 is submitted to the Council for consideration.

5.61 As part of the application, the definitive line of the Public Right of way is to be protected and maintained. There is no intention to block or obstruct any part of the public right of way. The Councils PROW officer is happy that the applicants are fully aware of their obligation to protect the right of way and raises no objection to the proposal.

5.62 Affordable Housing

In accordance with Policy H6 of the South Gloucestershire Local Plan, an element of subsidised affordable housing is being sought on this site. The following requirements are based upon Policy H6 of the South Gloucestershire Local Plan and the Affordable Housing SPD. The Councils Enabling team have assessed the application and, in accordance with Policy H6, 33.3% of all

dwellings on the site are to be delivered as affordable housing, as defined by PPS3. As the application shows the provision of 56 units, 18 will be provided for nil subsidy affordable housing, which has been agreed with the applicant.

5.63 A tenure split of 80% social rent and 20% intermediate housing is identified in the West of England Strategic Housing Market Assessment (SHMA) 2009. Therefore, 14 of the units should be provided for social rent and 4 units should be provided for shared ownership, this has been agreed with the applicant.

5.64 The Council will seek a range of affordable unit types to meet housing need based upon the findings from the SHMA 2009 shown below:

Social Rent

Percentage	Type	Min Size m2
23%	1 bed flats	46
7%	2 bed flats	67
38%	2 bed houses	72
22%	3 bed houses	82
10%	4 bed houses	106

Intermediate

Percentage	Type	Min Size m2
44%	1 bed flats	46
17%	2 bed flats	67
19%	2 bed houses	72
19%	3 bed houses	82
1%	4 bed houses	106

5.65 The Council will seek 5% of the affordable housing to meet the wheelchair accommodation standards as set out at Appendix 4 of the Council's Affordable Housing Supplementary Planning Document.

5.66 The Council has agreed with the applicant that 33.3% of dwellings are to be delivered as nil subsidy affordable housing, equating to 18 units of the following mix and tenure: Social Rent: 3 x 1 bed flats, 5 x 2 bed flats, 6 x 2 bed houses. Intermediate: 4 x 2 bed houses

5.67 Officers are satisfied that this mix meets the Council's affordable housing policy requirements especially when considering the context of additional affordable housing units which are to be provided on the site. The additional affordable units will supply a further the range of unit types and tenure across the site. Subject to the signing of a S106 agreement to secure the affordable housing as outline above, there is no objection to the scheme from this perspective.

5.68 100% of initial occupants and 75% of subsequent lettings to be allocated through HomeChoice. Priority will be given to households with a local connection to the Parish of Pucklechurch.

Doctors Surgery Element of the Scheme

- 6.1 The doctors surgery element of the proposal is for consideration in outline only. The only detailed matter for consideration is access to the site – all other matters are reserved for future consideration.
- 6.2 In accordance with Policy LC4 of the South Gloucestershire Local Plan (Adopted) proposals for the development of community facilities within the existing urban area will be permitted providing that the following four criteria are satisfied:
- 6.3 **A. Proposals are located on sites which are, or will be, highly accessible by foot and by bicycle.**
The site is within the settlement boundary of Pucklechurch and is immediately adjacent to a large housing estate. It is accepted however that this site is on the edge of the village and that ideally, a new surgery would be located in the heart of the village. However, there are no available sites in the centre of the village on which a new surgery could be built. The existing village surgery is very small and the principle of erecting a new surgery in the village is widely accepted. This is the only available site that is available for the doctors on which to build their surgery.
- 6.4 The detailed site layout of the surgery site is a reserved matter for future consideration. Access to the surgery will be through the housing part of the site. Several of the objectors have commented that the doctors should have its own access directly from Oaktree Avenue. This however is not possible as a strip of land between the surgery site and Oaktree Avenue is outside of the Councils ownership or control. This strip of land is being held to ransom and access across it cannot be gained.
- 6.5 As part of the S106 agreement, the developers will be providing a footway across the entire site frontage and this footway will link to the bus stop opposite the Kestrel Drive junction. The Parish Council has also confirmed verbally that they will then look into extending this footpath from the bus stop up to St Adams Drive. This will then create a direct and safe pedestrian link from the site to the western side of the village.
- 6.6 In addition to the creation of a footway as discussed above, other measures have been agreed with the developer to improve accessibility to the surgery even further. These include the provision of raised boarders and bus shelters at the pair of bus stops in Oaktree Avenue. This is to make travel to the surgery by bus easier for residents. A financial contribution of £20,000 has also been agreed to Pucklechurch Parish Council towards the funding of a social car scheme to transport patients in the Pucklechurch Area to appointments at the proposed medical centre. An additional contribution of £10,00 has been agreed toward the provision of pedestrian and mobility improvements (in the form of dropped kerbs at junction crossings) in the area.

6.7 In light of the discussion above, whilst the surgery will be easily accessible by foot and by bicycle, further additional measures are being implemented to further improve accessibility to the site from all areas of the village.

6.8 **B. Development would not unacceptably prejudice residential amenities:**

Siting, design and layout of the surgery are reserved matters that are not for consideration as part of this application. However, it is accepted that the site is easily capable of accommodating a two storey surgery without impacting upon existing levels of residential amenity.

6.9 **C. Development would not have unacceptable environmental or transportation effects;**

As discussed in paragraph 5.58 above, a new junction with Oaktree Avenue would also be constructed and it would provide vehicular access to the western side of the residential development as well as providing access to the new doctors surgery. The new junction would provide adequate visibility onto the public highway and it would be constructed to adoptable standards. Suitable footways would also be created along the new residential roads. Details of the number of parking spaces and the layout of the doctors surgery element of the site are reserved matters for future consideration.

6.10 The architects working on the doctors surgery proposal are aware of the noise constraints coming from the adjacent industrial estate. Whilst this is a reserved matter, consideration is being given to the design and siting of the surgery on the site to ensure that environmental issues, particularly noise, are adequately addressed in the design.

6.11 **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.**

This is a reserved matter for future consideration. However, given the size of the surgery site, there is confidence that ample parking can be provided on site to prevent any adverse impact on highway safety arising.

7. **Section 106 Requirements**

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, having regard to the above advice, the S106 requests are appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005.

8. **CONCLUSION**

- 8.1 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.
- 8.2 (i) The residential element of the scheme demonstrates a high quality of design, layout and density appropriate for, and informed by, its location. The application therefore satisfies the requirements of Policies D1 and H2 of the South Gloucestershire Local Plan (Adopted)
- (ii) The dwellings will meet code level 3 of the code for sustainable homes and therefore the properties will be built to a higher standard than is required by building regulations. The residential element of the scheme therefore demonstrated a good standard of sustainability in accordance with the requirements of Policy D1 of the South Gloucestershire Local Plan (Adopted)
- (iii) Whilst the development of the site will inevitably result in the loss of open space, adequate green open space is provided on site to retain the character of the area. Suitable mitigation measures will be put in place to mitigate against the loss of green open space and to ensure a satisfactory amount of open space remains to meet the needs of local residents. The application therefore complies with the requirements of Policies D1, L5, H2, and LC8 of the South Gloucestershire Local Plan (Adopted) and Policy CS24 of the South Gloucestershire Core Strategy – Submission Draft December 2010
- (iv) Adequate provision is being made to ensure that the extra impact on the library facilities is being mitigated against in accordance with the requirements of Policy LC1 of the South Gloucestershire Local Plan (Adopted)
- (v) Impact on levels of residential for both the existing neighbouring dwellings and for the future new residents has been assessed as is deemed to be acceptable. The application therefore complies with the requirements of Policies D1, H2 and LC4 of the South Gloucestershire Local Plan (Adopted).
- (vi) In accordance with the requirements of Policy L9, the development will not have any adverse impact upon protected species.
- (vii) Details have been submitted to demonstrate how the existing historic hedgerow along the rear of the site will be protected. It is not therefore considered that the development will adversely affect the character of the area in terms of the removal of any significant trees. The application therefore complies with the requirements of Policy L1 of the South Gloucestershire Local Plan (Adopted)
- (viii) Through the submission of an appropriate flood risk assessment, the application demonstrates that it will not result in any adverse flooding or drainage effects in accordance with the requirements of Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006
- (ix) The existing listed balloon mooring contained within the site will be retained and protected through the application. The application therefore complies with the requirements of Policy L13 of the South Gloucestershire Local Plan (Adopted)
- (x) Adequate mitigation measure are to be included to address the potential noise issues from the adjacent industrial estate. The application therefore complies with the requirements of Policy EP4 of the South Gloucestershire Local Plan (Adopted)

(xi) Adequate levels of off street parking are provided within the site for both vehicles and bicycles to meet the needs arising from the development. The proposed access points to the site are considered safe. The application therefore complies with the requirements of Policies D1, T7, T8, T12, H2 and LC4 of the South Gloucestershire Local Plan (Adopted) January 2006

(xii) Adequate provision is being made to ensure that the extra impact on the education service is being mitigated against in accordance with the requirements of Policy LC2 of the South Gloucestershire Local Plan (Adopted)

(xiii) The existing public right of way that crosses the site is to be retained and protected.

(xiv) Provision is made for affordable housing in accordance with the requirements of Policy H6 of the South Gloucestershire Local Plan (Adopted)

(xv) Access to the doctors surgery is acceptable in terms of highway safety and in accordance with the requirements of Policies T12 and LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

7.2 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.

9. RECOMMENDATION

9.1 That authority be delegated to the Director of Planning, Transportation and the Strategic Environment to grant permission, subject to the conditions set out below and the applicant first voluntarily entering into an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

i – The provision of a footway on the South Side of Oaktree Avenue from the junction with Dyrham Close to the bus stop near/opposite Kestrel Drive junction

ii – To provide the new junction to serve the development from Oaktree Avenue

iii – To remove the existing bus stop from Oaktree Avenue near/opposite the junction with Partridge Road and relocate it at a new location to be agreed with the Council.

iv – To provide a raised kerb for disabled access to the bus stop and bus shelters at the two bus stops on Oaktree Avenue

v – The provision of directional signs for vehicles and pedestrians from Abson Road to the new medical centre.

vi – The payment of £10,000 to the Council towards the cost of the provision of pedestrian and mobility improvements in the area.

vii – The payment of £20,000 to the Council towards the costs of a car share scheme to transport patients who live in the area of Pucklechurch to the medical centre

viii – The payment of £14,250 as a contribution towards the cost of transport to school for secondary school pupils

ix – The provision of £11,236.50 as a contribution towards the library service

x – The provision of £6,134.68 as a contribution toward the provision of one litter bin and one dog bin and the emptying of these bins for 15 years.

xi – The provision on site of 294sqm of Category 2 open space, the provision on site of 1,319sqm of Category 3 open space, and the provision on site of 2,156sqm of Informal Open Space all of which shall be landscaped in accordance with a scheme agreed by the Council.

xii – The payment of £101,257.63 as a contribution towards the future cost of maintaining the open spaces being provided on site.

xiii – The payment of £73,141.74 as a contribution towards the cost of providing Category One Open Space in the vicinity of the development.

xiv – 33.3% of the total number of permitted dwellings shall be identified and reserved and set aside as Affordable Housing

xv – The location of the affordable units, their type and tenure shall be agreed in writing by the Director of Community Care and Housing.

The reasons for the agreement are:

i – To ensure easy pedestrian access both too and across the site in order to comply with the requirements of Policies T12, H2 and LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

ii – To ensure safe access to the site in order to satisfy the requirements of Policies T12, H2 and LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

iii – To allow for the completion of the development in accordance with the approved plans whilst still providing suitable bus stop facilities in the vicinity of the site in order to comply with the requirements of Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006

iv – To improve ease of access to the site in order to comply with the requirements of Policies T12, H2 and LC4 of the South Gloucestershire Local Plan (Adopted) January 2006

v – To ensure that patients are aware of the location of the surgery, to allow easy access to the site in order to comply with the requirements of Policies T12 and LC4 of the South Gloucestershire Local Plan (Adopted) January 2006

vi – To improve on the existing level of pedestrian mobility in the area to mitigate against the impact of the development and in order to comply with the

requirements of Policies H2, LC4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006

vii – To provide additional facilities to ensure that the new surgery is accessible by all, in order to comply with the requirements of Policies LC4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006

viii – To mitigate against the impact of the development and in order to comply with the requirements of Policy LC2 of the South Gloucestershire Local Plan (Adopted) January 2006

ix – To mitigate against the impact of the development and in order to comply with the requirements of Policy LC1 of the South Gloucestershire Local Plan (Adopted) January 2006

x – To mitigate against the impact on the development and in order to comply with the requirements of Policy LC1 of the South Gloucestershire Local Plan (Adopted) January 2006

xi - To ensure that adequate on site public open space is provided and in order to comply with the requirements of Policy LC1 of the South Gloucestershire Local Plan (Adopted) January 2006

xii – To ensure that the public on site open space is maintained to an appropriate standard and in order to comply with the requirements of Policy LC1 of the South Gloucestershire Local Plan (Adopted) January 2006

xiii – To mitigate against the impact of the development and in order to comply with the requirements of Policy LC1 of the South Gloucestershire Local Plan (Adopted) January 2006

xiv – To ensure that an appropriate level of affordable housing is provided and in order to comply with the requirements of Policy H6 of the South Gloucestershire Local Plan (Adopted) January 2006

xv – To ensure that the affordable housing provide meets the identified need and in order to comply with the requirements of Policy H6 of the South Gloucestershire Local Plan (Adopted) January 2006

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

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

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

1. The housing element of the scheme hereby permitted (that is the land outline in blue on plan 4682P(0)113A 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. For the doctors surgery element of the scheme (that is the land outlined in green on plan 4682P(0)113A) approval of the details of the layout, scale and appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason

This element of the scheme is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

3. For the doctors surgery element of the scheme (that is the land outlined in green on plan 4682P(0)113A), plans and particulars of the reserved matters referred to in the condition above, relating to the layout, scale and appearance of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

This element of the scheme is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

4. For the doctors surgery element of the scheme (that is the land outlined in green on plan 4682P(0)113A), the application for approval of the reserved matters shall be made to the Local Planning Authority 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).

