



**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. 51/07

Date to Members: 21/12/07

Member's Deadline: 03/01/08

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 **within five working days of the publication of the schedule (by 12 noon)**. 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.**

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate Area Committee, please let the Director of Planning, Transportation and Strategic Environment know within 5 working days of the date of this Schedule (by 12 noon) (see cover page for the date). A proforma is attached for your use and should be forwarded by fax to the appropriate Development Control Support Team, or by sending an email with the appropriate details to PlanningApplications@southglos.gov.uk

Members will be aware that the Director of Planning, Transportation and Strategic Environment has a range of delegated powers designed to improve the efficiency and effectiveness of the Development Control service. The following types of applications may be determined by this Circulated Schedule procedure:

All applications and related submissions not determined either by the Area 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
- g) Applications for the following major development:
 - (a) Residential development the number of dwellings provided is 10 or more, or the development is to be carried out on a site having an area of 0.5 ha or more and the number of dwellings is not known.
 - (b) Other development(s) involving the provision of a building or buildings where the floor space to be created is 1000 sq. m or more or where the site has an area of 1 ha or more.

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 Team Leader 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. Do not leave it to the last minute
- Always make your referral request in writing, either by letter, e-mail or fax, preferably using the proforma provided. Make sure the request is sent to the Development Control Support Team (East or West as appropriate), not the case officer who may not be around to act on the request, or email planningapplications@southglos.gov.uk. Please do not phone your requests, as messages can be lost or misquoted.
- 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

CIRCULATED SCHEDULE

DATE: 21/12/07

SCHEDULE NO. 51/07

If you wish any of the applications to be considered by the appropriate Area Committee you should return the attached pro forma not later than 5 working days from the date of the appropriate schedule (by 12 noon), to the appropriate Development Control Support Team. For the Kingswood area, extension 3544 (fax no. 3545), or the Development Control Support Team at the Thornbury office, on extension 3419 (fax no. 3440), or email Planningapplications@southglos.gov.uk.

The Circulated Schedule is designed to improve the effectiveness and efficiency of the Development Control service. To minimise referrals to the Area Committees, Members are requested to discuss the case with the case officer or team leader to see if any issues can be resolved without using Committee procedures for determining the application.

COUNCILLOR REQUEST TO REFER A REPORT FROM THE CIRCULATED SCHEDULE TO THE APPROPRIATE COMMITTEE

NO. OF SCH	APP. NO.	SITE LOCATION	REASON FOR REFERRAL
Have you discussed the application(s) with the case officer and/or area team leader?			
Have you discussed the application with the ward members(s) if the site is outside your ward?			

Please note: - Reason for Referral

The reason for requesting Members to indicate why they wish the application to be referred, is to enable the Committee to understand the reason for referral in the determination of the application, or to allow officers to seek to negotiate with the applicant to overcome the Member's concerns and thereby perhaps removing the need for a Committee determination.

SIGNATURE

DATE

**Dates and Deadlines for Circulated Schedule
over the Christmas & New Year period 2007/2008**

Schedule Number	Date to Members 12 noon on	Members Deadline 12 noon on
51/07	Friday 21 December 2007	Thursday 3 January 2008
52/07	No Circulated Schedule production	*
01/08	Friday 4 January 2008	Friday 11 January 2008

Circulated Schedule 21 December 2007

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK07/0053/LB	Approve with conditions	Whitfield United Reform Church Regent Street/Park Road Kingswood South Gloucestershire BS15 1QU	Kings Chase	
2	PK07/0064/F	Approve with conditions	Whitfield United Reform Church Regent Street/Park Road Kingswood South Gloucestershire BS15 1QU	Kings Chase	
3	PK07/0297/F	Approve with conditions	Arnolds Field Estate The Downs Wickwar WOTTON UNDER EDGE South Gloucestershire GL12 8NP	Ladden Brook	Wickwar Parish Council
4	PK07/2304/F	Approve with conditions	Land adjoining 8 Upper Station Road Staple Hill South Gloucestershire BS16 4LY	Staple Hill	
5	PK07/2666/F	Approve with conditions	Land adjacent to 6 Burnham Drive Kingswood South Gloucestershire BS15 4DY	Kings Chase	
6	PK07/3151/F	Approve with conditions	Land to the rear of Cairnmount Cotswold Lane Old Sodbury South Gloucestershire BS37 6NE	Cotswold Edge	Sodbury Town Council
7	PK07/3326/F	Approve with conditions	Garage Court to the rear of 57-73 Queens Road Cadbury Heath South Gloucestershire BS30 8EJ	Parkwall	Oldland Parish Council
8	PK07/3384/F	Approve with conditions	16 Sydenham Way Hanham South Gloucestershire BS15 3TG	Hanham	Hanham Abbots Parish Council
9	PK07/3398/RM	Approve	19 Conham Hill Hanham South Gloucestershire BS15 3AW	Hanham	Hanham Parish Council
10	PK07/3410/TRE	Approve with conditions	Land to the rear of Acacia Avenue Staple Hill BS16 4NN	Staple Hill	
11	PK07/3454/F	Approve with conditions	29 Beaufort Road Staple Hill South Gloucestershire BS16	Staple Hill	
12	PK07/3466/RVC	Approve with conditions	Raysfield Junior School Finch Road Chipping Sodbury South Gloucestershire BS37 6JE	Chipping	Dodington Parish Council
13	PT07/3107/F	Approve with conditions	Royal Mail West Of England Mail Centre Gloucester Road North Filton South Gloucestershire BS34 7ST	Patchway	Patchway Town Council
14	PT07/3122/F	Approve with conditions	The Willows Lower Court Road Almondsbury South Gloucestershire BS32 4DX	Almondsbury	Almondsbury Parish Council
15	PT07/3340/F	Approve with conditions	Hay Wain The Green Olveston South Gloucestershire BS35 4EJ	Severn	Olveston Parish Council

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
16	PT07/3389/F	Approve with conditions	Shield Road Primary School Shields Avenue Filton South Gloucestershire BS7 0RR	Filton	Filton Town Council
17	PT07/3408/F	Approve with conditions	54 Over Lane Almondsbury South Gloucestershire BS32 4BW	Almondsbury	Almondsbury Parish Council

CIRCULATED SCHEDULE NO. 51/07 – 21 DECEMBER 2007

App No.: PK07/0053/LB
Site: Whitfield United Reform Church Regent Street/Park Road Kingswood BRISTOL South Gloucestershire BS15 1QU

Applicant: Stuart Gaiger
Date Reg: 8th January 2007

Proposal: Restoration including alterations, extension and part demolition of Whitfield Tabernacle and conversion to restaurant. Restoration and conversion, including part demolition of Masters Church to form 19 No. apartments. Restoration including part alterations, extension and part demolition of Chapel House to form 8 No. apartments.

Parish:

Map Ref: 64908 73934

Ward: Kings Chase



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INTRODUCTION

This application is referred to the Circulated Schedule due to the comments received from local residents concerning the proposed scheme.

1. THE PROPOSAL

- 1.1 The proposed scheme seeks listed building consent to restore and convert the Grade I listed Whitfield Tabernacle (circa 1741) and the Grade II listed Henry Masters Church (circa 1851) and restore and extend the Grade II listed Chapel House (circa early 19th century). Along with the buildings, the overgrown graveyard setting of the buildings (which together make up the Kingswood Conservation Area) is to be restored along with a number of monuments within this area which can be considered curtilage listed buildings.
- 1.2 Although the scheme seeks to repair and reuse all three buildings, the primary aim of this scheme is the restoration of the Grade I listed Whitfield Tabernacle, an important survival from the eighteenth-century evangelical movement. The building has three understated, but nevertheless formally-composed façades, and the interior has four stone columns with simple palmette capitals, and had, until the recent dereliction, raked galleries around three sides (parts of which do survive).
- 1.3 It is proposed that the restoration and conversion of the Masters Church and Chapel House and conversion to flats and extending the Whitfield Tabernacle to facilitate a commercial use will generate income to provide sufficient funds to restore the Tabernacle, as in isolation it is now considered beyond economic repair. The proposal can therefore be considered an “Enabling Development” scheme, as the level of sub-division within the Henry Masters Church and the extension to the Chapel House are considered essential to provide the funding required for the restoration of the Tabernacle and the site to proceed.
- 1.4 Therefore as per the guidance contained with the English Heritage’s guidance document “Enabling Development and the Conservation of Heritage Assets”, a financial appraisal of the scheme is required to ensure that the level of the enabling development proposed is not excessive nor insufficient which could equally jeopardise the long term future of the main heritage asset. Therefore in accordance with the Enabling Development guidance from English Heritage, a report was commissioned by King Sturge and the findings will be discussed later within this report.
- 1.5 Since submission a number of revisions have been made to the scheme. The design of the extension to the Tabernacle has been amended with also some internal revisions of the existing structure. The level of extension to the Chapel House has also increased due to the findings of the King Sturge report, as previously it was proposed that a two-storey extension to comprise of 4 units be constructed, but this extension is now a two and half storey extension to comprise 6 units. The windows on the west side of the Masters Church have also been specified with partial obscure glass to help restrict the outlook from the proposed new windows.

- 1.6 As noted in the planning history, there have been a number of previous applications that proposed far more significant alterations to the existing site and total demolition of the buildings has also been proposed in the past. Also of relevance is the formation of The Whitfield Building Preservation Trust in 1995, which worked with the Avon County/Kingswood Borough Council to make a Heritage Lottery Fund bid application. The bid collapsed in 1997 when the end user pulled out and the file was closed by the Heritage Lottery Fund.

2. POLICY CONTEXT

2.1 National Guidance

PPG15 Planning and the Historic Environment

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

L12 Conservation Areas

L13 Listed Buildings

2.3 Other Guidance

English Heritage Policy Statement - "Enabling Development and the Conservation of Heritage Assets."

3. RELEVANT PLANNING HISTORY

- 3.1 P88/4625 & P88/4266 – Partial demolition and part conversion of church to form 39no. flats. Both applications were withdrawn 12/02/93.
- 3.2 PK00/2161/LB & PK00/2164/F – Demolition of Whitfield Tabernacle and Masters Church. Refused consent and permission respectively 30/11/2000.
- 3.3 PK04/3115/F – Conversion of church to form 16no. dwellings and erection of 5no. dwellings. Withdrawn 13/12/04.

4. CONSULTATION RESPONSES

4.1 Parish/Town Council

The site lies within an unparished area.

Other Consultees

4.2 English Heritage

This proposal is for the refurbishment and extension of the Tabernacle, and the two adjacent Grade II-listed buildings, and some new-build. The proposals for the site overall are radical, and would engage with Government guidance as laid out in PPG15, but should provide for the restoration of the Tabernacle itself.

Whilst there is still no detailed condition survey of the Tabernacle, it is reassuring that the whole approach of the scheme appears to be more overtly in favour of repairing historic fabric, where possible, and replacing like-for-like only where repair is not practically possible. Other alterations, such as the return to single-glazing for the sashes within the historic building, and the

retention/replication of the raised gallery with the vaulted soffit beneath, and the proposed removal of all the partitions beneath the gallery are similarly most welcome.

The design of the proposed new wing onto the Tabernacle has been amended, including the internalisation of the proposed stair, the simplification of the fenestration where it abuts the historic building, and the generally lowering of the overall height, all lessen the harmful impact of the proposal upon the Tabernacle, and go much of the way to addressing our earlier concerns.

The greatest concern is the aforementioned lack of a detailed condition survey, and the lack of an amended schedule of works/repairs strategy, which should clearly indicate the precise extent of repair/replacement necessary; however, considering the condition of the building, we do appreciate the potential difficulties of producing these up front, and consequently we would have no objections should you be minded to make these the subject of appropriately worded conditions.

As the application currently stands, it appears to have successfully addressed our previous concerns, and consequently English Heritage has no further objection to the determination of this application.

However, should you be minded to grant listed-building consent, we would strongly recommend that conditions be imposed requiring a detailed condition survey of the historic fabric, and a detailed schedule of works/repairs strategy (indicating the precise extent of historic fabric that can be retained and repaired, and the precise extent of like-for-like replacement), should be submitted to and approved in writing by your authority prior to the commencement of the relevant phase of works.

4.3 The War Graves Commission

Comments summarised below:

The proposed car park and access facilities appear to affect a single war grave located in the Tabernacle Burial Ground. The grave is of Leading Aircraftsman George Wyndham Parnell who died on 05 February 1941 and he is buried in the North West part of the Burial Ground in Row N, Grave 76.

The Commission is opposed to any proposals which may involve the disturbance of our graves except in the cases of “overriding public need” in accordance with the Geneva Conventions. Should the authority accept that there is an overriding need, the Commission would need to be involved in the event that any remains are disturbed during the course of the building works and which can be identified belonging to a war casualty. The Commission would also wish to be involved in any exhumation and re-interment of the remains at a suitable location at the expense of the owners of the property.

Other Representations

4.4 Local Residents

4no. consultation responses were received from local residents and local business which expressed the following summarised views:

1. The entrance and gates situated on Regent Street provide the only access to the rear of a rank of shops along Regent Street;
2. There proposed driveway leading to a courtyard off Regent Street does not provide any purpose to the tenants of the new flats – it could be used for parking;

3. There is no off-street parking proposed for the new restaurant, thereby increasing the burden of parking to the home owners on Park Street;
4. Although the urgent needs for renovation is agreed with, there is concern that the existing and proposed new windows on the western elevation of the Master's Church will be directly opposite a neighbouring property's dining and rear bedroom windows, and if the building were to be converted into apartments, it would have a drastic impact on existing privacy levels;
5. The existing windows would not pose such a problem if the building was not being changed internally, but the additional floors will bring them into line of sight;
6. All the windows currently within this elevation would have been fixed and made of opaque glass;
7. At the bottom of the neighbour's garden runs a lane which is not unusable due to overgrowth and there is concern about what will happen to this lane;
8. The increase in the height of the extension to The Chapel is a concern with regards to how it would affect the look of the development; and
9. There is no indication that the hedge between the proposed car parking spaces and the footpath and the footpath behind the properties in London Street is to be retained or renewed, as this gives existing residents considerable privacy.

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

As stated within the guidance laid down by English Heritage, "enabling development" represents development that is contrary to the established planning policy – national or local – but which is occasionally permitted because it brings public benefits which have been demonstrated clearly outweigh the harm that would be caused. The benefits are paid for by the value added to the land as a result of the granting of planning permission for its development, so enabling development can be considered as a type of subsidy – a subsidy to make up the heritage deficit between the cost of the restoration and the market value of the resultant building. The defining characteristics of "enabling development" are therefore schemes that can be considered contrary to established planning policy and that the gain from contravening policy subsidises a public benefit that could not be otherwise achieved. Thus unlike most planning applications, financial issues are central to considering such proposals for enabling development.

5.2 In focusing on this scheme in more detail, it is the intensity of the use of the Masters Church, the scale of the extension to The Chapel House and to a lesser degree the extension to the Tabernacle that actually can be considered to represent the "enabling development". However, although these three proposed developments could be potentially to a level that would possibly otherwise be resisted, permission will only be granted if the exiting buildings and their setting are not materially harmed. Furthermore the applicant also has to demonstrate that on balance, the benefits clearly outweigh any disbenefits, not only to the historic asset or its setting, but to any other relevant planning interests.

5.3 Therefore in the consideration of this scheme, the following criteria would need to be met if the proposed scheme is to be supported.

1. The enabling development will not materially detract from the archaeological, architectural, historic, landscape or biodiversity interest of the asset, or materially harm its setting;

2. The proposal avoids detrimental fragmentation of management of the heritage asset;
3. The enabling development will secure the long term future of the heritage asset, and where applicable, its continued use for a sympathetic purpose;
4. The problem arises from the inherent needs of the heritage asset, rather than the circumstances of the present owner or the purchase price paid;
5. Sufficient financial assistance is not available from any other source;
6. It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the heritage asset, and that its form minimises disbenefits;
7. The value or benefit of the survival or enhancement of the heritage asset outweighs the long-term cost to the community (ie the disbenefits) of providing enabling development.

5.4 In taking each above issue in turn as they appear, it is considered that following a number of revisions to its design and scale, the proposed extension to the Tabernacle would now produce an interesting addition to what is a very plain building, as opposed to one that would have appeared poorly resolved. The single story lightweight elevational composition with its “green roof” juxtaposed to the simple form and symmetrical elevation of the Tabernacle would create a building of some visual interest, and one that would not detract from the character of the building or its setting, or indeed the graveyard beyond. The main road side elevation of the building would remain unchanged and the scheme retains the open interior of the building as part of a full restoration, which is such a significant part of the character of the former Whitfield United Reform Church.

5.5 It is though noted that the full extent of repair is not known, as the building is structurally unsafe and until stabilised, a comprehensive condition survey can not be undertaken. These works will be subject to prior approval by the local planning authority as part of any legal agreement between the Council and the applicant if consent is to be granted.

5.6 The Masters Church exists as a shell with a deteriorating external elevation and internally very little historic fabric remains. It was listed by English Heritage in 2001 for its group value, following the applications in 2000 for its demolition. As submitted, the proposed residential conversion of the Masters Church was accepted as an essential requirement if the whole scheme was to be viable. There was however widespread concern about the intensity of the use of the building to allow for the creation of 19no. residential units, as the interior open space would be subdivided entirely and the external alterations would see a number of roof lights on previously large blank expanses of roof slate. Therefore the need for such an intensive use would need financial justification. The findings of the financial appraisal will be discussed later in this report, but it is important to stress that it was not considered that the proposed conversion of the Masters Church would materially detract from its existing character.

5.7 The Chapel House is currently being supported by an external frame following partial structural collapse. It is however considered not beyond repair and so the previously proposed demolition and rebuild has been resisted. Like the Masters Church scheme, the scale of the level of extension was a concern, but as a proposed element of enabling development, again the financial justification for its scale would be subject to scrutiny. However the principle of extending

The Chapel House has been accepted on the proviso that the Chapel House is fully restored to its current historic scale.

- 5.8 With regard to the other elements of the scheme, the full restoration of the graveyard and the many monuments will significantly enhance the ecclesiastical setting of the buildings and the wider landscape. Some concerns have been expressed regarding the proposed access road and parking area for the residents of the Masters Church and Chapel House, as the road and car park appear to be constructed over a number of graves. It is noted that as shown on the existing and proposed site plans, a number of graves would be lost, but the condition of these graves is unknown. Therefore as part of the legal agreement between the Council and the applicant that is to be attached to the planning permission, a full survey of the graves and monuments is to be undertaken before any works are commenced. Furthermore a schedule of repair is to be prepared. The condition of the graves will then be known, along with a more accurate position of where the graves lie within the site. If it is found that a number of graves which would be affected by the proposed access road and car park are in good state of repair or are worthy of retention, then the access arrangements are to be revised accordingly, and so the proposed position and scale of the access road and parking area is not considered to be “set in stone,” as some flexibility needs to be built into the approval and this provision will be made within the legal agreement. Within the graveyard is an existing war grave in the north western corner of the site. This area has not been previously surveyed and so its position is not accurately known and with the site now inaccessible, its position can not be identified. However the existing war grave on the site is considered to be of significant importance, and regardless of its condition, the access road and car park will not be permitted to disturb it in any way. Therefore in conclusion it is the case that until the survey is completed, the true effect of the scheme on the graveyard and its monuments can not be fully considered, although some degree of re-ordering of the graveyard is inevitable. Furthermore as the graveyard has been under the control of a non-conformist church, it does not represent “consecrated ground” and so does not require to be scheduled as redundant. However, there remains existing legislation that affects the control and reuse of burial grounds, legislation which stands separate from the planning system – the Disused Burial Ground Act 1884 for example. It is though considered that although in most cases any such scheme to re-order a graveyard can rarely be considered in the public interest, in this case, it is a clear choice of leaving all the graves untouched but inaccessible or potentially losing a number of some of the oldest graves (from circa 1851 onwards) , but fully restoring the great majority. It would also create a space that would not only enhance the setting of the buildings, but it would also create a space that would be of benefit to the local community in terms of enhanced amenity, but also improved accessibility to many of the graves.
- 5.9 To address the issue of fragmentation, a condition of the legal agreement between the Council and the applicant will ensure that the site can not be subdivided by selling off buildings/ parcels of land which would then prevent implementation or enforcement of the obligations placed upon the applicant. The applicant has stated that although the units within the Masters Church and the Chapel House are to be sold off, the graveyard and the Tabernacle are to remain within their ownership. Once restored the ownership of the Tabernacle is not of significance, but the maintenance responsibility for the buildings and the graveyard and its monuments will be set down in the establishment of a long term management agreement. In conclusion, it is considered that the

proposed scheme satisfies the second criterion for enabling development to be approved.

- 5.10 With regard to the third test, the proposed uses for the Masters Church and the Chapel House will ensure their long term future and although for the Masters Church, the internal configuration will be significantly different, in view of the overriding issue of need, the proposed conversion is considered acceptable as part of this enabling development project. Although the restoration of the Tabernacle is the main purpose of this application, it too needs to be given a long term future to avoid any future periods of decline as seen since the building ceased to be used in 1990. The proposed commercial use of the building should provide a potential host of users wanting to take advantage of this unique space, which importantly has been retained largely as it existed originally. It is considered therefore that as far as reasonably possible, the proposed scheme meets with this test.
- 5.11 As previously noted within this report, the restoration of the Tabernacle has become beyond economic repair due to the level of deterioration that has occurred following the arson attack in the late 1990's. The level of deterioration is considered to be accelerating as the internal fabric remains exposed to elements. Therefore it is the needs of the heritage asset by way of its condition, is the problem in this case and not the purchase price paid by the owner.
- 5.12 With regards to criterion 5, the only other realistic source of the level of funding of the scale required to restore the Tabernacle is from the Heritage Lottery Fund. However, with one failed bid due to no clear end user identified and none coming forward since, it has not been possible to pursue again such a course. It is therefore considered that the proposed scheme represents the only realistic opportunity to restore the Tabernacle, its listed neighbour's and the graveyard and monuments.
- 5.13 Criterion 6 represents one of the key issues within the proposed scheme. At the time of submission, the applicant's submitted a financial breakdown of the scheme to demonstrate that the scheme would be sufficient to meet the costs incurred by the restoration, but would not afford the applicant with an undue level of profit.
- 5.14 To assess the applicant's costs, a financial appraisal report was commissioned and produced by King Sturge on behalf of South Gloucestershire Council.
- 5.15 The appraisal of the applicant's financial statement were that the level of enabling development was insufficient to provide finance to successfully complete the scheme, as there was concerns that the build costs may prove to be more than predicted and without any future growth of the residential units, the developer would face pressures by way of reduced margins, cost savings or desire of further development on the site. The rental income was also an area of concern, in that the figure quoted was considered too ambitious and without a pre-let agreement, the developer would be taking on a degree of commercial risk. All this undermined Officer's initial view that the level of enabling development was perhaps too intensive, as there were concerns over the scale of the extension to the Chapel House and the 19no. units being inserted into the Masters Church. The financial appraisal therefore was considered to justify the level of enabling development. Consequently, if any objections to the scale of conversion or extension to the existing building were raised, any reduction would need to be off-set with a level of new build elsewhere with the site. However, due to the sensitive character of the site and the lack of any open space suitable for new build, this was not an option.

Therefore it was considered that although there remained concerns over the level of enabling development, its scale was justified through the King Sturge financial appraisal and to address the concerns regarding the costings and valuations submitted by the applicant, the level of enabling development was increased with the extension to the Chapel House increased from two-storeys to two and a half to provide 2no. additional units.

- 5.16 It is therefore considered that the level that of enabling development proposed is the minimum necessary to secure the future of the heritage asset and of a form that minimises disbenefits, as ultimately the vast majority of the enabling development is being directed away from the Grade I listed Tabernacle.
- 5.17 Finally, the proposed scheme is considered to comply with criterion 7, as it is considered that once completed, the current eye sore that the site is and the negative effect it has on the surrounding area would be removed and in its place would be a restored Grade I listed building and graveyard. This would give Kingswood a notable asset that its residents would be able to enjoy and would lift the character and appearance of the surrounding area. It is therefore considered that the value of the created space and the benefits it could bring would far outweigh the disbenefits of the level of subdivision of the Masters Church and the extension to the Chapel House.
- 5.18 In light of the above assessment, it is considered that the proposed scheme successfully meets the criteria for enabling development as set out by English Heritage. Therefore subject to the applicant agreeing to sign the Section 106 that is to be attached to the associated planning application, listed building consent is recommended to be granted subject also to the suggested conditions that pick up matters of detail not covered by the legal agreement.

Other Issues

- 5.19 The concerns expressed by local residents will be addressed in the associated planning permission report.

5.20 Design and Access Statement

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

5.6 Section 106 Requirements

As noted within this report, the associated planning application is to be subject to a Section 106 Agreement.

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

7. RECOMMENDATION

7.1 Listed Building consent is to be GRANTED subject to the following conditions.

Background Papers PK07/0053/LB

Contact Officer: Robert Nicholson
Tel. No. 01454 863536

CONDITIONS

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

Reason:

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

2. Within one month from the date of the decision notice, a detailed specification and schedule of temporary works for the protection and support of the Chapel House, Masters Church and Whitfield's Tabernacle shall be submitted to the Council for written approval. No works shall not be commenced until the Council has given written approval, for the submitted specification and schedule and the works will be implemented submitted within 1 month of the date of this permission and implemented in full within 4 months from the date of the agreement of the schedule or within 5 months from the date of the decision notice.

Reason:

To ensure that the design of the details listed are appropriate to the character of the buildings, which are listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest they possess in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and Policy L13 of the Adopted South Gloucestershire Local Plan.

3. Prior to the commencement of each phase of the works hereby approved, a detailed specification and schedule of proposed structural works to be undertaken within that phase, including the insertion of new floors, galleries, roof structures stone and timber repairs and treatment and the extent of any proposed demolition, shall be submitted to the Council for approval. The relevant phase of works shall not be commenced until the Council has given written approval, for the submitted works and the repairs and alterations shall be undertaken exactly in accordance with the details so approved.

Reason:

To ensure that the design of the details listed are appropriate to the character of the buildings, which are listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest they possess in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and policies L13 of the Adopted South Gloucestershire Local Plan.

4. Notwithstanding the submitted details, prior to the commencement of each phase of the works hereby approved, large scale details of the following, (in respect of which approval is expressly reserved) shall be submitted to the Council for approval.

- a) Flues and vents
 - b) Rainwater goods
 - c) Eaves, verges and ridges,
 - d) Windows (including cill, reveals and head details),
 - e) Specification and appearance of the obscure glass lower panels for the west facing windows of The Masters Church.
 - f) Rooflights
5. The relevant phase of works shall not be commenced until the Council has given written approval, for the submitted details and the works shall be constructed exactly in accordance with the details so approved.

Reason:

To ensure that the design of the details listed are appropriate to the character of the buildings, which are listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest they possess in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and Policy L13 of the Adopted South Gloucestershire Local Plan.

6. Prior to the commencement of the works hereby approved, samples of the proposed roof coverings and walling stone shall be submitted to the Council for approval. No works shall commence until the Council has given written approval, and, the materials used shall comply exactly with the details so approved. For the avoidance of doubt, slates shall be Natural Welsh slates matching the existing in size and colour, and tiles are to be handmade second hand natural clay tiles, matching the existing in colour, profile and texture, and verges to be bedded on natural slate undercloaks. The walling stone shall be dressed rubblestone sorted to match the original in size, finish and colour, with dressed stone detailing.

Reason:

To ensure that the design of the details listed are appropriate to the character of the buildings, which are listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest they possess in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and Policy L13 of the Adopted South Gloucestershire Local Plan.

7. Prior to the commencement of each phase of the works hereby approved, large scale details (in respect of which approval is expressly reserved) of the proposed internal joinery including the staircase alterations the doors, doorcases, stairs, panelling and skirtings shall be submitted to the Council for approval. The relevant phase of works shall not be commenced until the Council has given written approval, for the submitted details and the works shall be constructed exactly in accordance with the details so approved.

Reason:

To ensure that the design of the details listed are appropriate to the character of the buildings, which are listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest they possess in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and Policy L13 of the Adopted South Gloucestershire Local Plan.

8. Prior to the commencement of each phase of the works hereby approved full details of the proposed floor structures and finishes, and the proposed ceiling and internal wall finishes (in respect of which approval is expressly reserved) shall be submitted to the Council for approval. The relevant phase of works shall not be commenced until written approval has been given by the Council, for the submitted details and, the materials used shall comply exactly with the details so approved. For the avoidance of doubt, exposed stone walls shall be retained as exposed stone, plaster finishes to historic walls and ceilings shall be traditional lime hair plaster. Floors within the listed buildings shall be natural stone or timber boards. Timber boards shall be species matched butt boards matching the originals in width.

Reason:

To ensure that the design of the details listed are appropriate to the character of the buildings, which are listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest they possess in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and Policy L13 of the Adopted South Gloucestershire Local Plan.

9. Prior to the commencement of each phase of the works hereby approved, sample panels of the proposed re-pointing and render shall be erected on site, for approval by the Council. The relevant phase of works shall not be commenced until written approval has been given by the Council, and the re-pointing and new floors shall be constructed exactly in accordance with the samples so approved.

Reason:

To ensure that the design of the details listed are appropriate to the character of the buildings, which are listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest they possess in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and Policy L13 of the Adopted South Gloucestershire Local Plan.

10. Prior to the commencement of each phase of the works hereby approved, details of the proposed external joinery and fenestration finishes shall be submitted to the Council for approval. The relevant phase of works shall not be commenced until the Council has given written approval. The finish of the fenestration and joinery shall comply exactly with the details so approved. No alteration of the approved finish shall take place without written approval of the Council.

Reason:

To ensure that the design of the details listed are appropriate to the character of the buildings, which are listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest they possess in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and Policy L13 of the Adopted South Gloucestershire Local Plan.

11. Prior to the commencement of each phase of the works hereby approved, full details of proposed mechanical and electrical systems including external electrical fittings including lights, meter boxes and security alarms, (in respect of which approval is expressly reserved) shall be submitted to the Council for approval. The relevant phase of works shall not be commenced until the Council has given written approval, for the

submitted details and the works shall be constructed exactly in accordance with the details so approved.

Reason:

To ensure that the design of the details listed are appropriate to the character of the buildings, which are listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest they possess in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and Policy L13 of the Adopted South Gloucestershire Local Plan.

12. A condition survey of the existing graveyard and its monuments shall be carried out in phase 2 of the agreed schedule. This survey shall then inform a schedule of repair and stabilisation works that is to be submitted to the local planning authority for prior written approval. The relevant phase (Phase 4) shall not be commenced until the schedule of repair has been agreed and the repair works shall be carried out exactly in accordance with the details so approved.

Reason:

To ensure that the specific of repairs works is appropriate to the character of the structures, which are curtilage listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest they possess in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and Policy L13 of the Adopted South Gloucestershire Local Plan

13. A programme of archaeological recording shall be carried out during all ground disturbance and removal of historic fabric undertaken as part of the works hereby approved. Prior to the commencement of the works hereby approved, a written scheme of investigation for such a programme of recording shall be submitted to the Council for approval. No works shall be commenced until the Council has given written approval, for the submitted WSI and the archaeological recording shall be undertaken exactly in accordance with the approved Written Statement of Investigation.

Reason:

In the interest of archaeological investigation or recording, and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006.

14. No wires, pipework, satellite dishes or other aerials, alarms or other paraphernalia shall be affixed to the external elevations of the development hereby approved otherwise than with the prior written agreement of the local planning authority.

Reason:

In order that the special architectural and historic interest of the buildings and the site are maintained, in accordance with national guidance set out at PPG15 and Policies D1, L12 and L13 of the Adopted South Gloucestershire Local Plan. Careful consideration has been given to the restoration of the site. It is important that consideration is afforded to any further development within the site.

15. Annotated elevations together with samples of all external facing materials and a schedule of finishes for all new buildings on the site (in respect of which approval is expressly reserved) shall be submitted to and agreed in writing by the local planning authority prior to any such works commencing. The proposed development shall

thereafter be implemented strictly in accordance with the agreed details and thereafter so maintained.