5. For the doctors surgery element of the scheme (that is the land outlined in green on plan 4682P(0)113A), the development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

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

6. Prior to the construction of any of the dwellings hereby approved (within the land outline in blue on plan 4682P(0)113A) details and samples of the roofing and external

facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out exactly in accordance with the approved details.

Reason

To ensure a high standard of external appearance and to accord with Policies H2 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Prior to the first occupation of any of the residential units hereby approved, the bin and cycle stores as shown on the plans hereby approved shall be implemented.

Reason

To ensure the provision of adequate bin and cycle storage within the site to meet the needs of the future residents and in order to comply with the requirements of Policy D1 and T7 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. The hours of working on site during the period of construction shall be restricted to 08.00 to 18.30 Monday to Friday, 08.30 to 13.00 on Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To minimise disturbance to occupiers of the surrounding residential properties and to accord with the requirements of Policies H2 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. Within 6 months of the construction of all of the dwellings on the site, the applicant must submit evidence to the Council demonstrating or reporting on the implementation of the Ecological enhancements as set out at chapter 4 (Eco 2) of the Thomson Ecology report ref OLEA119 /001/ 001.

Reason

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

10. The works must be carried out exactly in accordance with the Arboricultural Constraints and Tree Protection plan ref 1052-2 and the Tree Survey prepared by Treescene dated 13th October 2010. All protective measures identified in these documents must be installed prior to the commencement of development on the site in accordance with BS5837:2005

Reason

In the interests of the long term health of the trees, to protect the historic hedgerow and in the interests of the visual amenity of the area. To accord with the requirements of Policies D1, H2 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. Within two months of the date of the commencement of development, full details of both hard and soft landscaping works shall be submitted in writing to the Local

Planning Authority for approval and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines indicating lines, manholes); retained historic landscape features and proposals for restoration where relevant. Soft landscape works shall include planting plans; written specifications including cultivation and other operations associated with plant and grass establishment; schedules of plants, noting species, plant sizes and proposed numbers/densities; implementation programme.

Reason

To protect the character and appearance of the area to accord with Policies D1, L1, L5, L11, L13, H2, LC4 and LC8 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. Prior to the first occupation of any of the dwellings hereby permitted, an acoustic bund with a minimum height of 5 metres must be erected along the western side of the residential part of the site (that is the land outline in blue on plan 4682P(0)113A). Full details of the acoustic bund shall be included in the landscaping plan secured via condition 11.

Reason

To minimise disturbance to the future occupiers of the proposed dwellings from the adjacent industrial estate and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

13. High level double glazing units must be installed in units 45 to 56 inclusive.

Reason

To minimise disturbance to the future occupiers of the proposed dwellings from the adjacent industrial estate and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

14. The off-street parking facilities shown on the plans hereby approved shall be provided before the relevant dwellings are 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.

15. Within one month of the date of the commencement of development, a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority (LPA). The drainage works shall be completed in accordance with the details and timetable agreed.

Reason

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to satisfy the requirements of Policies EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006

16. Within one month of the date of the commencement of development, a scheme for the provision and implementation of a surface water run-off limitation scheme shall be submitted to and approved in writing by the LPA. The scheme shall be implemented in accordance with the approved programme and details.

Reason

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to satisfy the requirements of Policies EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006

17. Within one month of the date of the commencement of development, details of a full operation and maintenance strategy for surface water drainage shall be submitted to and formally approved in writing by the LPA. The strategy shall identify all future land use limitations, identify the ownership, operational and maintenance arrangements for the works over the lifetime of the scheme.

Reason

To ensure that the works provide the necessary mitigation against flooding for the lifetime of the existing and proposed development and to satisfy the requirements of Policies EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006

ITEM 2

CIRCULATED SCHEDULE NO. 07/11 – 18 FEBRUARY 2011

App No.: PK10/3450/F	Applicant: Ms V Woodruff
Site: Lansdown View Lodge Road Wick Bristol South Gloucestershire	Date Reg: 23rd December 2010
Proposal: Change of use of land from agricultural to residential curtilage. (Retrospective).	Parish: Wick And Abson Parish Council
Map Ref: 370059 174710	Ward: Boyd Valley
Application Category: Minor	Target Date: 16th February 2011



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100023410, 2008.

N.T.S.

PK10/3450/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule because representations have been received in favour of the proposal, which are contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The site lies to the northern side of Lodge Road and comprises a row of single-storey buildings next to the hedgerow along Lodge Road and an open area of hard-standing between the buildings and the field to the northeast and northwest of the site; the site access and a small stable block attached to the southern side of a small dwelling house. The site is accessed from Lodge Road. The curtilage originally claimed (ref. No. PK05/0933/CLE) for the dwelling comprises a fenced off garden area to the north of the house and a small area of land to the east of the house.
- 1.2 The original application (PK05/0933/CLE) was assessed (and granted) under the 4 year rule in Section 171B(2) of the Town and Country Planning Act 1990 on the basis that there was a change of use of a building to use as a single dwelling-house. A subsequent application (PK09/0814/CLE) was submitted on the same basis (except that it was claimed that the residential curtilage, which the dwelling house has always enjoyed, was larger i.e. included the land and buildings the subject of this current application (PK10/3450/F). Application PK09/0814/CLE was refused for the reasons listed in para. 3.5 below. An appeal was subsequently lodged, which is due to be determined at a Public Enquiry, the date of which remains outstanding.
- 1.3 The current application (PK10/3450/F) seeks to regularise the situation by changing the use of the land (and buildings therein) to residential curtilage and therefore avoid the need for the Public Enquiry.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 - Delivering Sustainable Development
PPG2 - Green Belts

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 - Design
L1 - Landscape Protection and Enhancement
L4 - Forest of Avon
L17 & L18 - The Water Environment
EP1 - Environmental Pollution
EP2 - Flood Risk and Development
GB1 - Green Belt
T8 - Parking Standards
T12 - Highway Development Control Policy for New Development

- 2.3 Supplementary Planning Guidance
Development in the Green Belt (SPD) Adopted June 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK00/0927/F - Erection of barn for storage purposes in connection with the keeping of horses.
Refused
- 3.2 CAE/04/0019 - Enforcement Notice for the change of use of a building from agricultural purposes to residential.
Withdrawn

NB: After an appeal was received in respect of the above Enforcement Notice, the Notice was withdrawn on the strength of the evidence put forward by the appellant. The subsequent Certificate of Lawfulness application was invited as a result of this action.

- 3.3 PK05/0933/CLE - Certificate of Lawfulness for existing use of building as a dwellinghouse and adjoining land as residential curtilage.
Granted 2006
- 3.4 CAE 09/0012/1 - Enforcement Notice regarding the stationing of a caravan on the site.
Notice served 12 March 2009
- 3.5 PK09/0814/CLE - Application for Certificate of Lawfulness for an existing use of land as residential curtilage.
Refused 8th Sept 2009 on the grounds that it was concluded that, objectively and on the balance of probability, and according to the submitted evidence, the site, other than that part granted a Certificate of Existing Lawful Use (PK05/0933/CLE) in 2006, had not been used residentially for the requisite period of 4 years.
An Appeal (Public Enquiry) APP/P0119/X/10/2140245 against this decision is currently pending.

4. CONSULTATION RESPONSES

- 4.1 Wick and Abson Parish Council
Object on the following grounds:
- The land is in the Green Belt
 - The residential curtilage use applied for is “inappropriate” development within the Green Belt.
 - It is therefore up to the applicant to demonstrate that “very special circumstances” exist to outweigh the normal presumption against inappropriate development within the Green Belt.

- No “very special circumstances” have been demonstrated and therefore the application should be refused.

4.2 Other Consultees [including internal consultees of the Council]

Sustainable Transport

There are no highway objections to this proposal.

CPRE

S Gos District CPRE objects to the application as it will harm the openness of the Green Belt. If the Council is minded to approve the application, permitted development rights should be withdrawn.

Other Representations

4.3 Local Residents

31no. valid representations were received, objecting to the proposal. The concerns raised are summarised as follows:

- The site lies in the Green Belt
- There are no very special circumstances to overcome the presumption against the development in the Green Belt.
- Would not retain openness.
- Detrimental to the visual amenity of rural area and nearby PROW.
- Set a precedent for similar proposals.
- The land is agricultural.
- Previous appeal decisions and enforcement notices not complied with.
- Loss of hedgerow, footpath changes, wildlife habitat and loss of countryside.
- Inappropriate layout and density of buildings.
- Poor design.
- Increased traffic generation in narrow lane.
- Will increase noise and disturbance.
- Smell from burning manure and rubbish.
- Previous unauthorised development.
- Two caravans and mobile home on site would become permanent.
- The house already has adequate residential curtilage.
- Unsustainable location.
- Contrary to Core Strategy Policies.

2no representations in support of the proposal were received. The comments in favour are summarised as follows:

- The proposal would not affect the openness of the Green Belt.
- Applicants should be allowed to upgrade their property.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site lies in open countryside and within the Bristol/Bath Green Belt as designated within the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. There are no proposals within the South Gloucestershire Core Strategy Submission Draft Dec 2010 to remove this land from the Green Belt.

5.2 Officers are satisfied that prior to the applicant acquiring the site, the land was open agricultural land and this is supported by the evidence from the Council's aerial photographic archives. The authorised use of the land, the subject of this current application, is therefore considered to be agricultural. The existing dwelling 'Lansdown View' and associated garden was regularised by the granting of a Certificate of Lawfulness PK05/0933/CLE, which at the time established what was to be the residential curtilage associated with 'Lansdown View'.

5.3 None of the buildings or associated works within the current application site are authorised for residential use or for that matter for the recreational keeping of horses for which the buildings appear to have been used for; however any buildings or associated works that have been in place for more than 4 years would now be immune from enforcement action.

5.4 In the first instance the application falls to be determined in the light of the latest Green Belt Policy contained within PPG2 and Policy GB1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, also relevant is the Council's SPD note 'Development in the Green Belt' adopted June 2006. The South Gloucestershire Core Strategy Submission Draft Dec 2010 has now been the subject of consultation but is still in its early stages of progression towards adoption; as such the Core Strategy, whilst being a material consideration, is not yet part of the Development Plan and the policies therein can only be given very limited weight at this stage.

5.5 PPG2 para. 1.5 lists the purposes of including land in Green Belts and these are:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns from merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.6 PPG2 makes it clear (Para. 3.1) that there is a general presumption against inappropriate development in the Green Belt and that such development should not be approved, except in very special circumstances; it is for the applicant to demonstrate what those very special circumstances are.

5.7 Inappropriate development is, by definition, harmful to the Green Belt (PPG2 para. 3.2). Very special circumstances to justify inappropriate development will

not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

5.8 PPG2 and Policy GB1 only permit the change of use of land or existing buildings where:

1. It would not have a materially greater impact than the present authorised use on the openness of the Green Belt and would not conflict with the purpose of including land in it;
2. The buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction; and
3. The form, bulk and general design of the buildings are in-keeping with their surroundings.

Any proposals for development within or conspicuous from the Green Belt which would have an adverse impact on the visual amenity of the Green Belt will not be permitted.

5.9 Inappropriate Development

Notwithstanding the likelihood that the land and buildings have been used for the recreational keeping of horses, which is an unauthorised use in its own right; for the purposes of this application, the authorised use of the land and buildings is considered to be agricultural and this is confirmed by the applicant in the submitted Supporting Statement para.1.7.

5.10 Officers must consider what harm, if any, the proposed change of use would have on the Green Belt. Having regard to the criteria listed in Local Plan Policy GB1(B):

1. It would not have a materially greater impact than the present authorised use on the openness of the Green Belt and would not conflict with the purpose of including land in it;

If it is accepted that the authorised use of the site is agricultural and the existing structures, hard-standings and associated works are unauthorised, then there is a clear case to be argued that the proposal would have a materially greater impact on the openness of the Green Belt. However, the structures, hard-standings and associated works are now lawful by reason of having been on the site for in excess of 4 years, and as such are now immune from enforcement action and could therefore remain on the site, even if this application were refused. Under the authorised use, the site and buildings could be used for agricultural purposes, with all the likely associated clutter, farm machinery, livestock, muck heaps, moveable shelters and fencing (that could be erected under agricultural permitted development rights).

5.11 Given this dilemma, officers take a pragmatic view that the proposed change of use would not have a materially greater impact on the openness of the Green Belt than the existing use. In arriving at this conclusion, officers have also been mindful that the applicant would accept a condition to remove all permitted development rights, should the application be approved.

- 5.12 Moving to whether or not the proposed change of use would conflict with the purposes of including land within the Green Belt; given that the site is already developed and that the development is now lawful, the proposed change of use would not check the unrestricted sprawl of large built up areas and could not retain openness, which would prevent neighbouring towns from merging into one another.
- 5.13 In assessing whether or not the proposal would assist in safeguarding the countryside from encroachment, officers take this to mean encroachment of urban development, which would include residential development other than that specifically for people working in farming or forestry. The existing dwelling 'Lansdown View' is very small and already has a residential curtilage, which is considered adequate for the size of the dwelling; this curtilage is clearly delineated from the rest of the site and neighbouring fields by clear boundary treatments. The dwelling is not known to be occupied by an agricultural or forestry worker. By changing the use of the application land and associated buildings to residential use, this would represent encroachment of urban development of a domestic nature into the countryside.
- 5.14 Regarding the impact on the setting of Historic Towns; officers consider that whilst Abson is a village that contains historic buildings, it is not a Conservation Area. The application site is sufficiently distant and well screened from the village, that the proposed change of use, would preserve the setting and any special character that the village has.
- 5.15 Officers do not however consider that increasing the area of residential curtilage as proposed and thereby the residential use of the buildings therein, would in any way assist in urban regeneration, by encouraging the re-cycling of derelict and other urban land.
- 5.16 Having regard to the above paragraphs, officers conclude that the proposal would conflict with some of the purposes of including land within the Green Belt and does not therefore meet the requirements of criterion 1 of Policy GB1(B).
- 5.17 **2. The buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction; and**
- The buildings have been on the site for a number of years and as such are considered to be of sufficiently permanent and substantial construction to be used as outbuildings, ancillary to the enjoyment of the residential property e.g. storage or parking etc.
- 5.18 **3. The form, bulk and general design of the buildings are in-keeping with their surroundings.**
- 5.19 The buildings are rudimentary constructions, which have the appearance of stables and are not considered to be unlike other buildings that could be found elsewhere in the countryside.