Reason:

In order that the special architectural and historic interest of the listed buildings and the character and appearance of the wider site, is preserved, in accordance with national guidance set out at PPG15 and Policies D1, L12 and L13 of the Adopted South Gloucestershire Local Plan.

16. Prior to commencement of the works hereby approved full details of all means of enclosure within the site, including materials, finishes and coping detail, as appropriate (in respect of which approval is expressly reserved) shall be submitted to and agreed in writing by the local planning authority. The proposed development shall thereafter be implemented strictly in accordance with the agreed details and thereafter so maintained.

Reason:

In order that the development serves to preserve special architectural and historic interest of the buildings and the wider site, which is a conservation area, is maintained, in accordance with national guidance set out at PPG15 and policies D1, L12 and L13 of the Adopted South Gloucestershire Local Plan.

CIRCULATED SCHEDULE NO. 51/07 – 21 DECEMBER 2007

App No.: PK07/0064/F

Applicant: Mr S Gaiger P G
Group Enterprises
LtdSite: Whitfield United Reform Church Regent
Street/Park Road Kingswood BRISTOL
South Gloucestershire BS15 1QU

Date Reg: 9th January 2007

Proposal: Refurbishment and change of use to:-
Whitfield Tabernacle (Class D1) to
(Class A3) Restaurant with erection of
single storey rear extension, Masters
Church (Class D1) to 19 no. apartments
(Class C3) residential. Subdivision of
Chapel House to form 2 No apartments
and erection of a three storey side
extension to form 6 no. apartments.
Alteration to existing vehicular and
pedestrian access, car parking
landscaping and associated works.

Parish:

Map Ref: 64908 73934

Ward: Kings Chase



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INTRODUCTION

This application is referred to the Circulated Schedule following objections to the proposed scheme being received from local residents.

1. THE PROPOSAL

- 1.1 The proposed scheme seeks listed building consent to restore and convert the Grade I listed Whitfield Tabernacle (circa 1741) and the Grade II listed Henry Masters Church (circa 1851) and restore and extend the Grade II listed Chapel House (circa early 19th century). Along with the buildings, the overgrown graveyard setting of the buildings (which together make up the Kingswood Conservation Area) is to be restored along with a number of monuments within this area which can be considered curtilage listed buildings.
- 1.2 Although the scheme seeks to repair and reuse all three buildings, the primary aim of this scheme is the restoration of the Grade I listed Whitfield Tabernacle, an important survival from the eighteenth-century evangelical movement. The building has three understated, but nevertheless formally-composed façades, and the interior has four stone columns with simple palmette capitals, and had, until the recent dereliction, raked galleries around three sides (parts of which do survive).
- 1.3 It is proposed that the restoration and conversion of the Masters Church and Chapel House and conversion to flats and extending the Whitfield Tabernacle to facilitate a commercial use will generate income to provide sufficient funds to restore the Tabernacle, as in isolation, it is now considered beyond economic repair. This proposal can therefore be considered an “Enabling Development” scheme, as the level of sub-division within the Henry Masters Church and the extension to the Chapel House are considered essential to provide the funding required for the restoration of the Tabernacle and the site to proceed.
- 1.4 Therefore as per the guidance contained with the English Heritage’s guidance document “Enabling Development and the Conservation of Heritage Assets”, a financial appraisal of the scheme is required to ensure that the level of the enabling development proposed is not excessive nor insufficient which could equally jeopardise the long term future of the main heritage asset. Therefore in accordance with the Enabling Development guidance from English Heritage, a report was commissioned by King Sturge and the findings will be discussed later within this report.
- 1.5 Since submission a number of revisions have been made to the scheme. The design of the extension to the Tabernacle has been amended with also some internal revisions of the existing structure. The level of extension to the Chapel House has also increased due to the findings of the King Sturge report, as previously it was proposed that a two-storey extension to comprise of 4 units be constructed, but this extension is now a two and half storey extension to comprise 6 units. The windows on the west side of the Masters Church have also been specified with partial obscure glass to help restrict the outlook from the proposed new windows.

- 1.6 As noted in the planning history, there have been a number of previous applications that proposed far more significant alterations to the existing site and total demolition of the buildings has also been proposed in the past. Also of relevance is the formation of The Whitfield Building Preservation Trust in 1995, which worked with the Avon County/Kingswood Borough Council to make a Heritage Lottery Fund bid application. The bid collapsed in 1997 when the end user pulled out and the file was closed by the Heritage Lottery Fund.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS6	Planning for Town centres
PPG13	Transport
PPG15	Planning and the Historic Environment

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
H2	Housing
H6	Affordable Housing
H5	Conversion of Existing Buildings for Housing
L1	Landscape Protection and Enhancement
L9	Species Protection
L11	Archaeology
L12	Listed Building
L13	Conservation Areas
RT1	Development in Town Centres
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Policy for Development Control

2.3 Other Guidance

English Heritage Policy Statement - "Enabling Development and the Conservation of Heritage Assets.

Kingswood Conservation Area Statement.

South Gloucestershire Council adopted Supplementary Planning Document – Trees on Development Sites.

3. RELEVANT PLANNING HISTORY

- 3.1 P88/4625 & P88/4266 – Partial demolition and part conversion of church to form 39no. flats. Both applications were withdrawn 12/02/93.
- 3.2 PK00/2161/LB & PK00/2164/F – Demolition of Whitfield Tabernacle and Masters Church. Refused consent and permission respectively 30/11/2000.
- 3.3 PK04/3115/F – Conversion of church to form 16no. dwellings and erection of 5no. dwellings. Withdrawn 13/12/04.

4. CONSULTATION RESPONSES

4.1 Parish/Town Council

The site lies within an unparished area.

Other Consultees

4.2 English Heritage

“This proposal is for the refurbishment and extension of the Tabernacle, and the two adjacent grade II-listed buildings, and some new-build. The proposals for the site overall are radical, and would engage with Government guidance as laid out in PPG15, but should provide for the restoration of the Tabernacle itself.

Whilst there is still no detailed condition survey of the Tabernacle, it is reassuring that the whole approach of the scheme appears to be more overtly in favour of repairing historic fabric, where possible, and replacing like-for-like only where repair is not practically possible. Other alterations, such as the return to single-glazing for the sashes within the historic building, and the retention/replication of the raised gallery with the vaulted soffit beneath, and the proposed removal of all the partitions beneath the gallery are similarly most welcome.

The design of the proposed new wing onto the Tabernacle has been amended, including the internalisation of the proposed stair, the simplification of the fenestration where it abuts the historic building, and the generally lowering of the overall height, all lessen the harmful impact of the proposal upon the Tabernacle, and go much of the way to addressing our earlier concerns.

The greatest concern is the aforementioned lack of a detailed condition survey, and the lack of an amended schedule of works/repairs strategy, which should clearly indicate the precise extent of repair/replacement necessary; however, considering the condition of the building, we do appreciate the potential difficulties of producing these up front, and consequently we would have no objections should you be minded to make these the subject of appropriately worded conditions.

As the application currently stands, it appears to have successfully addressed our previous concerns, and consequently English Heritage has no further objection to the determination of this application.

However, should you be minded to grant listed-building consent, we would strongly recommend that conditions be imposed requiring a detailed condition survey of the historic fabric, and a detailed schedule of works/repairs strategy (indicating the precise extent of historic fabric that can be retained and repaired, and the precise extent of like-for-like replacement), should be submitted to and approved in writing by your authority prior to the commencement of the relevant phase of works”.

4.3 The War Graves Commission

Comments summarised below:

The proposed car park and access facilities appear to affect a single war grave located in the Tabernacle Burial Ground. The grave is of Leading Aircraftsman George Wyndham Parnell who died on 05 February 1941 and he is buried in the North West part of the Burial Ground in Row N, Grave 76.

The Commission is opposed to any proposals which may involve the disturbance of our graves except in the cases of “overriding public need” in

accordance with the Geneva Conventions. Should the authority accept that there is an overriding need, the Commission would need to be involved in the event that any remains are disturbed during the course of the building works and which can be identified belonging to a war casualty. The Commission would also wish to be involved in any exhumation and re-interment of the remains at a suitable location at the expense of the owners of the property.

Other Representations

4.4 Local Residents

4no. consultation responses were received from local residents and local business which expressed the following summarised views:

1. The entrance and gates situated on Regent Street provide the only access to the rear of a rank of shops along Regent Street;
2. There proposed driveway leading to a courtyard off Regent Street does not provide any purpose to the tenants of the new flats – it could be used for parking;
3. There is no off-street parking proposed for the new restaurant, thereby increasing the burden of parking to the home owners on Park Street;
4. Although the urgent needs for renovation is agreed with, there is concern that the existing and proposed new windows on the western elevation of the Master's Church will be directly opposite a neighbouring property's dining and rear bedroom windows, and if the building were to be converted into apartments, it would have a drastic impact on existing privacy levels;
5. The existing windows would not pose such a problem if the building was not being changed internally, but the additional floors will bring them into line of sight;
6. All the windows currently within this elevation would have been fixed and made of opaque glass;
7. At the bottom of the neighbour's garden runs a lane which is not unusable due to overgrowth and there is concern about what will happen to this lane;
8. The increase in the height of the extension to The Chapel is a concern with regards to how it would affect the look of the development; and
9. There is no indication that the hedge between the proposed car parking spaces and the footpath and the footpath behind the properties in London Street is to be retained or renewed, as this gives existing residents considerable privacy.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

As stated within the guidance laid down by English Heritage, enabling development represents development that is contrary to the established planning policy – national or local – but which is occasionally permitted because it brings public benefits which have been demonstrated clearly outweigh the harm that would be caused. The benefits are paid for by the value added to the land as a result of the granting of planning permission for its development, so enabling development can be considered as a type of subsidy – a subsidy to make up the heritage deficit between the cost of repair and the market value of the restored building. The defining characteristics of “enabling development” are therefore schemes that can be considered contrary to established planning policy and that the gain from contravening policy subsidises a public benefit that could not be otherwise achieved. Thus unlike most planning applications, financial issues are central to considering such proposals for enabling development.

- 5.2 In focusing on this scheme in more detail, it is in fact the intensity of the use of the Masters Church, the scale of the extension to The Chapel House and to a lesser degree the extension to the Tabernacle that actually can be considered as “enabling development”. However, although these three proposed developments could be potentially to a level that would possibly otherwise be resisted, permission will only be granted if the existing buildings and their setting are not materially harmed. Furthermore the applicant also has to demonstrate that on balance, the benefits clearly outweigh any disbenefits, not only to the historic asset or its setting, but to any other relevant planning interests.
- 5.3 The principle of the “enabling development” can only be considered acceptable if the following criteria set down by English Heritage have been met.
1. The enabling development will not materially detract from the archaeological, architectural, historic, landscape or biodiversity interest of the asset, or materially harm its setting;
 2. The proposal avoids detrimental fragmentation of management of the heritage asset;
 3. The enabling development will secure the long term future of the heritage asset, and where applicable, its continued use for a sympathetic purpose;
 4. The problem arises from the inherent needs of the heritage asset, rather than the circumstances of the present owner or the purchase price paid;
 5. Sufficient financial assistance is not available from any other source;
 6. It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the heritage asset, and that its form minimises disbenefits;
 7. The value or benefit of the survival or enhancement of the heritage asset outweighs the long-term cost to the community (i.e. the disbenefits) of providing enabling development.
- 5.4 An assessment of how the scheme accords with the above criteria will now be made in turn as they appear.
- 5.5 Criterion 1 - It is considered that following a number of revisions to its design and scale, the proposed extension to the Tabernacle would now produce an interesting addition to what is a very plain building, as opposed to one that would have appeared poorly resolved. The single story lightweight elevational composition with its “green roof” juxtaposed to the simple form and symmetrical elevation of the Tabernacle would create a building of some visual interest, and one that would not detract from the character of the building or its setting, or indeed the graveyard beyond. The main road side elevation of the building would remain unchanged and the scheme is commended for retaining the open interior of the building as part of a full restoration, which is such a significant part of the character of the former Whitfield United Reform Church.
- 5.6 It is though noted that the full extent of repair is not known, as the building is structurally unsafe and until stabilised, a comprehensive condition survey can not be undertaken. These works will those be subject to prior approval by the local planning authority as part of any legal agreement between the Council and the applicant if consent is to be granted.
- 5.7 The Masters Church exists as a shell with a deteriorating external elevation and internally very little historic fabric remains. It was listed by English Heritage in 2001 for its group value, following the applications in 2000 for its demolition.

As submitted, the proposed residential conversion of the Masters Church was accepted as an essential requirement if the whole scheme was to be a viable one. There was however widespread concern about the intensity of the use of the building to allow for the creation of 19no. residential units, as the interior open space would be subdivided entirely and the external alterations would see a number of roof lights on previously large blank expanses of roof slate. Therefore the need for such an intensive use would need financial justification. The findings of the financial appraisal will be discussed later in this report, but it is important to stress that it was not considered that the proposed conversion of the Masters Church would materially detract from its existing character.

- 5.8 The Chapel House is currently being supported by an external frame following partial structural collapse. It is however considered not beyond repair and so the previously proposed demolition and rebuild has been resisted. Like the Masters Church scheme, the scale of the level of extension was a concern, but as a proposed element of enabling development, again the financial justification for its scale would be subject to scrutiny. However the principle of extending The Chapel House has been accepted on the proviso that the Chapel House is fully restored to its current historic scale.
- 5.9 With regard to the other elements of the scheme, the full restoration of the graveyard and the many monuments will significantly enhance the ecclesiastical setting of the buildings and the wider landscape. Some concerns have been expressed regarding the proposed access road and parking area for the residents of the Masters Church and Chapel House, as the road and car park appears to be constructed over a number of graves. It is noted that as shown on the existing and proposed site plans, a number of graves would be lost, but the condition of these graves is unknown. Therefore as part of the legal agreement between the Council and the applicant that is to be attached to the planning permission, a full survey of the graves and monuments is to be undertaken. Furthermore a schedule of repair is to also be prepared. As a result of this, the condition of the graves will then be known along with a more accurate position of where the graves lie within the site. If it is found that a number of graves which would be affected by the proposed access road and car park are in good state of repair or are worthy of retention, then the access arrangements are to be revised accordingly, and so the proposed position and scale of the access road and parking area is not considered to be set in stone, as some flexibility needs to be built into the approval and this provision will be made within the legal agreement. Within the graveyard is an existing war grave in the north western corner of the site. This area has not been previously surveyed and with the site now inaccessible, its position is not accurately known. However the existing war grave on the site is considered to be of significant importance and regardless of its condition, the access road and car park will not be permitted to disturb it in any way. Therefore in conclusion it is the case that until the survey is completed, the true effect of the scheme on the graveyard and its monuments can not be fully compromised, although some degree of re-ordering of the graveyard is inevitable. Furthermore as the graveyard has been under the control of a non-conformist church, it does not represent “consecrated ground” and so does not require to be scheduled as redundant. However, there remains existing legislation that affects the control and reuse of burial grounds, legislation which stands separate to the planning system – the Disused Burial Ground Act 1884 for example. It is though considered that although in most cases any such scheme to re-order a graveyard can rarely considered in the public interest, in this case it is a clear choice of leaving all the graves untouched but inaccessible or potentially losing

- a number of some of the oldest graves (from circa 1851 onwards), but fully restoring the great majority. It would also create a space that would not only enhance the setting of the buildings, but it would also create a space that would be of benefit to the local community in terms of everyday amenity, but also improved accessibility to the graves of possibly some resident's descendants.
- 5.10 Criterion 2 - To address the issue of fragmentation, a condition of the legal agreement between the Council and the applicant will ensure that the site can not be subdivided by selling off any parcel of land which could then prevent implementation or enforcement of the obligations placed upon the applicant. The applicant has stated that although the units within the Masters Church and the Chapel House are to be sold off, the graveyard and the Tabernacle are to remain within their ownership. Once restored the ownership of the Tabernacle is not of significance, but the maintenance responsibility for the buildings and the graveyard and its monuments will be set down in the establishment of a long term management agreement. In conclusion, it is considered that the proposed scheme satisfies the second criterion for enabling development to be approved.
- 5.11 Criterion 3 - The proposed uses for the Masters Church and the Chapel House will ensure their long term future and although for the Masters Church, the internal configuration will be significantly different, in view of the overriding issue of need, the proposed conversion is considered acceptable as part of this enabling development project. Although the restoration of the Tabernacle is the main purpose of this application, it too needs to be given a long term future to avoid any future periods of decline as seen since the building ceased to be used in 1990. The proposed commercial use of the building should provide a potential host of users wanting to take advantage of this unique space, which importantly has been retained largely as it existed originally. It is considered therefore that as far as reasonably possible, the proposed scheme meets with this test.
- 5.12 Criterion 4 - As previously noted within this report, the restoration of the Tabernacle has become beyond economic repair due to the level of deterioration that has occurred following the arson attack in the late 1990's. The level of deterioration is considered to be accelerating as the internal fabric remains exposed to the elements. Therefore it is the needs of the heritage asset by way of its condition, is the problem in this case and not the purchase price paid by the owner.
- 5.13 With regards to criterion 5, the only other realistic source of the level of funding of the scale required to restore the Tabernacle is from the Heritage Lottery Fund. However, with one failed bid due to no clear end user identified and none coming forward since, it has not been possible to pursue again such a course. It is therefore considered that the proposed scheme represents the only realistic opportunity to restore the Tabernacle, its listed neighbour's and the graveyard and monuments.
- 5.14 Criterion 6 represents one of the key issues within the proposed scheme. At the time of submission, the applicant's submitted a financial breakdown of the scheme to demonstrate that the scheme would be sufficient to meet the costs incurred by the restoration, but would not afford the applicant with an undue level of profit.
- 5.15 To assess the applicant's costs, a report was commissioned and a financial appraisal report was produced by King Sturge, a national consultancy of land surveyors.

- 5.16 The findings of the financial appraisal of the applicant's financial statement were that the level of enabling development was insufficient to provide sufficient finance to successfully complete the scheme, as there was concerns that the build costs may prove to be more than predicted and without any future growth of the residential units, the developer would face pressures by way of reduced margins, cost savings or desire of further development on the site. The rental income was also an area of concern, in that the figure quoted was considered too ambitious and without a pre-let agreement, the developer would be taking on a degree of commercial risk. All this undermined Officer's initial view that the level of enabling development was perhaps too intensive, as there were concerns over the scale of the extension to the Chapel House and the 19no. units being inserted into the Masters Church. The financial appraisal therefore was considered to justify the level of enabling development. Consequently, if any objections to the scale of conversion or extension to the existing building were raised, any reduction would need to be off-set with a level of new build elsewhere with the site. However, due to the sensitive character of the site and the lack of any open space suitable for new build, this was not an option. Therefore it was considered that although there remained concerns over the level of enabling development, its scale was justified through the King Sturge financial appraisal and to address the concerns regarding the costings and valuations submitted by the applicant, the level of enabling development was increased with the extension to the Chapel House increased from two-storeys to two and a half to provide 2no. additional units.
- 5.17 It is therefore considered that the level that of enabling development proposed is the minimum necessary to secure the future of the heritage asset and of a form that minimises disbenefits, as ultimately the vast majority of the enabling development is being directed away from the Grade I listed Tabernacle.
- 5.18 Finally, the proposed scheme is considered to comply with criterion 7, as it is considered that once completed, the current eye sore that the site is and the negative effect it has on the surrounding area would be removed and in its place would be a restored Grade I listed building and a restored graveyard with its monuments. This would give Kingswood a notable asset that its residents would be able to enjoy and would lift the character and appearance of the surrounding area. It is therefore considered that the value of the created space and the benefits it could bring would far outweigh the disbenefits of the level of subdivision of the Masters Church and the extension to the Chapel House.
- 5.19 In light of the above assessment, it is considered that the proposed scheme successfully meets the criteria for enabling development as set out by English Heritage. Therefore subject to the applicant agreeing to sign the Section 106 that is to be attached to this permission, listed building consent is recommended to be granted subject also to the suggested conditions that pick up matters of detail not covered by the legal agreement. The principle of the proposed scheme is therefore acceptable.
- 5.20 An assessment of the proposal will now be under in light of all the relevant national guidance and local plan policies, including the criteria attached to Policy H5.

Conservation and Design Issues

- 5.21 As previously discussed within this report, the proposed extension to the Tabernacle is considered to complement its existing simple form with a building of high architectural value. It is considered that the resultant building would make a significant contribution to the character and appearance of the Grade I listed building, the Kingswood Conservation Area and the immediate context. It

- is though noted that until the full condition survey is completed, the extent and nature of repairs is not fully known although the revisions that have been made to the design and specification of the restored building are considered to be broadly acceptable.
- 5.22 The level or intensity of conversion of the Masters Church would not normally entertained, but as established already within this report, the level of subdivision has been proved necessary if the scheme is to be a viable one.
- 5.23 Whilst internally it could be argued that there is little historic to compromise, it is the external alterations that would be the main indicator of the intensity of conversion of the Masters Church. In particular the number of roof lights on the roof planes would be the most prominent alteration, but again without these roof lights, the level of subdivision required to make the scheme viable could not be achieved. It is though considered that it is only the roof light on the east facing elevation that would be most visible within the public realm and when all the benefits are considered and in light of all material considerations, on balance from a design and conservation basis, they are considered acceptable.
- 5.24 Finally moving onto to The Chapel House, since submission the level of extension has been increased due the findings of Kings Struge report (see paragraph 5.16). Therefore the already sizable two-storey extension has been extended to a “two-and-a-half”. The rationale for directing the additional units to this location is that this area and building was considered to be the least sensitive in terms of historic value. The ridge height of the extension will though only be approximately 1 metre higher than the ridge of the Chapel House.
- 5.25 The proposed extension to the south facing elevation of the Chapel House will be far greater than the scale of its host, but care has been taken to leave the Chapel House in its original scale and not extend fully across the width of the south elevation and only attach the extension by a single storey “link”. These measures will ensure that the resultant building will be left in “historic context” with a distinction both physically and architecturally between the scale and outline of the “old” and the “new”. Although again the issue of scale has been pre-determined as part of the enabling development process, there was an obligation for the application to produce a high quality design for this building. It is considered that the design approach taken is both contemporary and respectful to its historic context, for example, with its narrow fenestration of varying heights (in some cases extending up through 3 floors), it is considered that this is a modern interpretation of the lancet windows which play such a significant role in the Gothic architecture of the Masters Church. The tapered northern end with its various forms will provide a building with high level of visual interest on what would be a prominent part of the site and one of the approaches to the Tabernacle.
- 5.26 Overall the design and scale of the extension is considered to be acceptable and would provide an interesting development that also helps enable the restoration of the Grade I listed building.
- 5.27 In addition to the above, from a wider design viewpoint, the proposed scheme can be considered to a very sustainable development in that in its design and layout, an existing derelict site and buildings will be reused to provide housing as part of a mixed-use town centre development that would create a mixed and sustainable community at neighbourhood level. The proposed scheme is therefore makes an effective and efficient use of the site in accordance with the guidance contained within PPS3.

Residential Amenity

- 5.28 Starting with the considered affect the proposed development would have upon the residential amenities of the surrounding properties, there are no residential amenity concerns regarding the proposed use of The Tabernacle for a restaurant. There are no concerns either for the conversion of the Chapel House. However, with regard to its extension, the building will face the flank wall of the Whitfield House, a comparatively modern apartment building on the opposite side of Park Road. The flank wall of Whitfield House does contain a number of habitable room windows, but the separation distance between the windows in the existing west facing elevation of Whitfield House and the east facing elevation of the proposed Chapel House would accord with the 21 metre separation distance required to avoid any unacceptable levels of inter-visibility.
- 5.29 The main residential amenity concern with this application has been with the proposed conversion of the Masters Church and the effect it could have on the levels of residential amenity currently enjoyed by the residents of the adjoining terrace of houses that front onto London Street, as the west elevation of the Masters Church is only some 8 metres from its closest neighbour No.40 London Street.
- 5.30 Therefore due to the close proximity of the respective buildings, the Masters Church dominates the rear outlook of a number of the houses along London Street, however, all bar two (No's 40 & 42), an existing footpath separates the Masters Church from the rear gardens. The footpath is however unusable as it is substantially overgrown.
- 5.31 As the building is existing there can clearly be no concerns regarding overbearing issues. The main concern has been the loss of privacy as the existing windows on the west elevation which are currently blocked up are to be reinstated and a number of rooflights are to be inserted into the west facing roof slopes.
- 5.32 In light of the relationship between the existing buildings, the concerns of the local residents regarding the reinstatement of the ground floor windows are understandable. As originally submitted, clear glass was specified for the windows which although have a height of 3.2 metres, only have a width of 1 metre.
- 5.33 It is though noted that the ground floor level of the Masters Church is elevated in comparison to the ground floor level of the adjacent houses. The existing windows are also in a high position within the wall in relation to modern standards. It is also noted that although the distance between the west wall of the Masters Church and the closest part of a neighbouring house is approximately 8 metres, this distance relates to the rear extension which was a traditional form of house construction in the late 19th and early part of the 20th century. The off-shoots as seen on the ordnance survey plan at the front of this report are a combination of two and single storeys, which approximately half the depth two-storeys and the rest being single storey with a lean-to roof. One of the main characteristic of this form of development is that it was unusual for a habitable room window to be on the rear elevation or the gable end of the off-shoot, as the first floor windows would be located to the side. The result of this is that whilst at ground floor level, there are habitable room windows within 7 metres from the west elevation of the Masters Church (although separated by the footpath), at first floor bedroom level, the distance in some cases increases from a minimum of 13 metres to a maximum of approximately 17 metres.

- 5.34 Notwithstanding the above mitigating circumstances, there remained some concern over the potential for inter-visibility/ loss of privacy from the utilisation of the existing west facing ground floor windows that would serve the living rooms of a number of units.
- 5.35 The specification of the living room windows has therefore been revised so that the lower third of the window is specified with obscure glass. The purpose of this is that as shown on the submitted section, due to the internal levels of the Masters Church and the position of the window and the respective level and scale of the neighbouring, the line of sight above the obscure glass panel will be above the first floor windows within the rear elevation of the neighbouring property.
- 5.36 Although it is considered that the separation distances between habitable room windows would be below the visual standard, it is not considered that the proposed conversion would have a significant detrimental effect on the residential amenities of the neighbouring properties or indeed afford the prospective residents with a substandard level of privacy.
- 5.37 With regard to the amenity provision for the prospective residents, the proposed units are considered to be of acceptable scale and would provide levels of outlook and natural lighting that would afford the residents a suitable level of amenity in accordance with Policy H5. Although the converted graveyard is intended to provide open space for residents of both the Masters Church and Chapel House units, it can be noted that a number of ground floor units within the proposed Chapel House extension are to be afforded with small private amenity areas. However, although in the main no private amenity space is being provided for the proposed new residential units, due to the sensitive nature of the site, none would be suggested as it would result in the enclosure of areas of the existing graveyard, and this would have a significant adverse effect on the character of the area. Therefore the provision of the restored graveyard to provide open space for the residents to enjoy, and so in light of this and the town centre location there are no objections to the issue of amenity provision.

Community Services

- 5.38 As the proposed scheme is proposing more than 14 units, an affordable housing contribution should be sought in line with the guidance set out in national guidance and local plan policy. However, in view of its “Enabling Development” status, the burden of providing affordable housing would merely have the effect of increasing the extent of new building on the site, as any contribution sought, its loss to the value of the project would then have to be off-set with an increase level of new build. This would go against the English Heritage principle of the need to minimise the level of new development on such sensitive sites, and as noted on a number of occasions, the level of development already proposed would not be supported without the financial justification, and so any increase would potential start to have significant negative effects on the character and appearance of the Kingswood Conservation Area and all its listed buildings.
- 5.39 Therefore although in isolation the scheme can be seen to be in conflict with guidance within PPS3, it is considered that there are clear and sound grounds for any affordable housing contribution to be waived on the basis that other demonstrable material interests outweigh such requirements.

- 5.40 Although the above argument can be applied for all other contributions, it is noted that as there is currently a projected surplus capacity at both primary and secondary schools within the area of Kingswood, no educational contribution would have been required. In addition, with the restored graveyard, an area of open space for the residents is being created, and so no contribution for this requirement was considered necessary.

Landscape/ Trees

- 5.41 The site is overgrown with numerous self set Elder, Thorn and Sycamore trees. There are some significant trees around the site that are covered by Tree Preservation Orders.
- 5.42 The applicant has submitted a tree survey of which the findings are largely agreed with, however TPO2 Yew, TPO4 Yew and TPO9 London Plane, as these are significant trees that are worthy of category A status.
- 5.43 The recommendations for tree removal in the tree survey are acceptable with the condition that adequate replanting is included within the development to mitigate the loss.
- 5.44 Officers expressed concern regarding the construction of the footpath that runs adjacent to TPO's 2,3,4,5,6,7,8,9, as this encroaches onto the rooting area of the trees and therefore it should be a no dig area and any ground compaction should be avoided.
- 5.45 The area beneath the crown of the TPO9 (London Plane) was originally shown as paved. The tree is considered to be a veteran and makes a significant contribution to the character of the area, and so any compaction or disturbance within the rooting area would be unacceptable. On this basis the area under the crown of this tree has been redesigned so the surface will be grassed, therefore minimising the potential disturbance to its roots. A method statement of construction has also been submitted and agreed by the Council's Tree Officer.
- 5.46 There is no mention of protective fencing for the retained trees during the development and so a plan of tree in line with BS5837 2005 will be subject to a pre-commencement condition that will ensure it is erected and inspected prior to the commencement of works.
- 5.47 The canopy of TPO5 extends over the area of the proposed extension of the Tabernacle and so details are required as to how this will be managed during construction to prevent damage to the tree. The same applies to TPO2 and TPO3, and so a condition to address the above issues is suggested.
- 5.48 There is an existing Ash tree shown as retained by the new bike racks and car parking. This tree is not worthy of retention and could be removed with a replacement being planted as part of the landscaping.
- 5.49 Until the survey of the graveyard is undertaken, as previously noted, the true position and scale of the car park and drive can not be determined. Therefore the true effect on the existing landscaping and the areas of new planting which will be required can not be identified to any accurate degree at this stage. Therefore as part of the legal agreement, following a survey of the graveyard and monuments, the extent of the car park and road will be known and this will help inform a proposed landscaping scheme.

- 5.50 Overall it is considered that the trees make a significant contribution to the character and distinctiveness of the locality and so therefore should be retained, protected and managed in a way that ensures their long-term viability in accordance with Policy L1 of the adopted local plan. Suitable conditions are therefore to be attached.

Transportation

- 5.51 The proposed development of 27 flats will be provided with 26 no. parking spaces. The provision of off-street parking spaces is considered to accord with the maximum parking standards stated under the Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006. Moreover, it could be argued that due to the sustainable location of the site, the level of off-street parking could be reduced.
- 5.52 With regard to the commercial use for the Tabernacle, no off-street parking has been provided for the restaurant, but again due to the sustainable location, no parking is considered to be required.
- 5.53 The access road that leads to the parking area (i.e. access from Park Road direction) is long and it is therefore it was advisable that a suitable turning area is provided on site to ensure service vehicles using the access can enter and exit the site in forward gear. However it is noted that in fact the gates to the access would only be residents parking and so no services vehicles are intended to use of the access. In addition as submitted, it was not of sufficient width to accommodate two passing vehicles due to the provision of a footpath. To avoid the need for passing bays which would further intrude into the graveyard, the raised footpath has been removed and the access is to be one "shared space" for use by both pedestrians and motorises.
- 5.54 Cycle parking in accordance with the SGC cycle parking standards for both the residential and the restaurant development on this site has been provided.
- 5.55 In light of the above, there are no highways objections to the proposed scheme on highway grounds.

5.56 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document (Consultation Draft).