5.20 **Visual Amenity**

Moving to the issue of impact upon the visual amenity of the Green Belt, officers have in para. 5.10 above, considered what the site might look like should the authorised agricultural use persist or intensify within the application site and buildings.

5.21 The proposal however would turn the existing yard into residential curtilage. The area of residential curtilage proposed is considered to be far in excess of that required for this very small dwelling. It is likely that the whole area would assume a planned, domesticated character and appearance, entirely in contrast to the appearance of the authorised use and the rural setting. Furthermore, it could typically accommodate a range of physical features such as items of hard landscaping, play equipment, clothes drying facilities and garden furniture. The imposition of conditions to control extensions, alterations and buildings within the curtilage, as well as the storage of caravans would not prevent the proposed residential curtilage having a materially greater impact than the present use, on the visual amenity of the Green Belt. In this respect the proposal would again be contrary to Policy GB1.

5.22 **Very Special Circumstances**

Notwithstanding the adverse impact on the visual amenity of the Green Belt, it has also been established above that the proposal would be inappropriate development within the Green Belt. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The onus is on the applicant to demonstrate that very special circumstances exist. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

5.23 The applicant has given consideration to the impact of the proposal in relation to the purposes of including land within the Green Belt (see para. 1.10 of the Supporting Statement) but officers consider that for most part the reasoning is flawed. There is nothing within the Supporting Statement that could remotely be considered as the very special circumstances required, to justify granting permission.

5.24 **Landscape Issues**

Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 seeks to protect the character and amenity of the landscape. Notwithstanding the Green Belt location the site also lies within open countryside and whilst reasonably well screened by the high hedgerow adjacent to Lodge Road, the site is readily visible from the fields to the north and east as well as a footpath that runs to the north-east of the site and across the adjacent field to the north. Officers consider that for the same reasons outlined in paragraph 5.21 above, the proposal would adversely affect the character and amenity of the rural landscape and as such would be contrary to Policy L1.

5.25 **Highways Issues**

Lodge Road is an unclassified road and as such planning permission was not required to insert the existing vehicular access into the site. There is adequate

parking provision within the site. Officers consider that Lodge Road is wide enough to cope with the likely traffic generation from one small house, especially given that large agricultural vehicles are likely to use the road. There are therefore no highway objections to the proposal.

5.26 Drainage and Environmental Issues

A ditch runs to the front of the site and this appears to have been culverted to facilitate access into the site. Consent to culvert is a matter for the Environment Agency. Foul disposal from the house is to a septic tank located beneath the yard; the septic tank has not been the subject of planning permission. Save for an inspection hatch there is no evidence of the septic tank at the surface. Surface drainage appears to be to soakaways. The yard is surfaced with permeable material i.e. stone scalplings. In terms of noise, the site location is remote and it is considered that the proposed change of use would not be likely to generate a level of noise over and above that generated by the authorised uses.

5.27 Other Concerns Raised

The issue of precedent was raised by an objector, but as each application is determined on its individual merits, this is not considered to be a material consideration.

6. CONCLUSION

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

6.2 The recommendation to refuse 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 REFUSED for the reasons stated on the Decision Notice.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

REASONS FOR REFUSAL

1. The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of PPG2, Policy GB1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and South Gloucestershire SPD Document - 'Development in the Green Belt' (Adopted) June 2007.

2. The proposed change of use to residential curtilage and associated domestic appearance, would adversely affect the visual amenity of the Green Belt and rural location, contrary to PPG2 and Policies GB1 and L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and South Gloucestershire SPD Document - 'Development in the Green Belt' (Adopted) June 2007.

ITEM 3

CIRCULATED SCHEDULE NO. 07/11 – 18 FEBRUARY 2011

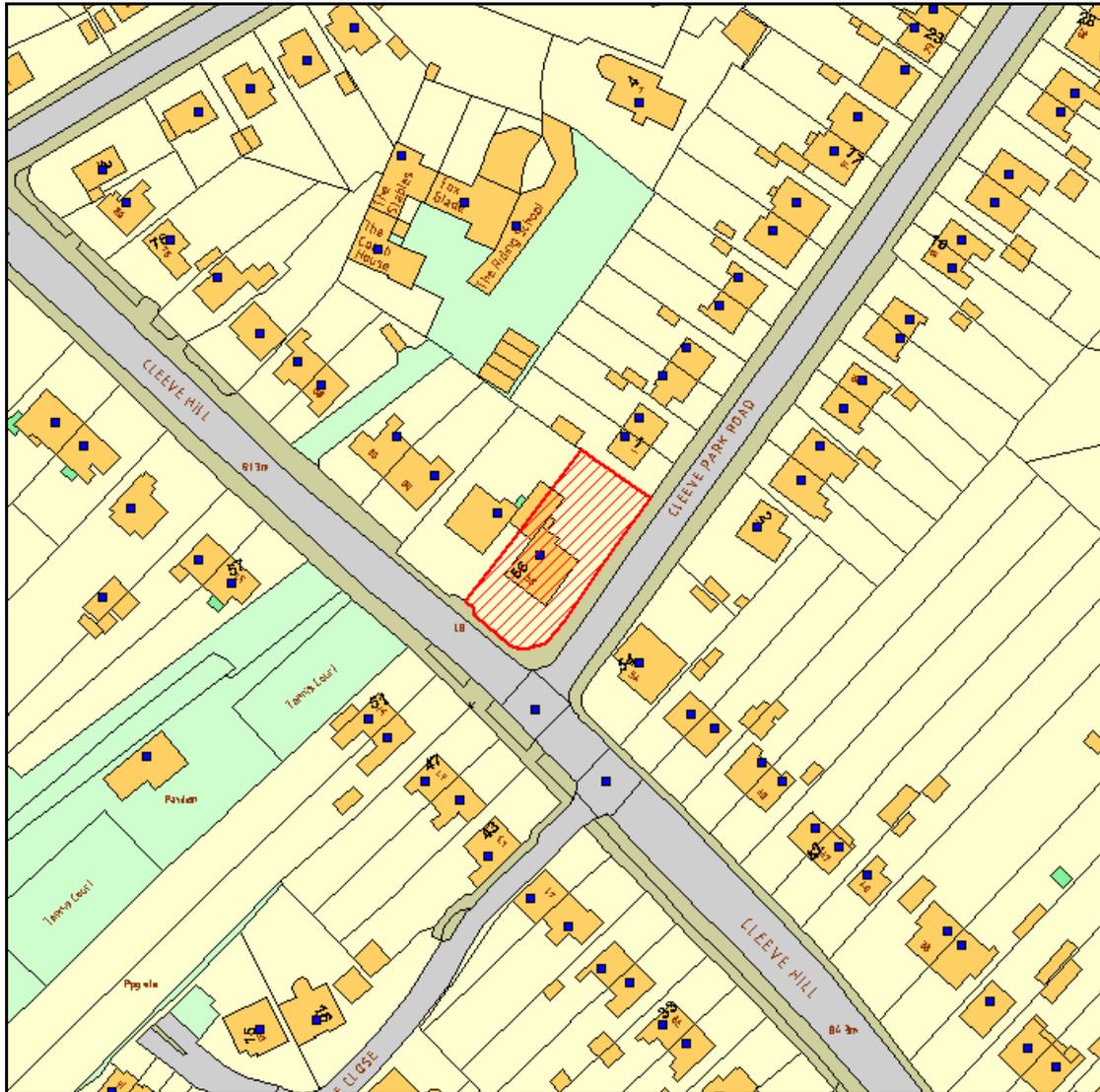
App No.: PK10/3533/F
Site: 56 Cleeve Hill (R/O) Downend Bristol
South Gloucestershire BS16 6HQ
Proposal: Erection of 1no. dwelling with access
and associated works.

Applicant: Mr A Burns
Date Reg: 24th December
2010

Parish: Downend And
Bromley Heath
Parish Council

Map Ref: 364926 177055
Application Category: Minor

Ward: Downend
Target Date: 15th February
2011



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PK10/3533/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of an objection from a local resident, which is contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to a garden plot at the rear of 56 Cleeve Hill, a single-storey dwelling situated on the corner of Cleeve Hill and Cleeve Park Road. The front and side gardens are bounded by low walls; the rear garden is obscured from Cleeve Park Road by a 1.8m high brick wall, there is however a pedestrian access to the plot from this road. The neighbouring property to the rear is no.1 Cleeve Park Road, which is a two-storey semi-detached dwelling house.
- 1.2 It is proposed to erect a small two-bedroom bungalow to the rear of no.56. Vehicular access would be from Cleeve Park Road and two parking spaces would be provided to the front of the proposed bungalow. A 1.8m high close-boarded fence would be erected between no.56 and the bungalow.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1 - Delivering Sustainable Development
- PPS3 - Housing
- PPG13 - Transport

2.2 Development Plans

Joint Replacement Structure Plan

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

South Gloucestershire Core Strategy Submission Draft (Dec 2010)

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

South Gloucestershire Local Plan (Adopted) January 2006

- D1 - Design
- L1 - Landscape Protection and Enhancement
- L5 - Open Areas within the Existing Urban Areas and Defined Settlements.
- L13 - Listed Buildings
- L17 & L18 - The Water Environment
- EP1 - Environmental Pollution
- EP2 - Flood Risk and Development
- EP7 - Unstable Land

- T7 - Cycle Parking
- T8 - Parking Standards
- T12 - Transportation Development Control Policy for New Development
- H2 - Proposals for Residential Development, Including Residential Institutions and Special Needs Accommodation, and Applications to Renew Permissions for Residential development, within the Existing Urban Area and Defined Settlement Boundaries.
- H4 - Development within Residential Curtilages
- H6 - Affordable Housing
- LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions).
- LC2 - Provision of Education Facilities (Site Allocations and Developer Contributions).

- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist (SPD) – Approved 23rd August 2007.

3. **RELEVANT PLANNING HISTORY**

- 3.1 P75/4848 - Erection of two dormer bedrooms with store, toilet facilities and hall.
Approved 30th Jan 1976
- 3.2 P87/4619 - Detached Dwelling House and Construction of New Access (Outline)
Withdrawn 5th Nov.1987
- 3.3 P87/4755 - Detached Bungalow and Garage Construction of New Highway Access (Outline)
Refused 7th Dec. 1987 for reasons of:
- Cramped form of development lacking in adequate space, detrimental to existing and future occupiers.
- 3.4 P88/4903 - Erection of 1no detached house and garage, construction of new vehicular/pedestrian access to highway.
Refused 2nd Dec. 1988 for reasons of:
- Cramped form of development out of character with existing development.
 - Detrimental to neighbouring amenity by reason of cramped nature, overbearing effect and loss of privacy.
 - Poorly arranged private garden space for existing (no.56) and proposed dwellings, which fail to comply with minimum area required for family housing.
- 3.5 P96/4269 - Change of use from residential (Class C3) to day nursery Class D1)
Refused 2nd Sept 1996 for reasons of:
- Development would attract additional vehicles to the site and parking of vehicles on the carriageway to detriment of highway safety.

- 3.6 PK00/1360/F - Erection of 1no. detached bungalow.
Refused 10th July 2000 for reasons of:
- Cramped form of development out of character with existing development.
- 3.7 PK07/0033/F - Demolition of 2no. bungalows to facilitate the erection of 14no. flats and construction of new access
Withdrawn 26th Feb. 2007
- 3.8 PK07/1171/F - Demolition of 2no. bungalows to facilitate the erection of 12no. flats with 13no car parking spaces. Erection of 0.5m boundary wall and construction of new vehicular access from Cleeve Park Road. (Resubmission of PK07/0033/F)
Refused 5 Nov 2007 for reasons of:
- Scale and mass out of proportion with character of area.
 - Inappropriate design.
 - Cramped form of development.
- Allowed on appeal APP/P0119/A/07/2059815 11 March 2008.

4. CONSULTATION RESPONSES

4.1 Downend and Bromley Heat Parish Council
No objection

4.2 Other Consultees [including internal consultees of the Council]

The Coal Authority

The site lies within a coalfield area. Standard informative should be applied.

Sustainable Transport

No objection

Technical Support – Street Care

No objection

Other Representations

4.3 Local Residents

1no e.mail of objection was received from a local resident. The concerns raised are summarised as follows:

- Flooding near junction of Cleeve Park Road and Cleeve Hill.
- Dangerous junction Cleeve Hill and Cleeve Park Road.
- Needs to be in-keeping with surroundings.
- Should not be compared with previous application for flats.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Notwithstanding previous refusals of planning permission for similar such schemes as now proposed on this site (see History section above), a proposal for a much larger scheme (PK07/1171/F) on the wider site, was allowed on

- appeal. Officers consider that the Inspector's appeal decision letter is now a material consideration of significant weight in the determination of this current proposal. The site lies within the Urban Area, there is therefore no in-principle objection to the development of the site for residential use.
- 5.2 Having regard to the adopted Joint Replacement Structure Plan, Policy 2, the locational strategy, aims to concentrate development for jobs, housing and facilities within the main urban areas, in order to maintain and develop their vitality and quality as regional and sub-regional centres.
- 5.3 Government advice contained in PPS3 – 'Housing' supports a more efficient and sustainable use of land in the urban area, with a provision for more intensive housing development in and around existing centres and close to public transport nodes. However, recent changes to PPS3 mean that, residential gardens are no longer considered to be previously developed, brown field sites. That is not to say however that garden areas cannot be developed at all; any development would need to satisfy local plan policies relating to design, loss of open space and impact on the character of the area in question. The South Gloucestershire Local Plan (Adopted) 6th January 2006 (para.8.26) does seek to *"increase the proportion of smaller dwellings, reflecting the projected growth in one-person households and the existing disproportionate provision of smaller dwellings in South Gloucestershire"*.
- 5.4 The proposal falls to be determined under Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits the residential development proposed, subject to the following criteria:
- A. Development would not have unacceptable environmental or transportation effects, and would not significantly prejudice residential amenity; and
 - B. The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved. The expectation is that all developments will achieve a minimum density of 30 dwellings per hectare and that higher densities will be achieved where local circumstances permit. Not least, in and around existing town centres and locations well served by public transport, where densities of upwards of 50 dwellings per hectare should be achieved.
 - C. The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination; and
 - D. Provision for education, leisure, recreation and other community facilities, within the vicinity, is adequate to meet the needs arising from the proposals.
- 5.5 It should be noted however that in the recently revised version of PPS3 the reference to the national indicative minimum density target of 30dph has been deleted. The changes have been introduced to reflect concerns regarding overdevelopment of neighbourhoods, loss of green space and the impact upon local character.
- 5.6 Also of relevance is Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, which permits new dwellings within residential

curtilages subject to criteria discussed below. Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of the South Gloucestershire Core Strategy Submission Draft Dec. 2010, both seek to secure good quality designs that are compatible with the character of the site and locality.