5.57 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 need to secure the benefits of the enabling development are appropriately the subject

of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 1. That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning 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) A legal agreement between the applicant and South Gloucestershire Council to prevent the application site being subdivided in terms of ownership i.e. the site/buildings are not to be sold off in part by the applicant.
 - (ii) A legal agreement between the applicant and South Gloucestershire Council whereby if any of the listed buildings on site is subject to significant structural failure resulting in substantial collapse, the development hereby authorised ceases immediately.
 - (iii) A legal agreement between the applicant and South Gloucestershire Council to agree the phasing of the development and any subsequent amendments as a result.
 - (iv) That the applicant enters into a legal agreement to produce and implement a program of maintenance and management of both the listed buildings and their graveyard setting.

The reasons for this Agreement are:

- (i) To prevent subdivision of the application site which would prevent compliance with the obligations and conditions required of the applicant as part of this consent.
- (ii) To ensure that the proposed scheme is implemented as approved, as any material change through collapse would lead to a material change in circumstance for this enabling development proposal.
- (iii) To ensure that the restoration of the historic structures is achieved prior to any element of new building being occupied.

- (iv) To provide security for the long term future of the buildings and their setting.

Background Papers **PK07/0064/F**

Contact Officer: **Robert Nicholson**
Tel. No. **01454 863536**

CONDITIONS

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

Reason:

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

2. Within one month from the date of the decision notice, a detailed specification and schedule of temporary works for the protection and support of the Chapel House, Masters Church and Whitfield's Tabernacle shall be submitted to the Council for written approval. No works shall not be commenced until the Council has given written approval, for the submitted specification and schedule and the works will be implemented submitted within 1 month of the date of this permission and implemented in full within 4 months from the date of the agreement of the schedule or within 5 months from the date of the decision notice.

Reason:

To ensure that the design of the details listed are appropriate to the character of the buildings, which are listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest they possess in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and Policy L13 of the Adopted South Gloucestershire Local Plan.

3. Prior to the commencement of the development hereby permitted (including stabilisation works), a scheme of tree protection is to be submitted to the local planning authority for prior written approval. The approved protection measures shall then be erected on site and are to be inspected prior to development commencing.

Reason:

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

4. A method statement for the construction of the paths in and around the TPO trees is to be submitted prior to this element of the scheme being undertaken.

Reason:

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

5. Prior to the commencement of any development, a badger survey is to be undertaken and if required a badger mitigation strategy is to be drawn up and agreed in writing by the local planning authority to detail all work subject to the provisions of the Protection of Badgers Act 1992.

Reason:

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

6. Prior to the commencement of the development hereby approved, a removal strategy for any hedgehogs found on the site is to be submitted to the local planning authority for prior written approval.

Reason:

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

7. Prior to any works as part of the restoration of the Masters Church, a bat survey of the Masters Church is to be undertaken and its findings submitted to the local planning authority for approval.

Reason:

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

8. Prior to the commencement of the development hereby approved (including stabilisation works), a badger survey of the site is to be undertaken with the findings submitted to the local planning authority for approval. This may lead to the need for a mitigation strategy which will also be subject to local authority approval if required.

Reason:

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

9. Prior to any works to clear the site of vegetation, a survey for Slow worms is to be carried out. This should ideally be carried out between May to September which is during the period of optimum activity. The findings of the survey are to be submitted to the local planning authority for written approval.

Reason:

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

10. As it is considered that the stabilisation works will precede the clearance of the site, details of an ecological working statement to address concerns over the possible presence of slow worms is to be submitted to the local planning authority for prior written approval.

Reason:

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

11. Prior to the construction of the access road and parking area, an ecological statement to address the possible presence of slow worms on the site is to be submitted to the local planning authority for prior written approval.

Reason:

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

12. Prior to the commencement of each phase of the works hereby approved, a detailed specification and schedule of proposed structural works to be undertaken within that phase, including the insertion of new floors, galleries, roof structures stone and timber repairs and treatment and the extent of any proposed demolition, shall be submitted to the Council for approval. The relevant phase of works shall not be commenced until the Council has given written approval, for the submitted works and the repairs and alterations shall be undertaken exactly in accordance with the details so approved.

Reason:

To ensure that the design of the details listed are appropriate to the character of the buildings, which are listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest they possess in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and policies L13 of the Adopted South Gloucestershire Local Plan

13. Notwithstanding the submitted details, prior to the commencement of each phase of the works hereby approved, large scale details (and samples where applicable) of the following, (in respect of which approval is expressly reserved) shall be submitted to the Council for approval.

- a) Flues and vents
- b) Rainwater goods
- c) Eaves, verges and ridges,
- d) Windows (including cill, reveals and head details),
- e) Specification and appearance of the obscure glass lower panels for the west facing windows of The Masters Church.
- f) Rooflights

14. The relevant phase of works shall not be commenced until the Council has given written approval, for the submitted details and the works shall be constructed exactly in accordance with the details so approved.

Reason:

To ensure that the design of the details listed are appropriate to the character of the buildings, which are listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest they possess in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and Policy L13 of the Adopted South Gloucestershire Local Plan.

15. Prior to the commencement of the works hereby approved, samples of the proposed roof coverings and walling stone shall be submitted to the Council for approval. No works shall commence until the Council has given written approval, and, the materials used shall comply exactly with the details so approved. For the avoidance of doubt, slates shall be Natural Welsh slates matching the existing in size and colour, and tiles are to be handmade second hand natural clay tiles, matching the existing in colour, profile and texture, and verges to be bedded on natural slate undercloaks. The walling stone shall be dressed rubblestone sorted to match the original in size, finish and colour, with dressed stone detailing.

Reason:

To ensure that the design of the details listed are appropriate to the character of the buildings, which are listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest they possess in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and policies L13 of the Adopted South Gloucestershire Local Plan.

16. Prior to the commencement of each phase of the works hereby approved, large scale details (in respect of which approval is expressly reserved) of the proposed internal joinery including the staircase alterations the doors, doorcases, stairs, panelling and skirtings shall be submitted to the Council for approval. The relevant phase of works shall not be commenced until the Council has given written approval, for the submitted details and the works shall be constructed exactly in accordance with the details so approved.

Reason:

To ensure that the design of the details listed are appropriate to the character of the buildings, which are listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest they possess in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and Policy L13 of the Adopted South Gloucestershire Local Plan.

17. Prior to the commencement of each phase of the works hereby approved full details of the proposed floor structures and finishes, and the proposed ceiling and internal wall finishes (in respect of which approval is expressly reserved) shall be submitted to the Council for approval. The relevant phase of works shall not be commenced until written approval has been given by the Council, for the submitted details and, the materials used shall comply exactly with the details so approved. For the avoidance of doubt, exposed stone walls shall be retained as exposed stone, plaster finishes to historic walls and ceilings shall be traditional lime hair plaster. Floors within the listed buildings shall be natural stone or timber boards. Timber boards shall be species matched butt boards matching the originals in width.

Reason:

To ensure that the design of the details listed are appropriate to the character of the buildings, which are listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest they possess in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and Policy L13 of the Adopted South Gloucestershire Local Plan.

18. Prior to the commencement of each phase of the works hereby approved, sample panels of the proposed re-pointing and render shall be erected on site, for approval by the Council. The relevant phase of works shall not be commenced until written approval has been given by the Council, and the re-pointing and new floors shall be constructed exactly in accordance with the samples so approved.

Reason:

To ensure that the design of the details listed are appropriate to the character of the buildings, which are listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest they possess in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and Policy L13 of the Adopted South Gloucestershire Local Plan.

19. Prior to the commencement of each phase of the works hereby approved, details of the proposed external joinery and fenestration finishes shall be submitted to the Council for approval. The relevant phase of works shall not be commenced until the Council has given written approval. The finish of the fenestration and joinery shall comply exactly with the details so approved. No alteration of the approved finish shall take place without written approval of the Council.

Reason:

To ensure that the design of the details listed are appropriate to the character of the buildings, which are listed as being of architectural or historic interest, thereby preserving

the special architectural or historic interest they possess in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and Policy L13 of the Adopted South Gloucestershire Local Plan.

20. Prior to the commencement of each phase of the works hereby approved, full details of proposed mechanical and electrical systems including external electrical fittings including lights, meter boxes and security alarms, (in respect of which approval is expressly reserved) shall be submitted to the Council for approval. The relevant phase of works shall not be commenced until the Council has given written approval, for the submitted details and the works shall be constructed exactly in accordance with the details so approved.

Reason:

To ensure that the design of the details listed are appropriate to the character of the buildings, which are listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest they possess in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and Policy L13 of the Adopted South Gloucestershire Local Plan.

21. A condition survey of the existing graveyard and its monuments shall be carried out in phase 2 of the agreed schedule. This survey shall then inform a schedule of repair and stabilisation works that is to be submitted to the local planning authority for prior written approval. The relevant phase (Phase 4) shall not be commenced until the schedule of repair has been agreed and the repair works shall be carried out exactly in accordance with the details so approved.

Reason:

To ensure that the specific of repairs works is appropriate to the character of the structures, which are curtilage listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest they possess in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and Policy L13 of the Adopted South Gloucestershire Local Plan

22. A programme of archaeological recording shall be carried out during all ground disturbance and removal of historic fabric undertaken as part of the works hereby approved. Prior to the commencement of the works hereby approved, a written scheme of investigation for such a programme of recording shall be submitted to the Council for approval. No works shall be commenced until the Council has given written approval, for the submitted WSI and the archaeological recording shall be undertaken exactly in accordance with the approved Written Statement of Investigation.

Reason:

In the interest of archaeological investigation or recording, and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006.

23. No wires, pipework, satellite dishes or other aerials, alarms or other paraphernalia shall be affixed to the external elevations of the development hereby approved otherwise than with the prior written agreement of the local planning authority.

Reason:

In order that the special architectural and historic interest of the buildings and the site are maintained, in accordance with national guidance set out at PPG15 and Policies D1, L12 and L13 of the Adopted South Gloucestershire Local Plan. Careful consideration has

been given to the restoration of the site. It is important that consideration is afforded to any further development within the site.

24. Annotated elevations together with samples of all external facing materials and a schedule of finishes for all new buildings on the site (in respect of which approval is expressly reserved) shall be submitted to and agreed in writing by the local planning authority prior to any such works commencing. The proposed development shall thereafter be implemented strictly in accordance with the agreed details and thereafter so maintained.

Reason:

In order that the special architectural and historic interest of the listed buildings and the character and appearance of the wider site, is preserved, in accordance with national guidance set out at PPG15 and Policies D1, L12 and L13 of the Adopted South Gloucestershire Local Plan.

25. Prior to commencement of the works hereby approved full details of all means of enclosure within the site, including materials, finishes and coping detail, as appropriate (in respect of which approval is expressly reserved) shall be submitted to and agreed in writing by the local planning authority. The proposed development shall thereafter be implemented strictly in accordance with the agreed details and thereafter so maintained.

Reason:

In order that the development serves to preserve special architectural and historic interest of the buildings and the wider site, which is a conservation area, is maintained, in accordance with national guidance set out at PPG15 and policies D1, L12 and L13 of the Adopted South Gloucestershire Local Plan.

CIRCULATED SCHEDULE NO. 51/07 – 21 DECEMBER 2007

App No.: PK07/0297/F

Applicant: Messrs A E Wilcox & Son Ltd

Site: Arnolds Field Estate The Downs
Wickwar WOTTON UNDER EDGE
South Gloucestershire GL12 8NP

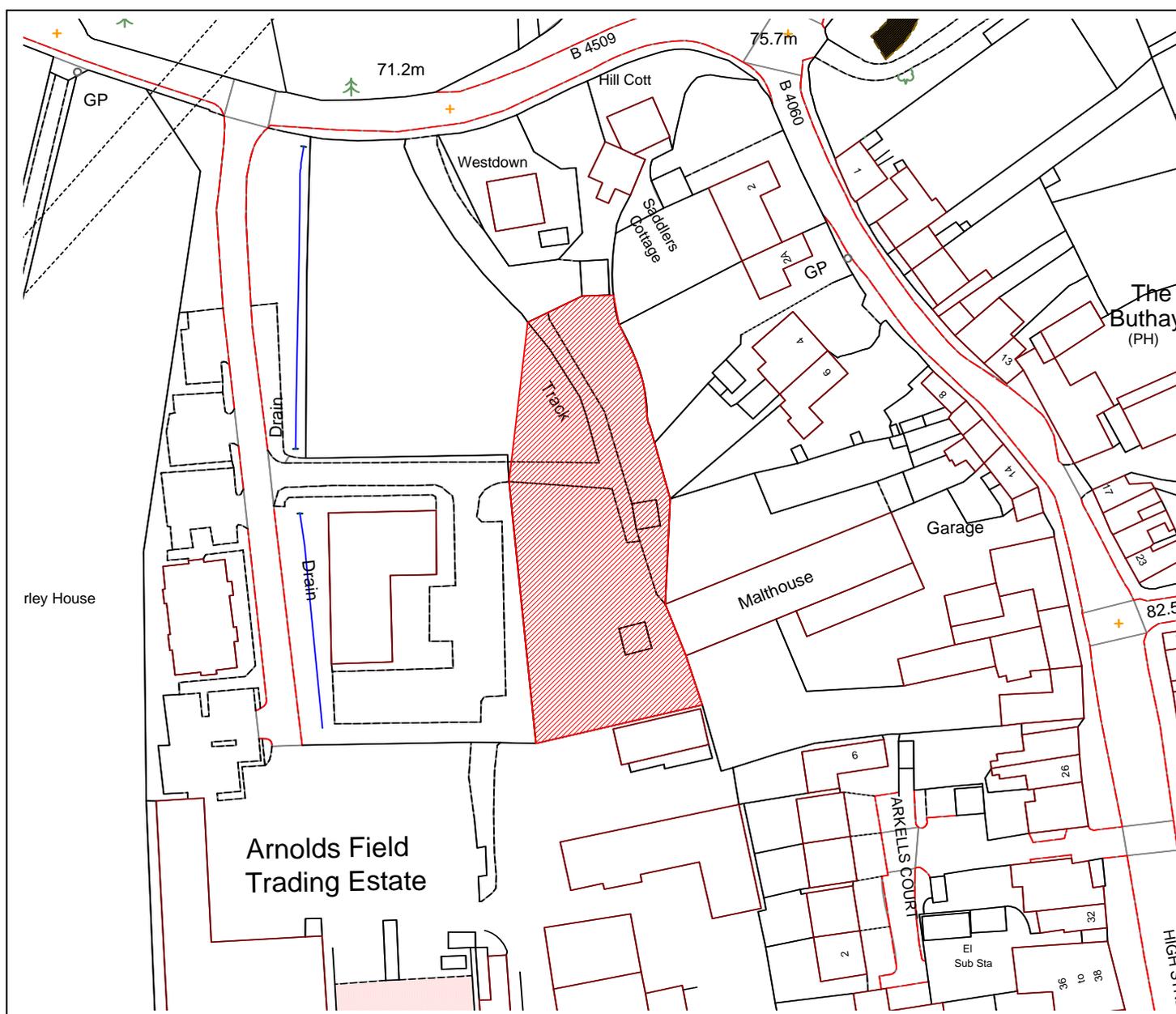
Date Reg: 1st February 2007

Proposal: Erection of two-storey building to comprise of vehicle servicing building with M.O.T. testing facilities and ancillary office.(Class B2) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

Parish: Wickwar Parish Council

Map Ref: 72291 88585

Ward: Ladden Brook



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100023410, 2007.

DC0901MW

INTRODUCTION

This application is referred to the Circulated Schedule following objections to the proposed scheme being received from local residents.

1. THE PROPOSAL

- 1.1 As noted above, this application dates from 1999 as noted in the prefix of its planning reference P99/2444 – it was registered on 09 September 2007. This pre-dates the existing Council's computer system and so for reasons of administration, the application has been given a new reference so it can be logged onto the existing system and duly processed.
- 1.2 The application has been through a couple of long periods of dormancy, but as it was never withdrawn, determined or finally disposed off, it remained and remains a valid application despite its historic nature.
- 1.3 Since its submission in 1999 the details of the scheme have been amended due to its sensitive siting as the application site is within the Wickwar Conservation Area and close to The Malthouse which is a Grade II listed building. It was at the beginning of this year that discussions between the applicant and the Council were re-established.
- 1.4 The proposed scheme is for a two-storey building to comprise of a motor repair garage on the ground floor and offices on the first. The site lies within the village development boundary of Wickwar and form part of the Arnolds Field Trading Estate, which is a protected employment area
- 1.5 Although located adjacent to the Malthouse to the east and existing commercial buildings immediately to the west and south, to the north and north-east lie residential properties that front the High Street or The Downs. In the case of the High Street, these properties are on a higher level. The site is to be accessed by an existing vehicular access that serves the Trading Estate which leads off The Downs.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG15	Planning and the Historic Environment

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
EP1	Environmental Pollution
E3	Employment Development within Defined Settlement Boundaries
E4	Safeguarded Employment Areas
L12	Conservation Areas
L13	Listed Buildings
T12	Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

Wickwar Conservation Area SPD.

3. RELEVANT PLANNING HISTORY

3.1 None of relevance for this application.

4. CONSULTATION RESPONSES

4.1 Wickwar Parish Council

“The building seems to be appropriate for the site both in design and the chosen finish materials. We support the use of an on site recycled aggregates. The site owner indicated that the local planning authority has required pedestrian access. Subject to the views of the Conservation Officer, the creation of such an access, in conjunction with the demolition to conservation standard of the remainder of the wall would be a gain we support”.

4.2 Other Consultees

Environmental Protection

No objections subject to a condition restricting the hours of operation and an informative to cover outside engineering activities.

Other Representations

4.3 Local Residents

5 no. consultation replies were received from local residents objecting to the proposed scheme on the following summarised grounds:

- The proposal would increase the number of large vehicles into the village and on this very narrow road;
- The vehicular access is not clear – if via the existing industrial estate, then there are concerns about the safety of increased traffic at this point which has proved itself a dangerous site entrance;
- As a “general industrial” unit, it will generate fumes and noise and this seems unsuitable when residential properties are close by;
- Large amounts of “tin shed” profile cladding seems inappropriate for the immediate context of the historic stone wall and Malthouse. The natural stonework seems a token gesture;
- There is no indication of levels or measures to address this when it is believed that there is a level difference between the site and the owners of the adjoining property to the north;
- There are concerns about the colour of the large doors and cladding that will facing residential properties;

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy E3 allows for the development of employment uses within defined settlement boundaries provided that the proposal complies with the following relevant criteria.

A. Development Would Not Have Unacceptable Environmental Effects.

5.2 Although the proposed building would be of a B2 general industrial use, it would be a use compatible with its trading estate setting. It is though

acknowledged that neighbouring properties to lie in relatively close proximity and so a condition to control external hours of working will be attached so help ensure that there that the proposed scheme does not result in any unacceptable environmental effects that would harm the amenities of neighbouring residential properties.

B. Adequate Provision is made for Servicing and Delivery Requirements and Development would not give rise to unacceptable levels of vehicular traffic, especially heavy goods vehicles or on-street parking to the detriment of the amenities of the surrounding areas and highway safety.

- 5.3 It is not considered that a garage use would attract heavy goods vehicles. It is considered that there is sufficient provision for customers and staff parking with the boundaries of the site and so there would be no increase to existing on-street parking provision. There is also sufficient space for service and delivery vehicles to enter and turn within the site. Therefore it is not considered that the proposed scheme would have a negative effect on highway safety. It is also noted that a pedestrian access is to be reopened to access to the applicant's car sales site that fronts onto the High Street.

C. Development would not prejudice Existing residential amenities.

- 5.4 As noted above, it is considered that the use of the proposed garage needs to be restricted to ensure that the residential amenities of the neighbouring properties are not harmed via noise disturbance.

D. The Character of the Area or Settlement is not adversely affected.

- 5.5 This will be discussed in detail under the heading "Conservation Issues" below. However in light of the above assessment, it is considered that the proposed scheme accords with Policy E3 of the adopted local plan.

Conservation Issues

- 5.6 Prior to submitting the last set of revised plans, a series of discussions were held with the applicant and the Council's Conservation Officer and after some amendments, there was provisional agreement to the drawings that have now been submitted.
- 5.7 The site is quite prominent when viewed from the approach road into the industrial estate. Taking onto consideration the building's close proximity to the imposing Malthouse building, it was considered important that the new building should reflect the character of The Malthouse and its setting. With this in mind, the proposed building has a steeply pitched clay tiled roof, vertical emphasis to window openings, some natural stonework and timber cladding. It is now considered that the proposed building would sit comfortably alongside the Malthouse and help to enhance its setting.
- 5.8 Therefore in conclusion it is considered that the proposed scheme can be seen to preserve and enhance the character and appearance of the Wickwar Conservation Area and thus the proposed scheme can be considered to comply with this criterion of Policy E3.
- 5.9 The proposed scheme is considered to comply with criterion E of Policy E3.

5.10 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, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 Planning permission is to be APPROVED subject to the following conditions

Background Papers **PK07/0297/F**

Contact Officer: **Robert Nicholson**
Tel. No. **01454 863536**

CONDITIONS

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

Reason:

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

2. No engineering works or deliveries are to take place outside the building hereby approved outside of the following hours:
Monday to Friday - 7.30am to 6pm.
Saturday - 8am to 1pm
None on Sundays and Bank Holidays

Reason:

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

3. No development shall take place until details/ samples of the proposed external facing materials (including the colour for the door) to be used have been submitted to

and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure a satisfactory standard of external appearance and to accord with Policies D1 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The clay double Roman tiles to used in the development hereby permitted shall exactly match the details of the Sandtoft Bridgewater tiles previously submitted.

Reason:

To ensure a satisfactory standard of external appearance and to accord with Policies D1 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the first use of the building hereby authorised, the parking arrangement as shown on the submitted site plan is to be insitu and thereafter retained for the sole purpose of providing parking facilities - ie no external storage to take place in these areas.

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 Policy T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 51/07 – 21 DECEMBER 2007

App No.: PK07/2304/F
Site: Land adjoining 8 Upper Station Road
 Staple Hill BRISTOL South
 Gloucestershire BS16 4LY

Applicant: Formstone Homes
Date Reg: 27th July 2007

Proposal: Demolition of existing garages and
 erection of 4no. dwellings with
 associated works. (Resubmission of
 PK07/1718/F).

Parish:

Map Ref: 64546 75842

Ward: Staple Hill



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N.T.S

PK07/2304/F

INTRODUCTION

This application is reported on the Circulated Schedule due to the receipt of objections from neighbours.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of four houses, in semi detached form, on the southern side of Upper Station Road. The site is currently a row of fenced-off garages and on part of it there is planning permission for a courtyard development of three dwellings. The larger site is now within one landownership and this current scheme would therefore effectively supersede the previous at the western end of the site, which could otherwise still be implemented. This application also follows the withdrawal of an earlier application for four dwellings on the whole of this site.
- 1.2 The site faces the existing Victorian terrace, which ends with a detached bungalow to the western end on Upper Station Road and backs onto the rear yards of a similar terrace fronting Kensington Road. The alignment of Kensington Road brings the rear of these houses progressively closer to the site at the eastern end in comparison with the western end. Enclosure to the eastern end of the site is provided by a 1.6 metre high wall and beyond that a house with normal window arrangement facing the site. At the western end, another house in Upper Station Road faces the site, with the boundary marked by a 1.6 metre high stone wall.
- 1.3 The proposal is to erect four houses, with parapets disguising simple roofs behind. The houses would be separated by parking spaces between the semi-detached pairs and then a further parking space at each end of the site. Behind each of these parking spaces would be two rows of hardstanding, behind a gate, which would allow this space to be used flexibly, as either additional parking, part of the garden or as a patio area, depending on the choice of the home owner. Materials used for the houses would change from east to west, with the first house being of stone, the second rendered with a stone feature. Across the parking spaces which would divide the pair of semis, the next house would be rendered with some wood cladding, whilst the transition of materials would be completed with the last house having a wooden clad frontage. The sides and rear of each dwelling are proposed to be rendered. A defining aspect of each of the two bedroom dwellings on the front elevation is a canted wooden box feature which contains the two front windows, one at ground floor and one at first floor level, for each house. This mimics the terrace opposite the site, each house of which has a similar window arrangement, but flush with the face of the house.

2. POLICY CONTEXT

- 2.1 National Guidance
- | | |
|-------|------------------------------------|
| PPS1 | Delivering Sustainable Development |
| PPS3 | Housing |
| PPG13 | Transport |
- 2.2 Development Plans
- | | |
|--|---------------------|
| <u>South Gloucestershire Local Plan (Adopted) January 2006</u> | |
| D1 | Design |
| H2 | Housing development |
| T7 | Cycle parking |
| T8 | Parking standards |

T12 Transportation

2.3 Supplementary Planning Guidance Design Checklist

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK00/3145/F Erection of three 2 bed dwellings with associated parking
Withdrawn
- 3.2 PK01/3127/F Erection of three 2 bed dwellings with associated parking
Approved subject to Section 106 Agreement, 2004
- 3.3 PK07/2304/F Erection of four dwellings Withdrawn on officer advice due to
design concerns

4. **CONSULTATION RESPONSES**

4.1 Parish/Town Council Unparished area

4.2 Other Consultees Technical Services

No objection in principle, subject to the inclusion of a condition requiring drainage to adhere to the principles of Sustainable Drainage.

Environmental Protection

No objection in principle, subject to the inclusion of a condition controlling construction hours.

Avon and Somerset Police

Recommend that doors and windows should be to security standard BS7950 and that rear gardens should be secured.

Transportation

Changes have now been made to the layout of the site from the previous submission (PK07/1718/F). Two parking spaces are proposed for each dwelling in a tandem style arrangement. Due to the lack of footway on this side of Upper Station Road the Applicant is requested to set the proposed gates back at least 6m from the edge of the carriageway. This proposal will prevent vehicles overhanging into the highway. Details of cycle parking have not been included within this application. The Applicant is therefore requested to submit plans showing one cycle parking space per dwelling to be located in a secure, covered and overlooked position. Subject to the above amendments there is no transportation objection to this proposal.

Other Representations

4.3 Local Residents

Two letters/ e-mails of objection to the scheme were received and one further letter expressed no objections, the letters cited the following concerns:

- The houses would be better suited to Barton Hill in Bristol rather than Staple Hill
- Wooden cladding is inappropriate
- Semi detached houses would not be in keeping
- Sometimes it is impossible to park in the street

- The street should be made a residents parking zone
- Re-consultation letter was delivered 7 days late by the post
- Council website is not easy to use

NB These last four points are not valid planning concerns as they do not relate to the proposal.

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. Policy H2 makes clear that residential development can occur within the built up area as shown on the adopted Local Plan. This site falls within the built up area and therefore, subject to the following analysis, there is no reason in principle why residential development should not be permitted on this site. This is consistent with the recent planning history of the site. The remaining issues to be resolved are to do with the density of the proposed development, its design and the appropriateness of the design within the local context, the effect of the proposal on the residential amenity of surrounding occupiers, whether there is an adequate amount of amenity space provided for the proposed houses and transportation issues, such as parking provision and highway safety.

5.2 Density of Development

The site extends to 0.04 hectares, as declared on the application form. Four dwellings are proposed on the site, which represents a density of 200 dwellings per hectare. The government has set a minimum target of 30 dwellings per hectare and the proposed figure is well above that target. PPS3 and the adopted design checklist emphasise that locations well served by public transport and sustainable should be able to support higher densities of development and this site is considered to fall within that category, given its proximity to shops, schools and services in and around the nearby High Street, as well as the proximity of a bus route into the centre of Bristol, the nearest bus stop for which is less than two minutes safe walk from the site. Taking these factors into consideration, it is considered that this site can support a high density of development, just as was the case for the previous application on part of the site.

5.3 Design/ Visual amenity/ Street Scene

The site and the proposal have been described in the introduction. The site is unusual in that it would form the response to the existing other side of the street scene, to complete an ordinary terraced street. It was presumably originally built with houses on one side only (apart from each end of the street, where the houses face 90 degrees to the established frontage) due to the prevailing ground conditions and mining history. It is assumed that the street width was reduced marginally as a result, although it carries traffic in both directions at present. It is considered that the natural response to the terraced row opposite would be to provide a terrace on the south side of the street. However, current demands for off-street parking, adequate amenity space and the Council's standards of separation between habitable room windows (21 metres in a straight line) and between habitable room windows and blank walls (12 metres) effectively rules out that form of development.

The response to this situation needs to be something which would echo the existing built form across the street and also respond to the fact that to the west of the site, temporary buildings of a smaller scale will remain. The first priority is therefore to ensure that the proportions of the proposed dwellings is

appropriate to the established street scene. To that end, the proposed houses share approximately the same width as those opposite. The height of the houses only varies due to the parapet detail. The window arrangement needs to protect residential amenity across the street and this has led to a contemporary style to seek a solution to this. The windows being offset and angled away from those across the road has led to a modern central element which would be inappropriate on a house of the type opposite. This has taken the design of the dwellings in a modern direction, albeit with appropriate traditional resonance. The proposed houses present themselves to the street as 'boxes' with a parapet on each one disguising a traditional low pitched apex roof behind. This is considered to be a modern twist on a building style appropriate to the wider area. The parapet helps to emphasise verticality and this is left uncomplicated by the features on the façade, which are the window area (in each case expressed and in wood) and the door, with a simple cantilevered cover above.

While the materials change across the side from east to west, the simple design allows all the buildings to share the same identity, re-emphasised by the common features as well as the materials for windows, doors and door surrounds.

It is considered therefore that the design of this proposal is appropriately proportioned, recognises the site's context in terms of the palette of materials as well as how these materials are employed – from the solidity brought by the stone at one end, reflecting the established dwellings at that end, through to the seeming impermanence of the wood at the other end, adjoining the garages to remain off site. As such, the proposal is considered to respond to its context, local distinctiveness and the prevailing character of the area as a whole. For these reasons, the proposal is considered to comply with policy D1 of the adopted Local Plan and the newly adopted Design Checklist.

5.4 Residential Amenity of surrounding Occupiers

As noted above, ensuring that residential amenity will be protected for the surrounding housing has driven the design of the scheme. There are three issues to analyse in this respect, the effect of the proposal on the houses at either end of the site, across Upper Station Road and the relationship with the rear of the houses in Kensington Road. The necessary separation distances appear in paragraph 5.3. These have been met in both directions at either end of the site, where blank side walls are proposed. At the front of the site, the windows have been canted to ensure that they do not face each other across the road. Views from the proposed houses would be channelled up Upper Station Road for two of the semis and down it for the other two. It is considered that this will have an additional benefit of providing better overlooking of the street. The distance from the habitable room windows opposite to the walls of two of the proposed dwellings is, at 11 metres acknowledged to be below the Council's standard of 12 metres, but, as previously stated, keeping to this tolerance would virtually preclude any residential development in this sustainable site. The proposed windows, with their channelled view, would be at a similar distance across the road, but it is considered, crucially, that the window direction is justified in the overall design of the dwellings and that privacy would not be compromised as a result of the design approach.

With regard to the situation to the rear of the site, once again there is a compromise which has been made with the Council's standards. This is on the corner of the easternmost proposed house at first floor level, at a point where

the proposed houses are closest to the dwellings to the rear. The windows on the rear elevation follow the window style of the proposed houses as a whole in that they are canted to avoid direct views from one habitable room window to another. The relationship at the rear sets up habitable room windows at a distance of a minimum of 19.5 metres, but the angle of the window ensures that there is no direct view between them.

Given the need to create a facing street scene on the southern side of Upper Station Road and the fact that the Council's standards have only been slightly compromised in the process, it is considered that, on balance, the scheme would not have a detrimental effect on the residential amenity of the proposed or surrounding houses in terms of overbearing impact or inter-visibility and that the scheme therefore complies with policy in this regard.

5.5 Amenity Space Provision for Future Occupiers

PPS3 requires that new housing development which is to serve families should provide an adequate amount of amenity space. Again, due to the high density of this scheme (in common with the previously approved scheme) this is considered to be a marginal issue. The rear gardens shown are small and there is a degree of flexibility involved in their use, as described at 1.3 above. The amenity space available is considered to be suitably enclosed be considered usable through its degree of privacy. Its shape, as an extended rectangle, is also considered to mitigate towards its usability. The smallest rear garden proposed for the four houses would measure some 22 square metres, with an extra 10 square metres if the second parking space is not taken up with by a parked vehicle. This level of available space would be slightly reduced through the provision of cycle parking facilities for one bicycle per dwelling, which has been required by condition below. It is also acknowledged that none of the other gardens are appreciably larger than the smallest garden. These garden areas are considered to be right at the lower end of what would be acceptable to meet the needs of a family in line with guidance in PPS3, but on balance, are considered to be acceptable.