5.7 Density

Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and like PPS3 seeks to avoid development, which makes an inefficient use of land. Whilst not prescribing any maximum or minimum figure, the PPS encourages the highest density that can be achieved within the various local considerations that need to be taken into account.

5.8 PPS3 (para.50) states that *‘The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.’*

5.9 The proposal is considered to make efficient use of the land in what is a very sustainable location, close to the centre of Downend, within walking distance of the shopping and community facilities and main bus routes. More than one dwelling could not realistically be accommodated on the plot and in this respect the proposal accords with government guidelines and in terms of its density alone, the development is not considered to be an overdevelopment of the site. In reaching this conclusion officers have taken account of the Inspector’s Decision for PK07/1171/F in which he considered a scheme for 14no. flats with a density of 75 dph would be acceptable, provided that the overall design of the scheme would complement and integrate with the surroundings.

5.10 Scale and Design

The proposed bungalow would be modest in scale with a roof ridge set at only 4.3m and eaves at 2.3m. The roof would be hipped with shallow slopes to reduce the massing. The building’s foot-print would have a maximum length of 8.5m and maximum depth of 7.1m. There would be two bedrooms, a bathroom, a kitchen and lounge on the ground floor, with no living accommodation in the roof space.

5.11 The materials to be used would be render, with brick quoin detailing and Redland ‘Breckland Brown’ tiles for the roof. Officers are satisfied that given what was previously allowed on appeal, the scale and design are now acceptable in this setting.

5.12 PPS3 has recently been revised to take account of loss of open garden space and the impact of so-called ‘garden grabbing’ on the character of areas. The proposed dwelling would however be viewed in the context of the existing buildings, which include a variety of scale and design, including bungalows. The proposal would accord with the established building line on Cleeve Park Road. In terms of its contribution to the street scene, the existing garden forming the application site, has very limited amenity value, being entirely

enclosed by high walls and fences. On balance therefore the proposed scale and design are acceptable.

5.13 Transportation Issues

The existing property (No.56) would retain its spacious off-street parking area to the front and separate access off Cleeve Hill. The proposed bungalow would use a separate access off Cleeve Park Road; the access would be widened and opened up to improve visibility and to provide 2no. parking spaces, accessed directly off Cleeve Park Road. Separate bin storage would also be provided on-site.

5.14 The parking provision for the existing and proposed dwellings accords with the Council's maximum parking standards as listed under Policy T8 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. The scheme for PK07/1171/F proposed a similar access off Cleeve Park Road that would have served a parking court for 13no. vehicles. The Inspector did not consider that the scheme would add to on-street parking pressure, traffic congestion or highway safety. Given that an access off Cleeve Park Road into the site and parking spaces could be introduced under permitted development rights, officers do not consider that a highway objection against such a small scheme, in comparison to that previously allowed on appeal, could reasonably be justified. The proposal is therefore considered to accord with Policy T12 and T8 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.15 Impact on Residential Amenity

An area of 165 sq.m. of garden space would be retained for the existing bungalow and an area of 52sq.m. provided to the rear of the proposed bungalow. Given the proposed bungalow's small size and location close to the Town Centre, officers are satisfied that the amenity space provision is acceptable. Whilst the retained space for the existing bungalow would not be that private, the Inspector for the latest appeal did not consider this to be a problem, especially having regard to the sustainable location and nature of accommodation. Some of these garden areas could be enclosed with fences if needs be. The scheme is not therefore considered to be an overdevelopment of the site. The building would be located in the middle of the plot, set back from the side elevation of no. 1 Cleeve Park Road and the rear of no.56.

5.16 Given the scale and location of the proposed bungalow in relation to the existing properties, officers are satisfied that the proposal would not have a significant overbearing impact for adjoining occupiers. Furthermore, in terms of visual amenity, the proposal would for most part be screened by the existing and proposed high boundary fences/walls that would enclose the site on three sides.

5.17 In terms of loss of privacy, it is noted that, windows are not proposed for the side elevations of the proposed bungalow and only a small high level velux window, serving the bathroom, would be inserted in the roof space on the south-western elevation. There would therefore be no loss of privacy from overlooking of neighbouring property. Whilst the plot would be overlooked from the rear dormer of no.56, some overlooking of gardens is a common enough

- occurrence in densely populated urban areas and is not considered justification for refusal of planning permission in this case.
- 5.18 Any future increases in size of the proposed bungalow or insertion of additional windows or dormers, could be controlled by imposing a condition to remove all permitted development rights. Activity associated with the reasonable residential use of the proposed bungalow would not result in harm to neighbours from excessive noise.
- 5.19 Having regard to all of the above, officers are satisfied that no significant harm to residential amenity would result from the scheme, which accords with Policies H4 and H2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.20 Landscape Issues
There is no vegetation of note within the actual application site itself. Soft planting within the application site can be secured via an appropriate landscape condition. The proposal is therefore in accordance with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
- 5.21 Given that the site is within an existing garden, an assessment of the proposal in relation to Policy L5 has been made. The site is small and has very limited amenity value in terms of the visual amenity and character of the street scene and locality in general; no objection on these grounds was raised by the Inspector for the previous appeal. For these reasons an objection on the grounds of loss of open space or loss of garden land is not in this case justified.
- 5.22 Environmental and Drainage Issues
Whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this would be on a temporary basis only and could be adequately mitigated for by imposing a condition to limit the hours of construction. There are therefore no objections on environmental grounds. In terms of drainage the Council's Drainage Engineer raises no objection to the proposal. A condition would however be required to secure the submission of a full drainage scheme to include SUDS, for approval before development could commence.
- 5.23 Conservation Issues
There is a group of Listed Buildings to the north of the site but given the small scale of the development proposed, the setting of these buildings would not be adversely affected.
- 5.24 Affordable Housing
The proposal is for 1no. dwelling only, which is below the Council's threshold (15) for affordable housing provision.
- 5.25 Education Service
The proposal is for 1no. dwelling only, which is below the Council's threshold (5) for contributions to the Education Service.

5.26 Community Services

The proposal is for 1no. dwelling only, which is below the Council's threshold (10) for contributions to Community Services.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The previous reasons for refusal of similar schemes, relating to cramped development and impact upon the character of the area, have been superseded by the Inspector's Decision letter relating to the appeal against refusal of PK07/1171/F. Officers have also had regard to the need to make the most efficient use of land in the urban area (PPS3) together with the acknowledged shortfall in housing provision within South Gloucestershire. On balance therefore there is not a compelling justification to refuse the scheme that could be adequately supported at appeal.

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

1. Consideration has been given to the impact of the proposed development on the character of the surrounding area, which would in this case not be affected, in accordance with Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.
2. The proposal would not prejudice the amenities of neighbouring property, in accordance with Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.
3. An acceptable level of off-street parking would be provided in accordance with Policies H2, H4 and T8 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.
4. Adequate amenity space would be provided to serve the development, in accordance with Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.
5. The design of the scheme would be in accordance with Policy D1 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006 and Policy CS1 of the South Gloucestershire Core Strategy Submission Draft Dec 2010.
6. There would be no adverse landscape implications to result from the scheme, in accordance with Policies L1 and L5 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.
7. An appropriate scheme of drainage to include SUDS would be secured by condition in accordance with Policies EP1, EP2, L17 & L18 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
8. The scheme would not adversely affect the setting of the nearby Locally Listed Building in accordance with PPS5 and the adopted Local List SPD.

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

7. RECOMMENDATION

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

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

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

Reason

To prevent overdevelopment of the site to retain the character of the locality and to protect residential amenity in accordance with Policies D1, H4 and H2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of The South Gloucestershire Core Strategy Submission Draft Dec 2010.

3. Notwithstanding the details shown on the approved plans; prior to the commencement of development details/samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of The South Gloucestershire Core Strategy Submission Draft (Dec 2010).

4. 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.

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

Reason

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

6. Prior to the first occupation of the dwelling hereby approved, the vehicular access arrangements and off street car parking spaces, for the dwelling hereby approved shall be provided in full accordance with the approved Proposed Site and Location Plan No. 1689-2 Rev A and maintained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

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

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

Reason

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

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

Reason

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

9. Prior to the first occupation or use of the dwellings hereby approved, the screen walls/fences shown on the approved plans shall be erected in the positions indicated and retained as such unless the Local Planning Authority gives written consent to any variation.

Reason

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

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

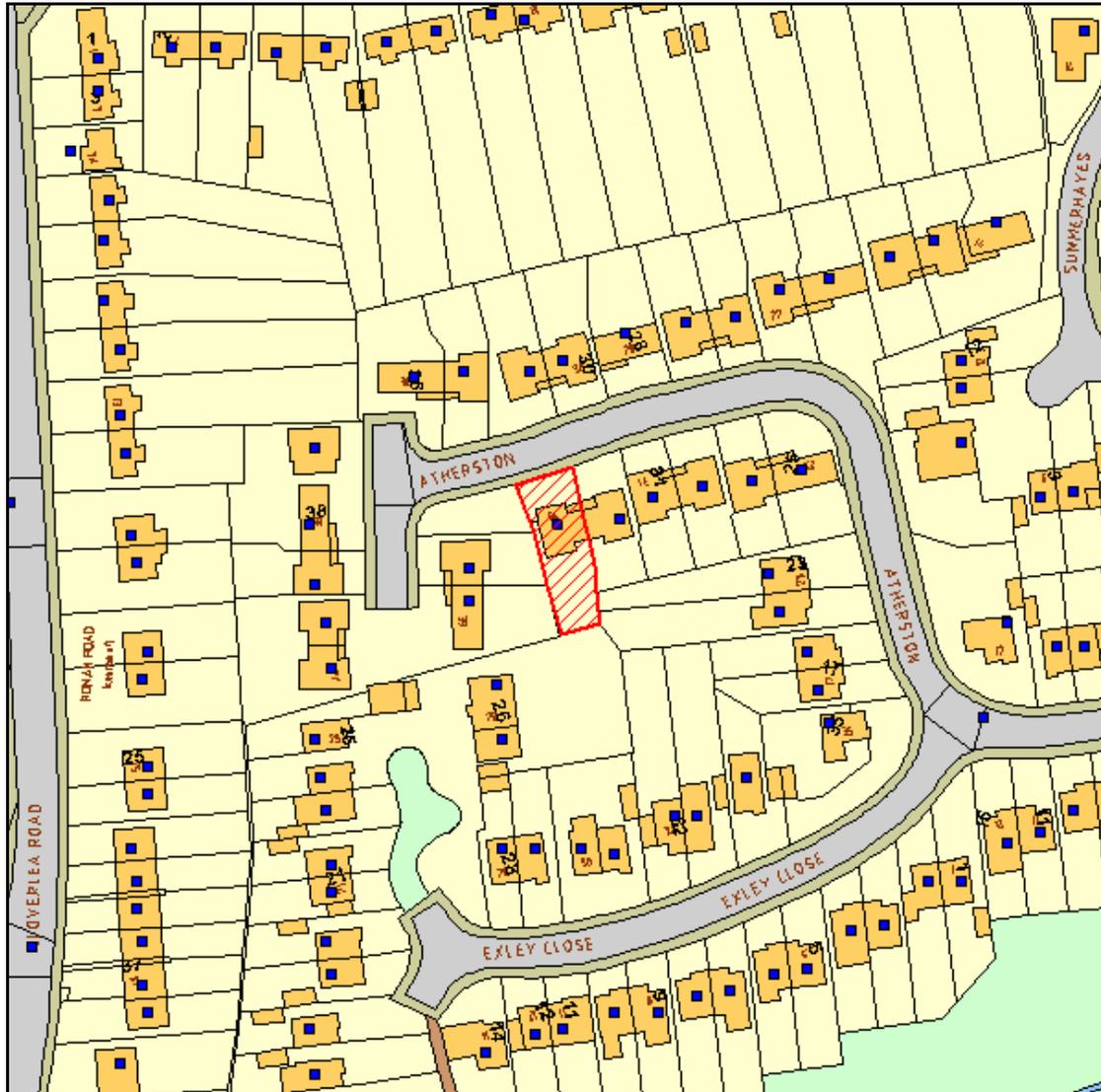
Reason

In the interests of the safety of future users of the site, in accordance with Policies D1 and EP7 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of The South Gloucestershire Core Strategy Submission Draft Dec 2010.

ITEM 4

CIRCULATED SCHEDULE NO. 07/11 – 18 FEBRUARY 2011

App No.:	PK10/3550/F	Applicant:	Mr J Geuley
Site:	35 Atherston North Common South Gloucestershire BS30 8YB	Date Reg:	4th January 2011
Proposal:	Erection of two storey and single storey rear extension to form additional living accommodation.	Parish:	Bitton Parish Council
Map Ref:	367492 172279	Ward:	Oldland Common
Application Category:	Householder	Target Date:	25th February 2011



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REASON FOR REFERRAL TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule as representations have been received contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks permission for the erection of a two storey and single storey rear extension to a two storey link-detached house. The dwelling is situated in a residential area of similar dwellings and is externally finished in buff brick. The property has an existing two storey side extension and first floor extension over the existing garage, a single storey rear extension and a rear conservatory. The rear conservatory and the single storey rear extension would be demolished to allow for the proposed extension.