5.6 Transportation

The Transportation comments appear above. No objection has been raised to the proposal. Off street parking provision meets the current maximum standards in the Local Plan, while there is some flexibility in the design to provide further off street parking on an ad hoc basis as required. Subject to the suggested condition regarding the opening of gates inwards and the provision of cycle parking facilities, the scheme as a whole is considered to be acceptable in transportation terms and complies with the relevant policies.

5.7 Other Issues

The issue of the instigation of a residents parking scheme has been requested through the consultation process. This could not be directly related to this application. Drainage issues would be resolved through compliance with the condition below requiring the submission and implementation of a drainage plan.

5.8 Design and Access Statement

The Design and Access Statement submitted with the application is not considered to demonstrate that the applicant has adopted a design approach

consistent with the Council's Design Checklist Supplementary Planning Document.

5.9 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, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK07/2304/F**

Contact Officer: **Chris Gosling**

Tel. No. **01454 863787**

CONDITIONS

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

Reason:

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

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

The sizes of the plots are small and an adequate amount of rear amenity space needs to be retained to accord with Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, proposed planting

(and times of planting); boundary treatments and areas of hardsurfacing. 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.

4. The gates shown on the approved plans shall not open outwards over the nearest parking space to the highway nor the highway itself.

Reason:

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

5. The doors and windows shown on the approved plans shall not open outwards over the highway.

Reason:

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

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

Reason:

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

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

Reason:

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

8. The hours of working on site during the period of construction shall be restricted to 0800 - 1800 on Mondays to Fridays and 0900 - 1300 on Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason:

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

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

Reason:

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

10. Prior to the commencement of development, detailed plans showing the provision of cycle parking facilities, one parking space per dwelling, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; 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 Policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. Notwithstanding the plans hereby approved the gates at the side of the dwellings shall be set back at least 6 metres from the edge of the carriageway.

Reason:

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

CIRCULATED SCHEDULE NO. 51/07 – 21 DECEMBER 2007

App No.: PK07/2666/F
Site: Land adjacent to 6 Burnham Drive
 Kingswood BRISTOL South
 Gloucestershire BS15 4DY

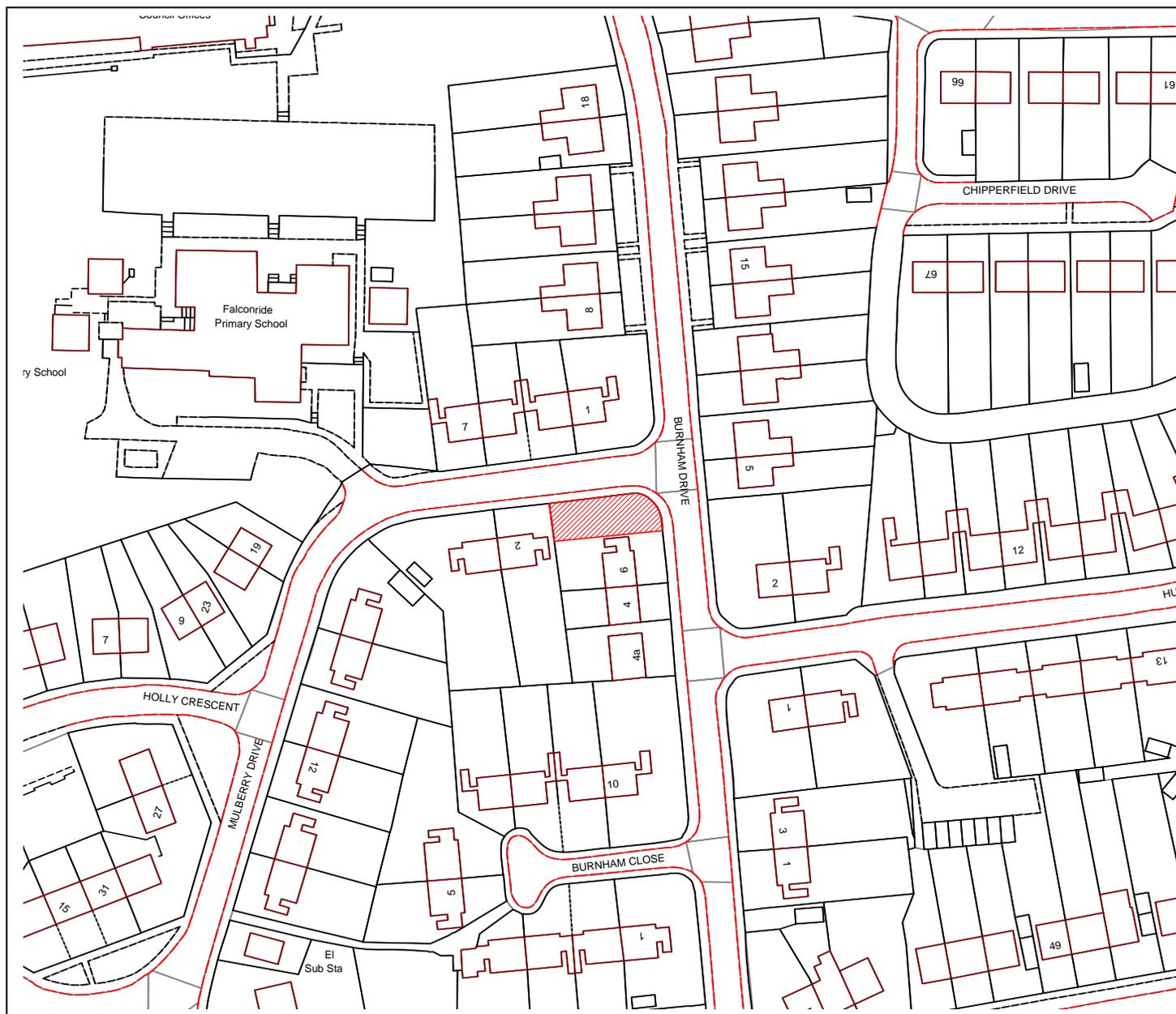
Applicant: J W Construction
Date Reg: 30th August 2007

Proposal: Erection of 2 no. self contained flats with
 access and associated works.

Parish:

Map Ref: 65597 74141

Ward: Kings Chase



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N.T.S

PK07/2666/F

INTRODUCTION

This planning application has been referred to the Council's Circulated Schedule Procedure as a result of objections received from a local resident regarding the proposed development.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of 1no. detached building to provide a 2 bedroom flat at ground floor and a one bedroom flat at first floor level.
- 1.2 The application site relates to 0.02 hectares area of land which originally formed part of the residential curtilage belonging to No.6 Burnham Drive but has now been sold off separately. No.6 is semi-detached two-storey dwellinghouse located on the western side of Burnham Drive.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport - Guide to Better Practice

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
H2	Residential Development in Urban Areas
T7	Parking Standards
T12	Transportation Development Control Policy

3. RELEVANT PLANNING HISTORY

- 3.1 The following planning history relates to the application site. was withdrawn.
- 3.2 PK05/0731 Erection of one no dwelling with garage, with means of access to be determined
Refused October 2005 on grounds of impact on residential amenity
- 3.3 PK06/0907/O Erection of one no dwelling with means of access and siting to be determined
Approved May 2006
- 3.4 PK06/3546/F Erection of 3 contained flats with access
Refused January 2007 on design, residential amenity and Highway grounds.

4. CONSULTATION RESPONSES

4.1 Parish/Town Council

The site lies within an unparished area.

Other Representations

4.2 Local Residents

One letter has been received from a local resident raising the following objections regarding the proposed development:

- Loss of privacy
- Highway concerns and proposed driveway

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for residential development within existing urban areas subject there being no adverse impact on existing visual and residential amenities and highway safety.

5.2 Members are advised to consider that the principle of residential development has already been established on this site through the granting of outline planning permission PK06/0907/O which relates to the erection of one detached dwelling.

5.3 Design/ Visual Amenity

It should be noted that a recent application for a detached building on this site was refused on the grounds of poor design. It was considered that the building by reason of its scale, external appearance and fenestration details would be out of keeping with the immediate area.

5.4 Whilst the immediate properties are considered to be of very little architectural merit, there is an existing vernacular style that is characterised by very simple features and forms. The application site is situated on the junction of Burnham Drive and Mulberry Drive. The existing property is set back approximately 10.m from the junction resulting in an open area, which is also mirrored by no. 1, sited on the other side of the road.

5.5 Clearly there is an opportunity here given the prominent location of the application site on a junction, to not only erect a building that is informed by and respects the character and distinctiveness and amenity of both the site and locality but there is also the opportunity to “Enhance” the site and immediate locality.

5.6 It is considered that the revised scheme has addressed the previous planning objection by proposing a scheme which has been simplified in terms of height and fenestration details and is now considered more in keeping.

5.7 Residential Amenity

The proposed building would be sited along the adjacent boundary with no.6 Burnham Drive and would project beyond the rear building line of no.6 by 2.80m. It is considered that a dwelling in this location and of this scale would not have an overbearing impact

5.8 The proposed dwelling would be set back from the side elevation of no.2 Mulberry Drive which is sited at the end of the garden at a distance of 12.0m. An objection has been raised by the occupier of no. 2 that a dwelling in this location would allow for loss of privacy as a result of overlooking onto their

bathroom window. The proposed application proposes the introduction of one bedroom window at first floor level on the rear elevation. It is considered that as the window in question on the side elevation of no.2 relates to a non habitable room window which is obscure and serves a bathroom that a dwelling in this location would not have an adverse impact on existing levels of privacy.

5.9 It is therefore considered that dwelling of this scale and in this location would not have an adverse impact on the existing amenities of neighbouring occupiers in terms of loss of privacy or overbearing impact.

5.9 As the ground floor flat relates to a 2 bed flat, the scheme proposes a satisfactory level of private amenity space.

5.10 Transportation Issues

Concerns have been raised on highway grounds. As the scheme proposes two car parking spaces to serve both flats within the site boundary no objection is raised on highway grounds. The occupier of no.2 has suggested that the proposed driveway should come off Burnham Drive and not Mulberry Road. Members are advised to consider that the Council's Highway Officer would raise an objection to this given its close proximity to the junction. Therefore as it stands no objection is raised to the proposed scheme

5.11 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

5.12 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, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

The 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 be granted subject to the following planning conditions.

Contact Officer: Tracey Price
Tel. No. 01454 863424

CONDITIONS

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

Reason:

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

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

Reason:

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

CIRCULATED SCHEDULE NO. 51/07 – 21 DECEMBER 2007

App No.: PK07/3151/F	Applicant: Mr I Gittins
Site: Land to the rear of Cairnmount Cotswold Lane Old Sodbury BRISTOL South Gloucestershire BS37 6NE	Date Reg: 23rd October 2007
Proposal: Change of use of land from agricultural to residential curtilage.	Parish: Sodbury Town Council
Map Ref: 75519 81626	Ward: Cotswold Edge



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N.T.S

PK07/3151/F

INTRODUCTION

This planning application has been referred to the Council's Circulated Schedule due to objections received from the Parish Council regarding the proposed application.

1. THE PROPOSAL

- 1.1 This planning application seeks planning permission for the change of use of land from agricultural to residential curtilage.
- 1.2 The application site lies within the village development boundary of Old Sodbury.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
 - D1 Design
 - L1 Landscape
 - L2 Area of Outstanding Natural Beauty
- 2.3 Supplementary Planning Guidance
South Gloucestershire Local Character Assessment Area 4- Cotswold Scarp

3. RELEVANT PLANNING HISTORY

- 3.1 No planning history relates to the application site:

4. CONSULTATION RESPONSES

- 4.1 Sodbury Town Council
Objection due to change of use and impact this will have on future development.

Other Representations

- 4.3 Local Residents
No response

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy L1 seeks to ensure that the character, distinctiveness, quality and amenity of landscapes are conserved and enhanced. Regard must also be had for Policy L2 which seeks to resist development that would harm the natural beauty of the Cotswolds AONB

5.2 Visual amenity

This application seeks planning permission for the change of use of agricultural land which is located rear of three residential properties. The land in question is linear in form measuring 60.0m in width x 10.0m in depth and the deepest point.

5.3 The application site is located to the north of a small pastoral field that is surrounded by residential properties and a community hall. The boundary treatments of the properties that back onto the field include chain link, native and ornamental hedge and various styles and colours of wooded fence.

5.4 The rear boundary of the adjacent property 'Haregrove' which is sited 2 doors along, juts out into the field and the proposed new boundary would visually tie in with this and give the field a more regular outline. It is therefore considered that subject to suitable boundary treatment along the rear of the newly extended garden area that no objection is raised. It is considered that the rear boundary should comprise of a native hedge and a condition has been imposed requiring the submission of landscaping details. It is also accepted that the applicant will want to erect a fence to obviously provide an element of privacy and also help the hedge to establish. As it is also intended to subdivide the land subject of this application between the applicant and the adjacent neighbours a condition will be imposed restricting the height of any boundary fence to that of 1.0m in height and also require the submission of details of the type of fencing to be erected. It is therefore considered that the proposed change of use of land to residential domestic curtilage would not have a harmful impact on the visual amenities of the landscape.

5.5 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

5.6 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, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

The 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 be granted subject to the following planning conditions.

Background Papers **PK07/3151/F**

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

CONDITIONS

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

Reason:

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

2. The western and southern perimeter of land subject of the approved change of use of land from agricultural to residential curtilage shall be enclosed by a native hedge and trees and shall thereafter be retained. A landscaping scheme shall be submitted to and agreed in writing by the Local Planning Authority and 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.

3. All boundary treatment i.e. walls/fences, gates or other means of enclosure erected on any part of the land subject of the approved change of use of land from agricultural to residential curtilage shall not exceed 1.0m in height and details of any such boundary treatment shall be submitted to and agreed in writing by the Local Plan Planning Authority. Development shall be carried out in accordance with eth approved 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.