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

T12 Transportation Development Control Policy

South Gloucestershire Council Core Strategy (Submission Draft) December 2010

CS1 Good Quality Design

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted Aug 2007)

3. RELEVANT PLANNING HISTORY

- 3.1 K7925 Erection of first floor side extension and two storey side extension and single storey extension to rear of garage.
Approved 19-JUN-95

4. CONSULTATION RESPONSES

4.1 Yate Town Council

Objection due to the mass of which they felt was overbearing on both adjacent neighbours and those to the west.

Other Representations

4.2 Local Residents

One letter has been received, raising the following points.

- It is not clear if the proposed extension is being built within the boundary of 35 Atherston as the proposed study side wall is shown at 90 degrees to the end wall of the house
- The existing house and garage extension end wall of 35 Atherston has been legally classified as a party wall. It is not clear if part of this wall will need to be demolished to allow the new extension to be built. As this is a party wall is jointly owned between 35 and 33 Atherston there may be some legal implications which need to be clarified before any agreement is made to the work being undertaken.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 allows for the principle of house extensions subject to considerations of design, residential amenity and highway safety. Policy D1 permits development where good standards of design are achieved. This is reflected in Policy CS1 of the South Gloucestershire Core Strategy Submission Draft. Policy T8 sets out car parking standards and Policy T12 allows development where it would not affect highway safety or where the traffic generated would not materially affect residential amenity. The principle of development is therefore acceptable subject to the following detailed assessment.

5.2 Design/Visual Amenity

The proposed rear extension will span nearly full width of the original dwelling and attached garage, with a width of 8.0 metres. It will be sited 0.15 metres away from the boundary with the adjoining dwelling, No. 33 Atherston. The extension will be two storey in height for the width of the existing gable end wall (a width of 5.5 metres), dropping to single storey with a lean to roof to the rear of the garage (a width of 2.5 metres). The existing single storey rear garage extension and the existing conservatory will be removed to make way for the proposed extension.

5.3 The proposed rear extension will have a depth of 4.0 metres from the original rear wall of the dwelling (for comparison, this will be 1.0 metre deeper than the existing conservatory). The height to eaves of the two storey section will remain the same as the existing, at 5.0 metres, and the single storey section will have a height to eaves of 2.5 metres, matching the neighbouring attached garage eave height. The single storey section will have a lean-to roof abutting the side elevation of the proposed two storey rear extension with a ridge height of 4.0 metres. Although the proposed extension will project 4.0 metres from the original rear wall of the dwelling, for 2.5 metres from the boundary with the adjoining dwelling, the extension will be single storey, rising to two storey for the remainder of the width of the dwelling. Although the extension is quite

large, it is considered that the massing and design is suitable for the site and location. The proposed addition uses sympathetic materials i.e. buff brick with concrete pantiles to match the existing. The proposal is considered to adequately integrate within the existing built form.

5.4 The new window at first floor level in the rear elevation will be horizontally proportioned, and centrally aligned within the gable. At ground floor level there will be three sets of French windows. Two windows are proposed in the side elevation of the existing dwelling, these are bathroom windows and will be recommended to be conditioned to be obscure glazed. No openings are proposed in either side elevation of the proposed extension. This will also be recommended to be secured by condition.

5.5 It is considered that the addition would not have a detrimental impact upon the character and appearance of the area. The site is well screened from the public domain by existing buildings and high boundary fences. Being to the rear of the house, the extension would not be seen within the street scene. There would therefore be no adverse impact on visual amenity. The scale and design are therefore considered to be acceptable.

5.6 Residential Amenity

Overbearing Analysis

The extension will have a depth of 4.0 metres for the full width (incorporating the single storey and two storey elements of the extension). The rear boundary consists of a 1.8 metre close boarded fence around the perimeter of the rear garden. An objection has been raised regarding the mass of the extension, which was felt to be overbearing to the neighbouring occupiers. However, the extension will be single storey for a width of 2.7 metres when measured from the boundary with the adjoining link-detached property (No. 33 Atherston). The dwelling to the west is sited over 8.0 metres from the proposed extension, and is sited perpendicular to the application dwelling. The closest dwelling to the rear is sited at a distance of approximately 20 metres. Due to the design of the extension and the existing rear boundary treatment, it is considered that the proposed extension will not have an overbearing affect on the neighbouring properties.

5.7 Privacy Analysis

Two windows are proposed for the west side elevation of the upper storey of the existing dwelling. A condition will be recommended to be attached ensuring these are obscure glazed. No windows are proposed in the side elevations of the proposed extension, again which will be recommended to be secured by condition. Accordingly, It is therefore considered that there are no issues of intervisibility or loss of privacy.

5.8 Other Matters

A letter of representation has been received questioning whether the proposed extension is to be built within the boundary of the application property. From the submitted plans it appears the proposed extension will be wholly within the boundary of the applicant's property, but it is acknowledged that for the extension to be built it is likely that the existing single storey rear extension is to

be removed. This will therefore be covered by the Party Wall Act and will not be assessed as part of the planning application. If approved, an informative will be placed on the Decision Notice advising the applicant of the need to comply with the provisions of the Party Wall Act.

5.9 Amenity Space

Whilst the extension does project into the rear garden, sufficient garden space will remain to serve the occupiers of the property.

5.10 Highway Safety Analysis

The resulting dwelling will have 4no. bedrooms. The property benefits from off street parking and an attached garage. The development thus accords with the maximum parking standards as set out in Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006. Additionally, it is considered that the proposed development will not impact upon highway safety.

6. **CONCLUSION**

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

6.2 It has been assessed that the proposed extension has been designed to respect and maintain the character of the dwelling and the streetscene. The development therefore accords with Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.

The proposed extension has taken account of neighbouring residential amenities and through careful design, the proposal will not materially harm the amenities of neighbouring properties by reason of loss of privacy or overbearing impact. The proposal therefore accords with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

The development proposes satisfactory levels of onsite car parking to meet highway car parking standards, and would not prejudice highway safety in accordance with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

7. **RECOMMENDATION**

7.1 That planning permission be **GRANTED** subject to the conditions set out on the Decision Notice.

Contact Officer: Elizabeth Dowse
Tel. No. 01454 862217

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

Reason

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

4. No windows other than those shown on the plans hereby approved shall be inserted at any time in either side elevation of the extension hereby approved.

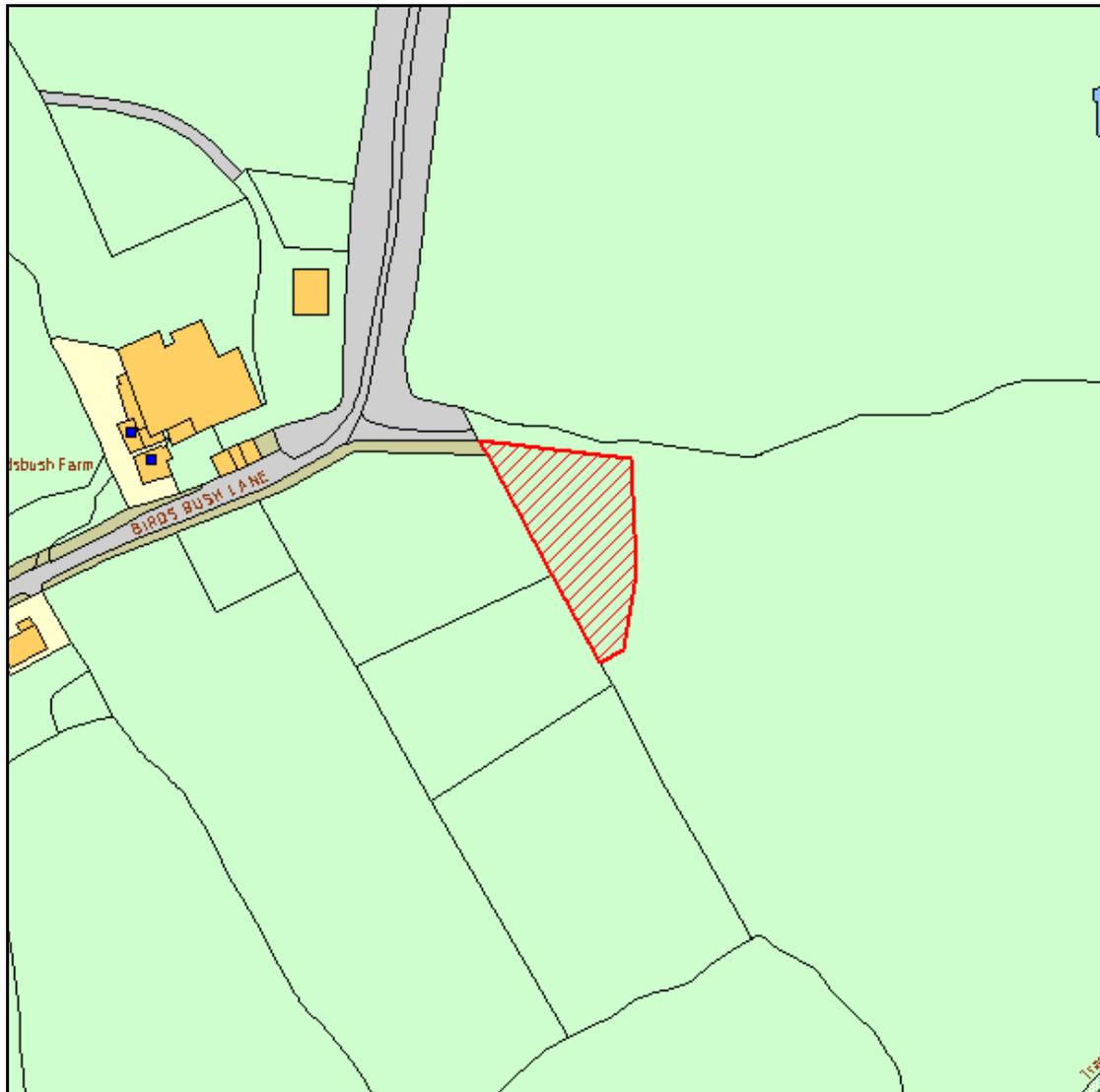
Reason

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

ITEM 5

CIRCULATED SCHEDULE NO. 07/11 – 18 FEBRUARY 2011

App No.:	PK11/0041/F	Applicant:	Mrs Sam Page c/o David James and Partners LLP
Site:	Land At Birdsbush Lane Wickwar Road Yate South Gloucestershire	Date Reg:	14th January 2011
Proposal:	Erection of 1no. agricultural storage pole barn (Retrospective). Erection of 2no. storage containers.	Parish:	Wickwar Parish Council
Map Ref:	372770 186123	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	10th March 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule due to the receipt of objections contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks retrospective planning permission for the erection of a pole barn on land at the end of Bird's Bush Lane between Chipping Sodbury and Wickwar. The barn has been erected in the open countryside to the south of a larger barn in what appears to be a farmyard. The submitted plans also show details of a wall and gates to be erected, but these would not exceed 2 metres in height and in this location do not require planning permission.
- 1.2 The site lies at the end of the lane, which continues into a footpath running east. The pole barn is constructed predominantly in wood and stands next to a mature hedgerow. Also proposed are two containers which would be sited close to the site entrance, between the larger barn and the same hedgerow. The site appears to be in agricultural use and also contains a mobile home/ caravan.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS7 Countryside
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
E9 Agricultural Development
L1 Landscape
T12 Highway Safety
- South Gloucestershire Core Strategy Pre-submission Publication Draft (March 2010)
CS1 High Quality Design
CS2 Green Infrastructure

3. RELEVANT PLANNING HISTORY

- 3.1 PK09/0505/PNA Prior notification of the erection of an agricultural building for storage purposes No objection

4. CONSULTATION RESPONSES

- 4.1 Wickwar Parish Council
No reply received
- 4.2 Other Consultees [including internal consultees of the Council]
Landscape Officer
The site is located in the corner of a field set within well vegetated field boundaries. The site is therefore reasonably inconspicuous in the landscape and the pole barn is not generally visible. The proposed natural stone faced wall is considered appropriate to the location as there are a number of natural

stone buildings in the locality. The proposed timber gate whilst not wholly typical of the locality but nevertheless is of a simple form that is considered visually acceptable. The containers will be largely hidden by the proposed wall and the existing adjoining hedgerow.

Recommendation.

It is considered there is no landscape character or visual amenity objection to the proposal in the context of Policies L1 and E9 of the adopted local plan.

Public Right of Way Officer

No objection in principle.

Sustainable Transportation

No highway objections to this proposal.

Other Representations

4.3 Local Residents

Four letters were received, objecting to the proposal and citing the following concerns:

- The site is within the AONB and should not be blighted with storage containers and oversized buildings
- The pole barn was erected without planning permission
- There is a residential caravan on the site
- The site now resembles a commercial yard rather than residential land
- The application for 2 metre high boundary wall and gates is to secure privacy in the site and prevent people on the bridle path seeing what is going on there. They are not suitable to the character of this location as a sheep breeding enterprise
- The applicant will end up living at the site
- Buildings too large for their purpose
- Has the barn been converted to stables with or without planning permission?
- The adjoining landowner is unable to cut their hedge as it will reveal too much of the pole barn

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The fact that the development has already been carried out makes no difference to the determination of the application. The context for the following analysis is set by policy E9 of the Local Plan, which sets four criteria to be met by agricultural development, as follows:

5.2 Is the site in use for agricultural purposes and are there existing underused building which could meet the purposes of the proposed new building?

The red line area of the site reveals that it is small and currently has only one other building standing on it. The submitted details make clear that the building would be used for the storage of hay, straw and machinery in connection with a smallholding covering approximately 8 hectares and is run as a sheep enterprise. The building would allow for extra fodder storage which would

enable the flock to be increased in size. The containers are required for the secure storage of hand tools. Given that the size of the sheep flock is intended to be increased it is considered that it is unlikely that the existing storage building could cope with fodder storage for the entire smallholding, therefore the existing buildings would not be underused. It is not known whether there are other buildings within the 8 hectare holding which could be made available, but as far as can be ascertained it is considered that the proposal would meet this policy criterion.

5.3 Is adequate provision made for access and manoeuvring of machinery and livestock for highway safety purposes?

The proposal has been analysed by Sustainable Transportation and no objection has been raised. The site is already in agricultural use. With the site located at the end of a track and alongside a bridlepath, it is important that vehicles are able to manoeuvre within the site in order to exit in a forward gear. Consequently it is considered that the proposal raises no increased risk to highway safety and accords with policies E9 and T12 in this regard.

5.4 Would the development have unacceptable environmental effects?

No environmental impacts have been identified. As stated above, the site is used agriculturally and is surrounded by agricultural land. The proposal is considered to accord with this criterion of policy E9.

5.5 Would the proposal affect residential amenity?

The site lies in the open countryside, with the nearest dwellings situated about half way along Bird's Bush Lane, which serve the site. Even though the building has been erected on the side of the site closest to these dwellings, there is still a field in between them and the houses. This is considered to be sufficient distance for any agricultural use in the buildings not to have a detrimental impact on existing levels of residential amenity. The proposal is considered to accord with this criterion of policy E9.

5.6 Other Issues

Also requiring analysis is the design of the barn, under policies D1 and L1 of the adopted Local Plan. The landscape officer's comments appear at 4.2 above. As noted above, it is primarily constructed of timber and this is considered, in this location, to underline its agricultural appearance in an appropriate manner. It is considered that the proposal satisfies policies D1 and L1. The containers are proposed to be screened by the boundary wall, for which details have been supplied. This level of screening is considered to be acceptable in order to maintain the visual amenity of the site and accord with policies D1 and L1. With regard to the comments made about the walls, as stated at 1.2 above, these do not require planning permission as they are shown on the plans as not exceeding 2 metres above ground level. Planning Enforcement has been informed regarding the residential caravan stationed on the site. As the planning history at 3 above shows, no application has been submitted for any of the buildings on site to be converted to stables. The site does not lie within the Cotswolds AONB.

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 approval of planning permission formalises the erection of a storage barn and the stationing of two storage containers on the site to provide the storage capacity to allow the sheep breeding enterprise to expand. The proposal would not harm residential amenity, visual amenity, landscape concerns and highway safety and is considered to meet the terms of the adopted Local Plan policy for agricultural development. The proposal therefore accords with Local Plan policies D1, L1, E9 and T12.
- 6.3 The recommendation to approve permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

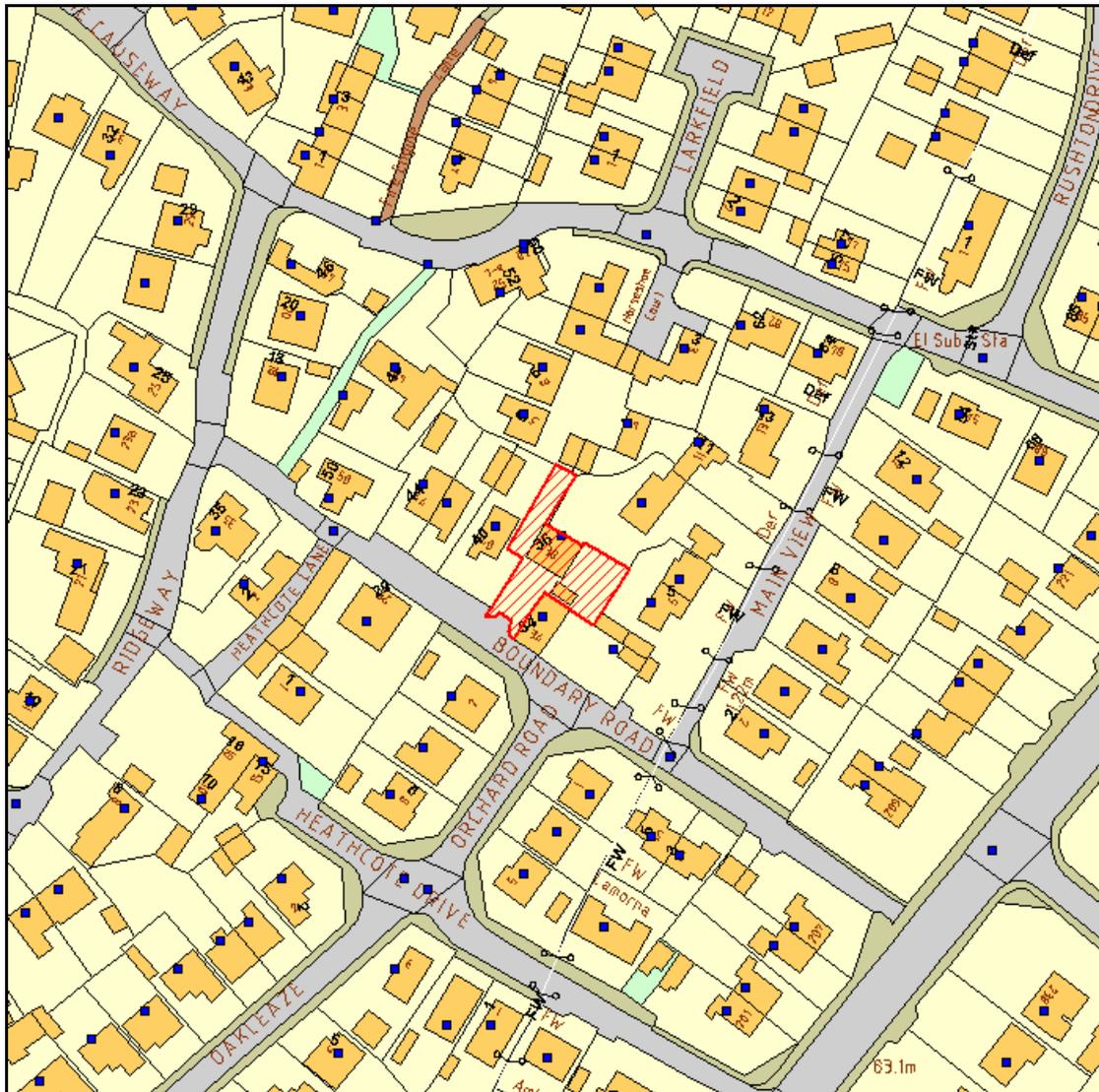
- 7.1 That planning permission is approved.

Contact Officer: Chris Gosling
Tel. No. 01454 863787

ITEM 6

CIRCULATED SCHEDULE NO. 07/11 – 18 FEBRUARY 2011

App No.:	PT10/3465/CLP	Applicant:	Mr S Osborne
Site:	36 Boundary Road Coalpit Heath Bristol South Gloucestershire BS36 2PU	Date Reg:	17th December 2010
Proposal:	Application for Certificate of Lawfulness to erect single storey side extension, front porch and the construction of rear dormer.	Parish:	Frampton Cotterell Parish Council
Map Ref:	367611 181166	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	9th February 2011



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100023410, 2008. **N.T.S.** **PT10/3465/CLP**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

Members will recall that this application appeared on Circulated Schedule 04/11 (28 January 2011) and 05/11 (4 February 2011). It has been identified that there was a further inaccuracy within the report. For the avoidance of any doubt, this has been amended and the application has been re-circulated to members.

1. THE PROPOSAL

1.1 The applicant seeks a Certificate of Lawfulness for:

- a. The erection of a single storey side extension.
- b. A front porch.
- c. The construction of a rear dormer.

1.2 The application site relates to detached dwelling and its associated curtilage. The site is situated within the Coalpit Heath settlement boundary.

2. POLICY CONTEXT

2.1 Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (GPDO).

3. RELEVANT PLANNING HISTORY

- 3.1 PT10/2931/F Erection of two storey side extension, alterations to existing roof. Erection of front porch. (Resubmission of PT10/1778/F)
Split Decision – Two storey extension refused and front porch approved 24.11.2010.
- 3.2 PT10/1778/F Erection of two storey side extension, alterations to existing roof. Erection of front porch.
Refused 08.09.2010.

4. CONSULTATION RESPONSES

4.1 Frampton Cotterell Parish Council

The Planning Committee met last night to discuss 36 Boundary Road, but felt unable to comment on the Certificate of Lawfulness as they felt that they did not have the technical knowledge to understand this.

4.2 Local Residents

One letter of objection has been received in response to this application. The main points are summarised below: -

- a) the width & height of the dormer window would result in loss of light.

- b) the bedroom window would overlook the garden and would give views into the property.

5. **ANALYSIS OF PROPOSAL**

5.1 This application is seeking a Certificate to state that the proposed development is lawful. It is not a planning application where the relative merits of the scheme are assessed against policy rather it is an evidential test of whether it would be lawful to proceed with the proposal. Accordingly, the key evidential test in this case is whether proposals fall within the permitted development rights afforded to householders under the Town and Country Planning (General Permitted Development) (Amendment) Order 2008.

5.2 A. Single storey side extension

The proposed side extension would be permitted development and would not require planning permission. The assessment of this proposal against each of the criteria of Part 1, Class A of the GPDO is summarised below:

- (a) The proposed side extension would not exceed 50% of the total area of the curtilage.
- (b) The proposed side extension would not exceed the height part of the roof of the existing dwellinghouse.
- (c) The eaves of the proposed side extension would not exceed the eaves of the existing dwellinghouse.
- (d) The proposed side extension would be on the side elevation and would not front a highway or form the principle elevation.
- (e) The proposed side extension would not extend past the rear elevation and it would not exceed 4 metres in height.
- (f) The proposed side extension would not have more than one storey.
- (g) The proposed side extension would be further than 2 metres from the boundary.
- (h) The proposed side extension would not have a width greater than half the width of the original dwelling.
- (i) The proposed side extension would not consist or include; a veranda, balcony, raised platform, a microwave antenna, a chimney, flue or soil and vent pipe.

The proposed development would also accord with the conditions that are set out under Part 1, Class A, A.3 of the GDPO.

5.3 B. Front porch

The proposed porch would be permitted development and would not require planning permission. The assessment of this proposal against each of the criteria of Part 1, Class D of the GPDO is summarised below:

- (a) The ground area (measured externally) of structural (2.1m²) would not exceed 3 square metres.
- (b) No part of the structure would be more than 3m above ground level.
- (c) No part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway.

5.4 C. Construction of a rear dormer

The proposed rear dormer would be permitted development and would not require planning permission. The assessment of this proposal against each of the criteria of Part 1, Class B of the GPDO is summarised below:

- (a) No part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the roof.
- (b) No part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principle elevation of the dwellinghouse and fronts a highway.
- (c) The cubic content of the resulting roof space would not exceed the cubic content of the original roof space by more than 50 cubic metres (41.4m³).
- (d) The proposed rear dormer would not consist or include; a veranda, balcony, raised platform, a chimney, flue or soil and vent pipe.

The proposed development would also accord with the conditions that are set out under Part 1, Class B, B.2 of the GDPO.

5.6 Residential Amenity

It is acknowledged that the adjacent occupiers are concerned that the proposed dormer window would give rise to a loss of light and privacy. Furthermore, it is noted that the Local Planning Authority has refused planning permission for two previous planning applications for two storey rear extension at this property due to their impact on the adjacent property.

5.7 Notwithstanding these facts, the applicant has applied for a Certificate of Lawfulness to establish whether the proposal is permitted development under the Town and Country Planning (General Permitted Development) (Amendment) Order 2008. This type of application solely considers whether the development would accord with the criteria permitted development and be

lawful. Thus the Local Planning Authority cannot consider the merits of the development, such as its design or its effect upon residential amenity.

6. RECOMMENDATION

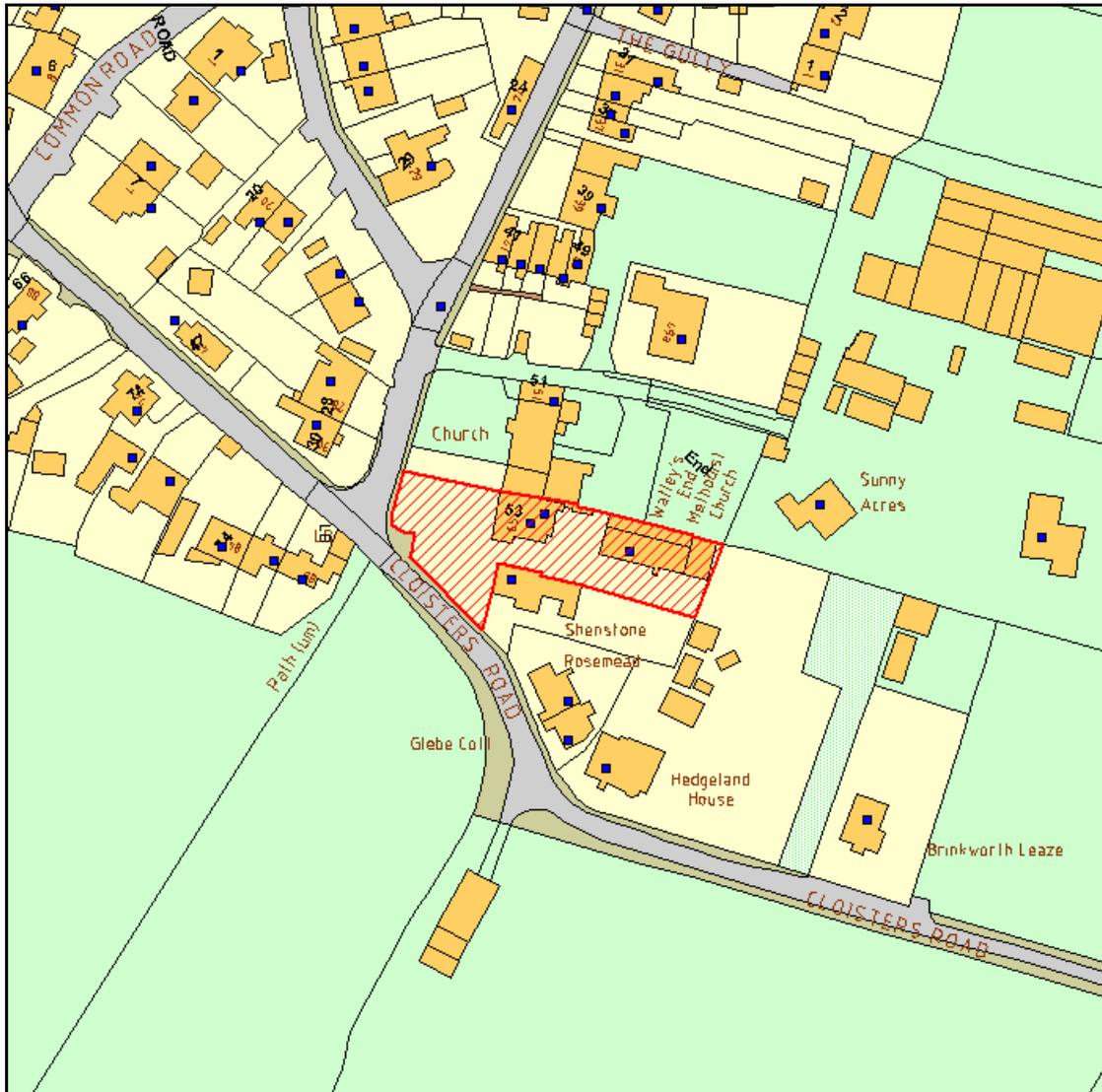
- 6.1 That a Certificate of Lawfulness of Proposed Use be approved as it has been shown on the balance of probability that the proposed developments would fall within Schedule 2, Part 1, Classes A, B, and C of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008. Therefore the proposal does not require planning permission.

Contact Officer: Peter Rowe
Tel. No. 01454 863131

ITEM 7

CIRCULATED SCHEDULE NO. 07/11 – 18 FEBRUARY 2011

App No.:	PT11/0006/F	Applicant:	Mr A Luton
Site:	53 Factory Road Winterbourne South Gloucestershire BS36 1QL	Date Reg:	5th January 2011
Proposal:	Erection of single storey front porch. (Resubmission of PT10/1948/F).	Parish:	Winterbourne Parish Council
Map Ref:	365818 181043	Ward:	Winterbourne
Application Category:	Householder	Target Date:	1st March 2011



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100023410, 2008. **N.T.S.** **PT11/0006/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following the receipt of representations from the Winterbourne Parish Council that are contrary to the Case Officers recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the erection of a single storey front porch. The proposal would be approximately 3.3m in width, 2m in depth and 3.5m in height.
- 1.2 The application site relates end-terrace cottage and its associated curtilage. The site is situated adjacent to the locally listed building known as 'Salem Methodist Church'. The site is situated on the edge of an established residential area and lies within the Winterbourne settlement boundary.
- 1.3 This application is a resubmission of the previously refused application PT10/1948/F. This application was refused for the following reason:
 1. The proposed single storey front conservatory, by reason of its design, layout, and poor quality materials, would conflict with the symmetrical character and appearance of the existing cottage. The proposal would therefore have an adverse impact upon the character of the area and the setting of the local listed chapel. The proposed development therefore fails policy D1, H4 and L15 of the South Gloucestershire Local Plan (Adopted) January 2006 and the guidance within the South Gloucestershire Design Checklist SPD (adopted) 2007 and the South Gloucestershire Local List SPD (Adopted) 2008.

2. POLICY CONTEXT

- 2.1 National Guidance
 - PPS1: Delivering Sustainable Development
 - PPS5: Planning for the Historic Environment
- 2.2 Development Plans
 - South Gloucestershire Local Plan (Adopted) January 2006
 - D1: Achieving Good Quality Design In New Development
 - H4: Development within Existing Residential Curtilages
 - L15: Buildings and Structures Which Make a Significant Contribution to the Character and Distinctiveness of the Locality
- 2.3 Supplementary Planning Guidance
 - South Gloucestershire Design Checklist SPD (Adopted) 2007
 - South Gloucestershire Local List SPD (Adopted) 2008

3. RELEVANT PLANNING HISTORY

- 3.1 PT01/0828/O Residential development on 0.054 hectares of land (Outline).
Approved 29.04.2002.
- 3.2 N7354 Erection of front porch, single storey rear kitchen extension and first floor rear bedroom extension.
Approved 16.04.1981.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
No Objection. However, a condition should be that the roof is tiled and not made of glass.
- 4.2 Conservation Officer
No objection, but seek tiled roof as opposed to glazed.
- 4.3 Local Residents
No comments received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for extension to residential dwellings. This is subject to the proposal:
- respecting the character and appearance of the existing dwelling and the surrounding area;
 - not prejudicing the amenities of nearby occupiers,
 - maintaining highway safety; and
 - providing adequate amenity space.
- 5.2 Policy D1 of the Local Plan applies to all types of development. It considers general design principles to ensure new development respects, conserves and enhances the character and quality of the surrounding local environment.
- 5.3 Design
The application site is situated in a predominantly 19th century part of Winterbourne with traditional stone built buildings setting the character of the area. Adjacent but one to the site is a modest stone built chapel that is locally listed. Policy D1 and H4 of the South Gloucestershire Local Plan urges that new development should be of a high standard of design, whilst PPS 5 (Planning and the Historic Environment) makes it clear that the impact of development proposals upon heritage assets and their settings should be assessed as part of any development proposals. In this instance there should have been an assessment of significance of the locally listed chapel and its setting, and that the proposed development should have been designed to preserve or enhance those elements of the setting that were significant.

- 5.4 The previous planning application (PT10/1948/F) was refused because it was considered that the asymmetry of the previous design and poor quality materials would have had an adverse impact upon the character of the existing dwelling and an adverse impact upon the traditional character of this area of Winterbourne and the setting of the locally listed chapel. To overcome this objection the applicant has reduce the massing of the extension and has made the overall design more symmetrical. On this basis, Officers are now satisfied that the form of the extension would respect the character and the appearance of the existing dwelling, and would not materially harm the setting of the nearby locally listed chapel.
- 5.5 It is noted that the Parish Council and the Conservation Officer have suggested that a tiled roof would be preferred to the proposed glazed roof. Notwithstanding this, it is considered that the transparency of proposed glazing and the scale of the porch would ensure that the development would appear unassuming and subservient to the host dwelling. Therefore, the proposal would not give rise to material harm to the character and appearance of the dwelling or the nearby local listed building. Furthermore, it is important to acknowledge that the host building does not have any statutory designations, such as listing or conservation area status. On this basis, it is considered there would be insufficient policy basis to require a condition stipulating a condition in any case.
- 5.6 It is noted that the Parish Council have suggested that a tiled roof would be preferred to the proposed glazed roof. Notwithstanding this, it is understood that the applicant would like to retain the glazed roof. The Council's Conservation Officer initially recommended that the glazed roof be replaced with a tiled roof to improve the design and appearance of the porch, and maintain the traditional character of the building. Nevertheless, in view of the applicant's preference, the Officer has advised that the glazed roof could be retained if the framing were revised to timber as opposed to uPVC. It is considered that this amendment would offer a much greater quality finish and would respect the character and appearance of the dwelling and the surrounding area. With regard to the glazed roof, it is considered that the transparency of proposed glazing and the scale of the porch would ensure that the development would appear unassuming and subservient to the host dwelling.
- 5.7 Residential Amenity
Due to the overall scale and size of the proposed development and sufficient boundary treatment between the neighbouring properties the proposal would not be overbearing on the residential amenity of neighbouring occupiers. The proposal is single storey and there is an existing party boundary fence so therefore there would be no overlooking or loss of privacy as a result of the proposal. The proposed development therefore would not prejudice residential amenity, and would accord to policy H4 of the South Gloucestershire Local Plan.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Peter Rowe
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

2. Notwithstanding the submitted details, no development shall take place until samples of frames to be used have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details. For the avoidance of the any doubt, the frames should consist of a hardwood timber and details of the proposed finish should be submitted.

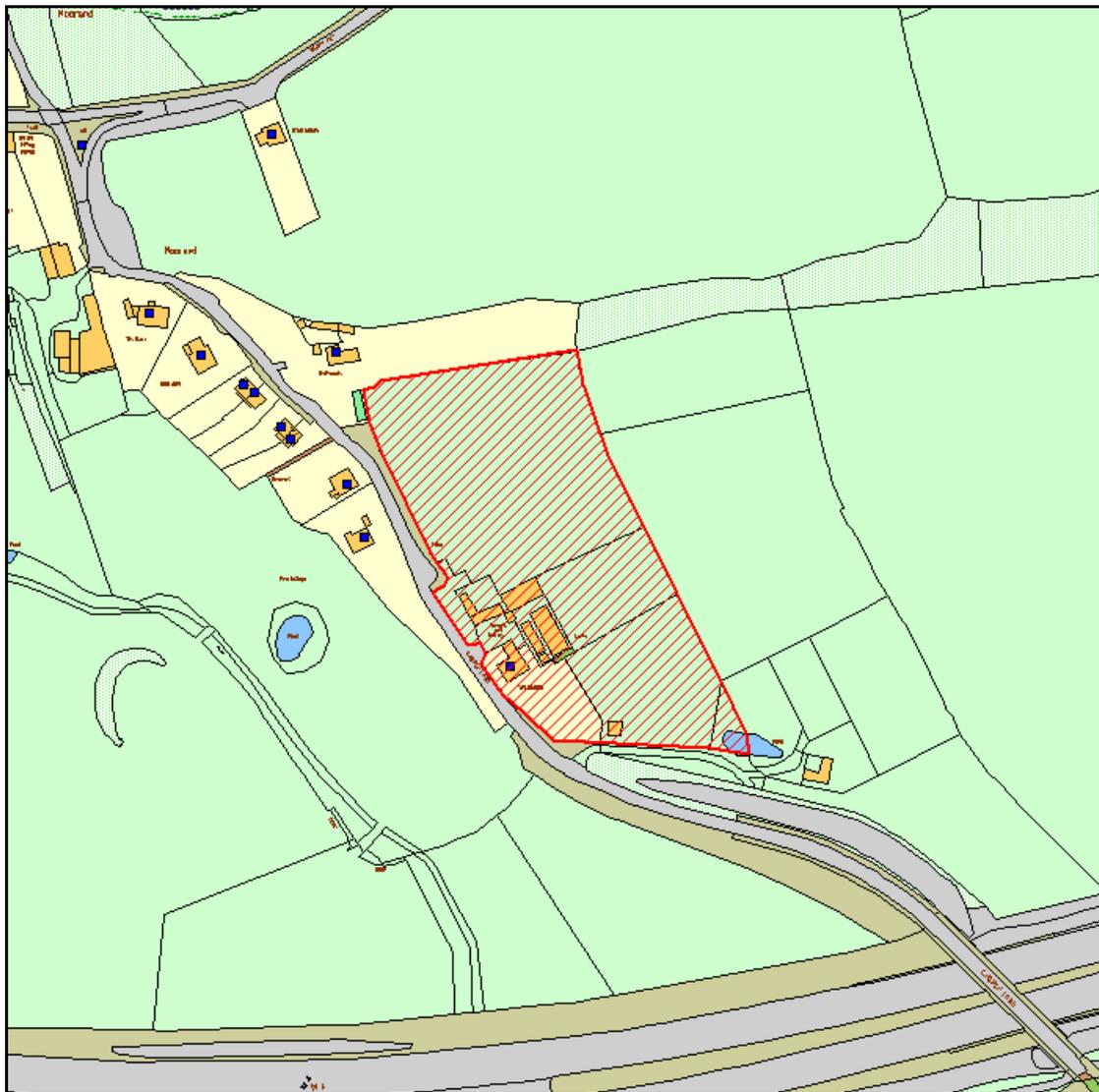
Reason

To ensure the development respects the character and appearance of the existing dwelling, and to accord with policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 8

CIRCULATED SCHEDULE NO. 07/11 – 18 FEBRUARY 2011

App No.:	PT11/0024/CLE	Applicant:	Mr Michael Wallace
Site:	Cottage Kennels Church Lane Hambrook Bristol South Gloucestershire	Date Reg:	11th January 2011
Proposal:	Certificate of lawfulness for existing use as pony paddock	Parish:	Winterbourne Parish Council
Map Ref:	365349 178725	Ward:	Winterbourne
Application Category:	Minor	Target Date:	4th March 2011



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PT11/0024/CLE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This appears on the Circulated Schedule as it is an application for a Certificate of Lawfulness.

1. THE PROPOSAL

- 1.1 This application relates to a certificate of lawfulness for the existing use of land for the keeping of horses on land at Cottage Kennels, Church Lane, Hambrook.
- 1.2 The site relates to a parcel of land with a total area of approximately 1.54 hectares. It lies outside any defined settlement boundary and is also within the Green Belt.
- 1.3 In order to obtain such a certificate the applicant must produce evidence that demonstrates on the balance of probabilities that the use has occurred for at least the last 10 years preceding the application. Accordingly, this is purely an evidential test and not a question of planning merit and precise and unambiguous evidence is required.

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 None.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
No objection.

Other Representations

- 4.2 Local Residents
2 letters have been received stating that horses have been kept in the fields for over ten years.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 A site plan.
- 5.2 E-mail from Mary Cox, Council Business Rates Officer confirming that Business Rates have been payable on the property since 1/4/1990, where the business assessment was described as 'other commercial' and since 1/4/2000 was described as 'kennels, stables and premises'.

- 5.3 Two letters from local residents stating that horses have been kept in the fields for over 10 years.

6. **SUMMARY OF CONTRARY EVIDENCE**

- 6.1 None.

7. **EVALUATION**

- 7.1 The only issues, which are relevant to the determination of an application for a Certificate of Lawfulness, are whether, in this case, the use described has or has not been carried out for a period exceeding ten years and whether or not the use is in contravention of any Enforcement Notice, which is in force. With regard to the latter point, no Enforcement Notice is in force on any part of the site.

7.2 The relevant test of the submitted evidence

The onus of proof is on the applicant and the relevant test of evidence in such matters is 'on the balance of probabilities'. Advice contained in Circular 10/97 states that a certificate should not be refused because an applicant has failed the stricter criminal burden of proof, ie 'beyond reasonable doubt'. Furthermore, the applicant's own evidence need not be corroborated by independent evidence in order to be accepted. If the Council has no evidence of its own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous. The planning merits of the use are not relevant to the consideration of the purely legal issues, which are involved in determining an application. Any contradictory evidence, which makes the applicant's version of events less than probable, should be taken into account.

7.3 Hierarchy of Evidence

The applicant has submitted a site plan and e-mail in support of the case.

- 7.4 Inspectors and the Secretary of State usually value and give weight to evidence in the following order of worth:-

1. Personal appearance, under oath or affirmation, by an independent witness whose evidence can be tested in cross examination and re-examination, especially if able to link historic events to some personal even that he/she would be likely to recall;
2. Other personal appearance under oath or affirmation;
3. Verifiable photographic evidence;
4. Contemporary documentary evidence, especially if prepared for some other purpose;
5. Sworn written statements (witness statements or affidavits) which are clear as to the precise nature and extent of the use or activity at a particular time;

6. Unsworn letters as 5 above;
 7. Written statements, whether sworn or not, which are not clear as to the precise nature, extent and timing of the use/activity in question.
- 7.5 The submitted evidence from the Council's Rating Officer only shows that since 1 April 1990 Business Rates have been payable on the property and that at this time the business assessment was described as 'other commercial', and since 1 April 2000 the description was 'kennels, stables and premises'. This particular evidence, whilst indicating that horses were kept in stables on the site, does not demonstrate that they were kept in the fields to which this certificate applies. However, the two letters from local residents does provide evidence that the land in question has been used for the keeping of horses in excess of 10 years. In the absence of any contrary evidence, it is considered that on the balance of probability it has been proven that the use of the land for the keeping of horses has been continuously used for a period in excess of 10 years.

8. RECOMMENDATION

- 8.1 A Certificate of Lawfulness for Existing Use to be granted for the following reason:-
 1. The evidence in total demonstrates on the balance of probability in relation to the area of land edged red on the submitted site location plan has been used for the keeping of horses for a continuous period of 10 years immediately prior to the submission of the application.

Contact Officer: Vivian Butt
Tel. No. 01454 863427

ITEM 9

CIRCULATED SCHEDULE NO. 07/11 – 18 FEBRUARY 2011

App No.:	PT11/0038/F	Applicant:	Mr Andrew Seymour
Site:	8 Park Avenue Frampton Cotterell South Gloucestershire BS36 2EY	Date Reg:	10th January 2011
Proposal:	Conversion of existing dwelling to form 2no. self contained dwellings with associated works.	Parish:	Frampton Cotterell Parish Council
Map Ref:	366560 180950	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	3rd March 2011



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100023410, 2008.

N.T.S.

PT11/0038/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the conversion of the existing dwelling to from 2no. self contained dwellings.
- 1.2 The application site relates to a semi-detached dwelling and its associated curtilage. The site lies within an established residential area and the Frampton Cotterell settlement boundary.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1: Delivering Sustainable Development
- PPG3: Housing
- PPG13: Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- D1: Achieving Good Quality Design in New Development
- T8: Parking Standards
- T12: Transportation Development Control Policy for New Development
- H2: Proposals for Residential Development within Defined Settlement Boundaries
- H5: Residential Conversions, Houses in Multiple Occupation and Re-use of Buildings for Residential Purposes

2.3 Emerging Development Plans

South Gloucestershire Core Strategy (Proposed Changes Draft) December 2010

- CS1: High Quality Design
- CS15: Distribution of Housing
- CS16: Housing Density
- CS17: Housing Diversity
- CS34: Rural Areas

2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 P95/1551 Erection of single storey rear extension to provide sitting room and bathroom
Approved 06.06.1995.
- 3.2 P98/2706 Erection of two storey rear extension.

Refused 09.12.1998.

- 3.3 P99/1468 Erection of two storey rear extension
Approved 01.06.1999.

4. CONSULTATION RESPONSES

4.1 Frampton Cotterell Parish Council

No comments received.

4.2 Highways Authority

I am satisfied with the parking arrangements provided for both the existing and proposed dwelling. To gain access to the parking area a section of the boundary wall will need to be removed with associated footway kerbing dropped. This access could be extended without the need for planning permission and so it not possible to uphold an objection to the loss off on-street parking. Any loss in on-street parking is not expected to compromise highway safety. Cycle storage is incorporated within the existing garage in accordance with policy T7 of the Local Plan.

I raise no transportation objection.

1. Any dropped kerns shall be constructed to the specification of the council's highway maintenance team (01454 863770)

4.3 Local Residents

Two letters of objection have been received from local residents. The main points are summarised below: -

- a) Increase existing parking problems.
- b) Loss of on-street parking spaces
- c) You should not be able to buy a Council house and then sub-divide into two properties.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H5 of the adopted local plan allows for the conversion of residential properties into smaller units of accommodation. On this basis, it is considered that the principle of the proposed development would be acceptable providing that the development would not: prejudice the character of the surrounding area, prejudice the amenities of nearby occupiers; identify an acceptable level of off-street parking; and would provide adequate amenity space.

- 5.2 The principle of the sub-division of existing dwellings would also be acceptable under Policy CS17 of the emerging Core Strategy. This policy states that the sub-division of existing dwellings to form flats will be allowed where, cumulatively, it would not unacceptable localised traffic congestion and pressure on parking. Such development will be allowed where each home has adequate private/semi-private and/or communal outdoor space and where

- occupiers have access to adequate open and play space within the immediate vicinity.
- 5.3 As the proposed development would relate to an existing dwelling within the Frampton Cotterell settlement boundary, it is considered that the principle of the conversion and the extension would be acceptable.
- 5.4 Design
The only external alteration to the existing dwelling would be the insertion of a new side entrance within Unit 8a. It is considered that this minor change would not materially harm the character and appearance of the site and the surrounding area.
- 5.5 The proposed front boundary wall would be removed to enlarge the front parking area across the entire width of the dwelling. It was noted during the Case Officer's site visit that a number of dwellings within the street scene have constructed similar parking areas. Furthermore, these works could be undertaken within the existing dwellings permitted development rights. On this basis, it is considered that these works have not materially harmed the character and appearance of the surrounding area.
- 5.5 Quality of Living Accommodation
In terms of living conditions, it is considered that the size of the proposed accommodation would be sufficient for the health and well being of the occupiers. Furthermore the existing dwelling's rear garden would be divided into private gardens for both units. This area would provide sufficient private outdoor space for a two bedroom dwelling. In view of these features, it is considered that the proposal would provide a satisfactory level of living accommodation.
- 5.6 Residential Amenity
The host dwelling relates to a semi-detached dwelling. The proposed conversion to two dwelling would not involve any extensions. Furthermore, as the existing building has an established use as a residential dwellinghouse (Class C3) it is considered that its subdivision into two units would not give rise to any material harm to nearby occupiers. It is noted that the plans do not include details of sound proofing between the converted dwellings. However, this issue would be dealt with during a Building Regulations application. As such, it is considered that the conversion to two dwellings would not materially harm the residential amenity of the nearby occupiers or the future occupiers of the dwellings.
- 5.7 Transportation
It is acknowledged that local residents are concerned that the proposed subdivision would increase parking problems and the widening of the dropped kerb would remove two on-street parking spaces.
- 5.8 The Highways Authority has assessed the proposed development and has had regard to the objections from local residents. The Engineer in this case has concluded that the level of off-street parking would be acceptable. The Engineer has acknowledged that the development would result in the loss of

on-street parking. Nevertheless this aspect of the development would fall within the dwellings permitted development rights and therefore would not require planning permission. Notwithstanding this, the Engineer has concluded that the loss of on-street parking would not harm highway safety. On this basis, it is concluded that the proposed development would not give rise to adverse transportation effects.

5.9 Outstanding Matters

It is acknowledged that a local resident is concerned that someone can purchase a Council house and then sub-divide into two properties. Notwithstanding these comments, it should be noted that the existing dwelling is an owner-occupied housing and thus there is no restriction on its tenure. Furthermore, the proposed conversion into two dwellings would fall below the threshold, set under Policy H6 of the South Gloucestershire Local Plan, to trigger the provision of affordable housing.

6. CONCLUSION

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

- a) The residential conversion would take place within an existing dwelling and within the Frampton Cotterell settlement boundary. It is considered that this is an appropriate area for such a residential development. It is therefore considered that the principle of the proposed development would accord with PPS3 and policies H2, H4, and H5 of the South Gloucestershire Local Plan (adopted) January 2006.
- b) The design of the residential conversion has been fully assessed. It is considered that the development respects the character and appearance of the existing dwelling. The proposed development would therefore accord with policies D1, H2, H4, and H5 of the South Gloucestershire Local Plan (adopted) January 2006.
- c) The impact of the residential conversion on nearby properties has been fully assessed. It is considered that the siting and layout of proposal would not result in a material loss of privacy or an overbearing effect. The proposed development would therefore accord with Policy H2, H4, and H5 of the South Gloucestershire Local Plan (adopted) January 2006.
- d) The impact of the residential conversion in terms of transportation has been fully assessed. It is considered that proposal would have satisfactory access and parking arrangements. The proposed development would therefore accord with Policy T8 and T12 of the South Gloucestershire Local Plan (adopted) January 2006.

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

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

7. RECOMMENDATION

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

Contact Officer: Peter Rowe
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

REASON FOR REPORTING TO COMMITTEE/CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due to objections received from local residents.

1. THE PROPOSAL

- 1.1 This full application relates to the erection of a single storey rear extension to form a games room at Stoneleigh, Quarry Road, Frenchay. The proposal measures 8m in length, 5.3m in width and has a ridge height of 3.8m. The extension incorporates a gabled end elevation to match the existing dwelling and is constructed of natural stone and roof tiles to match existing.
- 1.2 The application site is a large detached dwelling set within an irregular shaped curtilage, surrounded by other properties. The site slopes east to west, the front of the dwelling set within the slope such that from Quarry Road the upper floor appears as a single storey. The rear garden is at significantly lower level than much of the surrounding houses. The site is in close proximity to the former quarry areas, hence the reduced ground level. It is located within the settlement boundary of Frenchay and is also within the Conservation Area. Vehicular access is taken off Quarry Road to the front of the site and is unchanged by the proposal.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS5	Planning for the Historic Environment
PPS14	Development on Unstable Land

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L12	Conservation Areas
H4	Development Within Existing Residential Curtilages, Including Extensions and New Dwellings
T12	Transportation Development Control Policy for New Development

South Gloucestershire Core Strategy Proposed Changed Version (December 2010)

CS1	High Quality Design
CS9	Managing the Environment and Heritage

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)
Frenchay Conservation Area

3. RELEVANT PLANNING HISTORY

- 3.1 P99/2490 Erection of attached garage.

Refused 8 November 1999 on its adverse impact within Frenchay Conservation Area.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
No objection.
- 4.2 Internal consultees of the Council
Conservation
No objection.

Other Representations

- 4.3 Local Residents
Three letters have been received, one making general observations and two objecting to the proposal on the following grounds:-
- a) density of buildings;
 - b) adverse impact upon conservation area;
 - c) second extension to property;
 - d) rendering out of keeping;
 - e) may destabilise foundations;
 - f) large extension;
 - g) takes up too much garden;
 - h) loss of privacy;
 - i) loss of outlook;
 - j) increased noise;
 - k) loss of trees;
 - l) nature conservation;
 - m) light pollution.
- 4.4 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 In addition, the site also lies within Frenchay Conservation Area. The proposal therefore needs to be assessed in relation to guidance contained within PPS5, Policy L12 of the adopted Local Plan and the Frenchay Conservation Area SPD

all of which seeks to protect the character and appearance of the Conservation Area and its setting.

5.3 Design

The proposed works is a single storey extension that, due to its location, and ground levels, will be relatively discreet in its location at the edge of the garden. In conservation/design terms the proposal is acceptable. All materials are to match existing with the front elevation of natural stone and the end elevation with a render finish. Provided the rooflights are conditioned to be conservation rooflights, no objection is raised to the proposal as the works will preserve the character and appearance of the conservation area.

5.4 Residential Amenity

With regard to residential amenity the proposal is also acceptable. The property immediately to the south of the site 'Orchard View' is on land significantly higher than the application site. The only other property to be affected is that of 'Sunny View' located to the south-east. This property is also at a far higher ground level than the site and it is considered that no overbearing impact/loss of light/loss of privacy will result.

5.5 Other Issues

The application is for a single storey extension within existing garden area and is also within the established residential area of Frenchay. As such it is not considered that the proposal would materially increase noise or light pollution levels, especially having regard to its setting. In addition, the size of the extension and its location within the existing garden will ensure that any loss to wildlife is not significant. The property also has ample garden area remaining to serve the existing dwelling. With regard to density of development, the site is more than large enough to accommodate an extension of this size without appearing overbearing. Furthermore, a distinctive feature of the immediate locality is the haphazard nature of development and varying plot sizes caused by the previous quarrying activity of the area. As a final point, the issue of destabilisation of existing foundations of surrounding properties is a civil matter. The Council is not aware of any evidence to suggest that the application site is unstable, having regard to advice contained within PPS14. A Building Regulations application will also be required if the development is granted planning permission

The application is therefore in full accordance with the development plan and is 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 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 extension due to its limited size, single storey nature and design is considered to be acceptable in terms of visual and residential amenity .The proposal works will preserve the character and appearance of Frenchay Conservation Area and therefore accords with Planning Policies D1 (Achieving Good Quality Design in New Development), H4 (Development within Existing Residential Curtilages, Including Extensions and New Dwellings) and L12(Conservation Areas) 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 set out on 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 maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

Reason

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

3. Notwithstanding the submitted details and prior to the commencement of development, the rooflights shall be conservation rooflights, the details of which shall be submitted to and approved in writing by the Local Planning Authority, and the development when carried out shall conform to the details so approved.

Reason

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

Reason

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