CIRCULATED SCHEDULE NO. 51/07 – 21 DECEMBER 2007

App No.: PK07/3326/F

Applicant: Bromford Housing Group

Site: Garage Court to the rear of 57-73 Queens Road Cadbury Heath BRISTOL South Gloucestershire BS30 8EJ

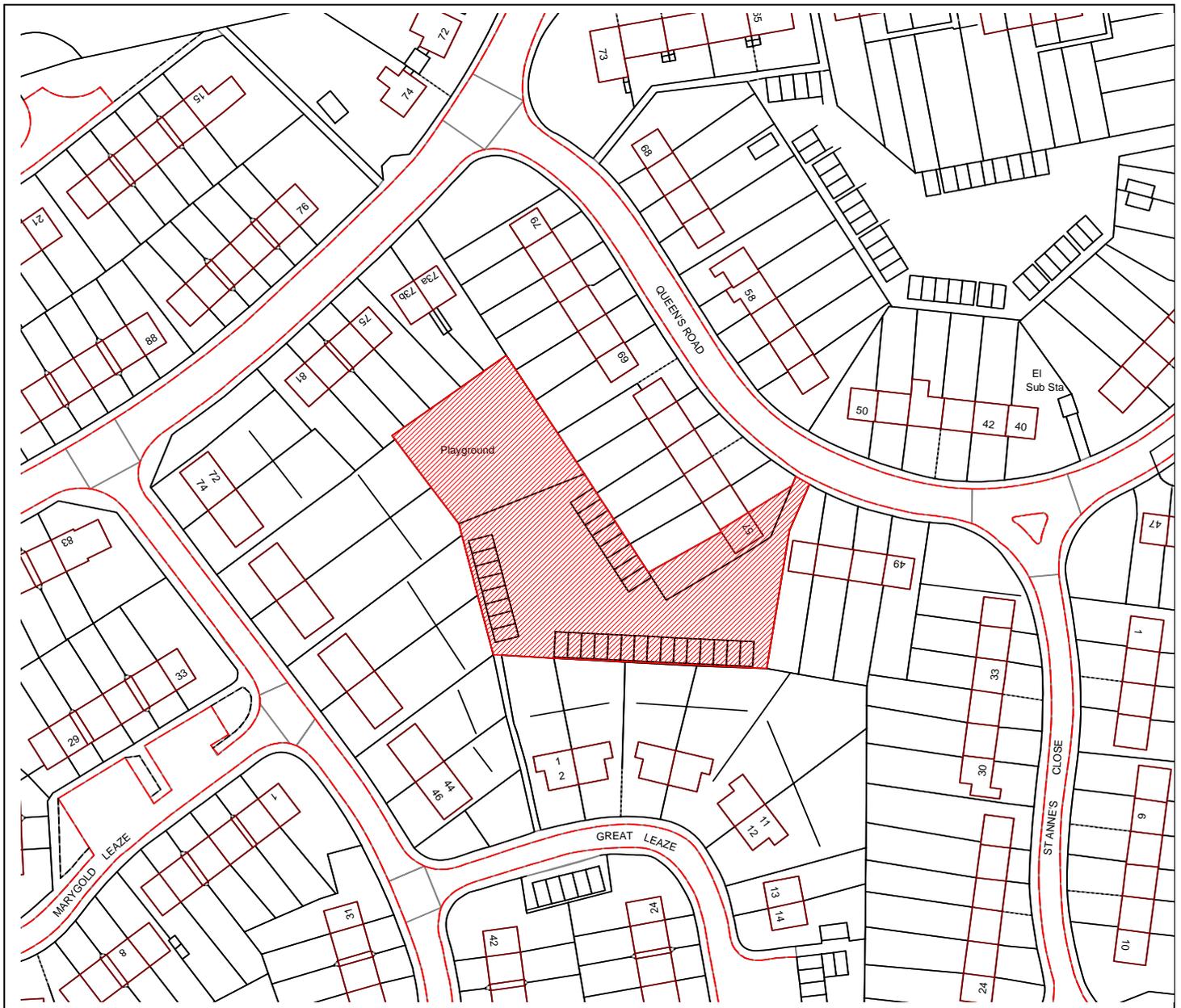
Date Reg: 9th November 2007

Proposal: Demolition of 1 no. dwelling and 31 no. garages to facilitate the erection of 10 no. dwellings. Alterations to existing vehicular access on Queens Road. (Resubmission of PK07/0563/F).

Parish: Oldland Parish Council

Map Ref: 66417 71744

Ward: Parkwall



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INTRODUCTION

This application is reported on the Circulated Schedule as it is for Major development and objections have been received to the proposal.

1. THE PROPOSAL

- 1.1 The site is a garage court with no road frontage, which bounds a series of back gardens to houses in three roads, as well as side gardens for the two houses closest to the entrance, one of which, no. 57, would be demolished as part of this scheme. The narrow entrance opens up to form a garage court, with three rows of garages and eventually an underused area of public open space at its northern end.
- 1.2 The back gardens which back onto the site belong to a mixture of two storey houses and bungalows, but residential development in the vicinity of the site is generally two storey in regular patterns.
- 1.3 The proposal is to replace this backland garage court with a backland residential development of two storey dwellings and flats. The access would be from the existing point off Queen's Road, widened through the demolition of No. 57. Two houses would then suggest a visual stop and establish the area behind the existing street frontage as residential. The access would then turn north and lead into a cul-de-sac arrangement with a row of 4 houses facing east and finish with two south-facing semi detached houses and a two storey building containing two flats.
- 1.4 The proposed development would be permeable, in that pedestrian/ cyclist access could be gained from Queen's Road, through the site, to link up with the underused footpath next to nos. 1 & 2 Great Leaze. The proposed new footpath would cross a grassed area abutting the rear gardens of Great Leaze to act as replacement public open space. The development is shown as being surrounded, apart from access points, by a 1.8 metre high boundary treatment. This would take the form of a close boarded fence, apart from along the access where it would be a masonry wall, leading into a brick wall.
- 1.5 This application follows the withdrawal (on officers' advice) of an earlier scheme for the erection of 11 residential units of a different layout.

2. POLICY CONTEXT

- 2.1 National Guidance
 - PPS1 Delivering Sustainable Development
 - PPS3 Housing
 - PPG13 Transport: Guide to Better Practice
- 2.2 Development Plans
 - South Gloucestershire Local Plan January 2006
 - D1 Design
 - EP1 Environmental Pollution
 - EP6 Contaminated Land
 - T7 Cycle Parking
 - T8 Vehicle parking
 - T12 Transportation
 - H2 Residential Development within the urban area
 - L1 Landscape
 - L17 Water Environment

2.3 Supplementary Planning Guidance
Design Checklist (adopted 2007)

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK07/0563/F Demolition of one dwelling and garages to facilitate the erection of 11 dwellings and alterations to existing vehicular access Withdrawn

4. **CONSULTATION RESPONSES**

- 4.1 Oldland Parish Council
No objection

- 4.2 Other Consultees
Wessex Water
No objection in principle, subject to suggested informatives

Technical Services Unit

No objection in principle, subject to a condition requiring drainage details and various informatives to be appended to an approval

Environmental Protection

No objection in principle, subject to inclusion of conditions governing times of working during the construction phase

Community Services

No comments or requirements

Education

Local schools have surplus places at primary and secondary levels and therefore no contribution is required in this instance

Transportation

This proposal is a resubmission of PK07/0563/F which sought to erect eleven dwellings on an existing lock up garage site. No highway objection was raised to this proposal, although the applicant was requested to demonstrate that the garages were surplus to requirements. This planning application was later withdrawn. Since the earlier planning application the Applicant has indicated that the site has been cleared and secured. As with the previous comments made, evidence that this site is surplus to requirements and alternative vehicular parking has been found for all the occupants has been required and is reported below. The access and turning arrangements remain the same as the previous submission. The density of the development has now been reduced from eleven to ten dwellings. Seventeen parking spaces are proposed which is an increase of one over the original, withdrawn, proposal. There is no transportation objection to this proposal subject to the following conditions.

CONDITIONS

1. Provide the access improvements as indicated on drawing number 06067 50 H.
- 2 The access road to be constructed to adoptable standards.
- 3 All off street parking and turning shall be constructed in accordance with the plans as submitted and these shall be maintained satisfactorily thereafter for their intended use.

Other Representations

4.3 Local Residents

5 letters of objection were received as a result of the consultation process, within the consultation period, one including a petition of 20 signatories. The objections cited the following points:

- The finish of the gable end wall will not match the rest of the house (off the site) and will have to be re-sparred, which should not be at the householder's expense
- Security issues over the use of a fence instead of a wall abutting rear gardens – the scheme would be better with a brick wall and street lighting
- Assume that rear access to dwellings will be unaffected
- Fence will not be high enough at 1.8 metres
- Noise pollution
- Additional traffic
- Two trees to be removed have birds nests and squirrels in them
- Due to a capped mine shaft on site, construction could cause
- Overbearing effect on house abutting the site
- Would like to have a full structural survey carried out on the property (off the site) before works are carried out

NB The last point is not a valid planning concern relevant to the determination of this application.

Some points of support for the proposal were also made:

- * Happy that there will be a brick wall running along the side garden adjoining the site
- * The new proposal will not have pedestrian friendly concrete setts

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, under the following headings. The site is considered to be previously developed when assessed against the provisions of PPG3, in that the land has an existing use as a parking area. For this application to succeed, therefore, it needs to be proven that the activities ancillary to the occupation of 10 dwellings would be less than or equal to that of the existing 31 garages. This issue is examined under residential amenity below. Further tests relate to design and functioning of the proposal in its local context and transportation and landscape issues.

5.2 Townscape & Visual Amenity

Achieving an Appropriate Amount of Development in the Right Location.

The application form states that the site is 0.26 hectares. The Government in PPS3 has set a minimum target of 30 dwellings per hectare and the density of this proposal (over the whole site, including the land taken up by offices) would be approximately 40 dwellings per hectare, which meets this target.

PPS1, its draft supplement Planning and Climate Change and PPS3 emphasise the need for housing to be in the right location in order to reduce the need to travel by car. Local Plan Policy H2(B) follows Central Government advice and requires:

“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 upwards of 50 dwelling per hectare should be achieved”

Question 16 of the draft South Gloucestershire Design Checklist is related to achieving an appropriate density and asks:

“Is the density of the development appropriate to the accessibility of local services and facilities as well as public transport routes?”

From the appraisal of the relative position of the site in its spatial context in a suburban location, it is considered that the proposed site density is acceptable and appropriate. It is in excess of the minimum density standard of Policy H2(B). However, it must be noted that due to the small site area and number of units, the density figure can be easily distorted. It is therefore important to focus on whether the proposal respects and enhance the character of the area (Policy D1) and will not significantly affect existing amenity (Policy H2) rather than abstract density figures.

Layout.

Policy D1(A) requires amongst others that the:

“siting, overall layout [and] density ... are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.”

The layout follows a simple form similar to a cul-de-sac, but one which allows pedestrian permeability. It is considered that the scheme has been appropriately designed so that car parking spaces are integrated into the landscape to some extent. The car parking has been broken up into small blocks and the space is designed primarily at the human scale rather being designed for vehicles.

The buildings are used to separate the public space from the rear garden private space. The proposal therefore effectively separates public spaces from private space, which benefits legibility and security. There is therefore no objection raised in regard of the layout.

Scale.

Policy D1(A) requires amongst others that the:

“form, scale, height [and] massing ... are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.”

Question 18 of the draft South Gloucestershire Design Checklist is related to how development maximises development potential whilst respecting and enhancing the physical characteristics of the site and its surroundings, asks:

“Does the proposal maximise development potential whilst respecting and enhancing the physical characteristics of the site and its surroundings without prejudice to adjoining amenities?”

It is considered that the overall scale of the building is sufficient to integrate with its surroundings in a manner that meet the requirements of Policy D1 and H2. In this respect it is considered that the height (two storeys in a location of predominately two storey development), can be justified because the buildings will effectively enclose the public parts of the development. There is therefore no objection raised to the scale of the proposed buildings.

Appearance.

No objection is raised to the detailed design of the elevations, together with the proposed materials and their detailing. The design shows a form of the houses and flats which to a large extent echoes the nearby residential development and therefore the elevations similarly follow the simple residential style in its proportions. The materials to be used are render and tile, which is considered to compliment the surroundings. Overall, it is considered that the elevations of the proposed buildings are appropriate to the locality and would enhance the appearance of the local area in accordance with Government guidance in PPS1 as well as policy D1 of the South Gloucestershire Local Plan.

Minimising the Use of Energy and Natural Resources.

Policy D1(G) states:

“ Proposals will be expected to demonstrate that: the design, density, orientation and location of buildings and associated landscape proposals incorporate measures to achieve energy conservation and the protection of environmental resources”

Questions 11 to 15 of the South Gloucestershire Design Checklist are related to minimising the use of energy and natural resources. In particular Question 14 asks if the development achieves a minimum EcoHomes standard of level 3.

In order to: objectively assess the impact the development will have on the environment; allow the developer maximum flexibility; and to ensure the development achieves the maximum viable standard of resource and energy efficiency (PPS: Planning and Climate Change paragraph 6 bullet point 2); it is required that the proposals achieve as a minimum standard, EcoHomes ‘very good’ / Level 3 of the Code for Sustainable Homes, and has been agreed by the developer.

Urban Design Conclusions

It is considered that the proposed development represents. Subject to a condition requiring the development to achieve an EcoHomes/Code for Sustainable Homes rating of Level 3, there is no objection in Urban Design terms to the proposal. It is therefore considered that this revised scheme, has overcome the objection on urban design grounds which led to the withdrawal of the previous application.

5.3 Residential Amenity

The development proposed is backland in character, however the site is currently used for garaging vehicles associated with the surrounding housing, therefore it is not backland development in its true sense which is being proposed here, as the site is already well used. Therefore, in terms of any noise and disturbance issues, the impact on residential amenity of this proposal is therefore limited to the effect on the surrounding houses and stands to be balanced against the continuation of the existing use to its maximum potential. In this instance, most of the activity on the site, in its existing and proposed uses is considered to arise as a result of vehicular movements. In this case. The movements generated by 31 parking places would be significantly reduced by their replacement with the proposed 17 parking spaces. In addition to this consideration is that the site has become something of an attraction for anti-social behaviour. This has been mentioned in the consultation replies. The area is not very well overlooked at present, with houses set well back from the

edges of the site. The public open space appears to be very underused and has an unwelcoming air due to years of neglect. It is considered that the introduction of both houses and their related gardens in this area would increase surveillance, having a positive effect upon reducing the possibilities of anti-social behaviour. The gardens would generally allow for quieter uses in close proximity to the back gardens which abut the site than at present. Overall, it is considered that the proposal would benefit existing levels of residential amenity and therefore would comply with policy H2 in this respect.

It is also necessary to consider whether there would be any overbearing impact or intervisibility arising from this proposal. With regard to the latter, the proposed flats and houses have been located so that they respect the standard distances between habitable rooms of 21 metres and between habitable windows and blank walls of 12 metres. This spacing is considered to avoid any potential overbearing impact upon surrounding properties, as these have relatively long back gardens in the first place and the layout allows for the arrangement of existing back garden to adjoin proposed back gardens. In this respect the scheme is considered to comply with policy.

Amenity Space for new dwellings

The private rear amenity space indicated on the plan to serve the 8 proposed houses would range from approximately 23 to 48 square metres for each. The two flats are proposed to share approximately 140 square metres and these areas indicated are considered to be adequate to meet the needs of future occupiers, if a little on the small side for plot 6 at 23 square metres. It should be noted, though, that public open space is also to be provided within the site. The amenity area, shown to the north of the flats is considered to be suitably related to serve them.

In conclusion, as mentioned above, the entire effect of this proposal upon residential amenity needs to be assessed against the continuation of the present use, i.e. garaging, carried out in close proximity to residential properties. On balance it is considered that the proposal would benefit the residential amenity of adjoining occupiers.

5.4 Means of Access/ Transportation Issues

Transportation comments appear above. No objection has been raised to the proposal.

Access

Access to the will be from Queen's Road and this will be widened through the demolition of a house. The access road is indicated to be wide enough for two way traffic. The proposed access road will have to be constructed (in construction depth) to adoptable standards. The proposed access is considered adequate for visits by service vehicles. An individual access from the site into the rear of No. 59 Queen's Road is shown as being retained under this proposal.

Parking

A total of 17 parking spaces are proposed for the new development. This number is considered to be adequate to serve the proposed development and meets the Council's maximum parking standard in the Local Plan. Parking on the site would be allocated and managed by the Housing Association and therefore it is considered that no conditions, apart from one ensuring that parking is available, are necessary in this instance.

The proposal also involves the loss of 31 existing parking spaces used for the surrounding housing and there was a concern that the loss of this parking would exacerbate on street parking in the vicinity. It has been confirmed by the applicant that the garages have now been demolished in order to overcome problems with anti-social behaviour. Approximately 50% of the garages were not in use prior to the demolition and of those that were, several were being used for storage purposes rather than for the garaging of vehicles. It is understood that all local tenants of the garages have been offered alternative accommodation in the form of other empty garages on other garage courts in the vicinity. It is considered therefore that the site is redundant at present and that the proposed change of its use to residential would not lead to the displacement of parking onto local streets. Therefore, it is considered that the proposal in principle would not lead to on street parking which may compromise highway safety and therefore it complies with policy in this respect.

5.5 Landscaping

The submitted landscaping details take the approach of ensuring that planting occurs mainly at the edges of the site, which is considered to be appropriate. There is some scope for the trees to be lost in construction could be replaced with large standards. The comments from the Council's Landscape Officer are that the planting plan and specification for the proposed development will be required and that this should ensure that trees are planted at a suitable distance from buildings. There is also some scope for planting next to the access road to make an attractive entrance to the site. Walls were required around the entire site boundary instead of fences. This was sought, but the applicants' declined and this issue is, on balance, not considered to warrant a refusal reason in this instance. It is considered that the planting approach is in accordance with the policies D1 and L1 of the Local Plan, but a detailed planting plan (and its implementation) is required by condition.

5.6 Other Issues

The site, given its present use, may well be subject to contamination. This has been conditioned for remedial works.

Subject to the condition shown below requiring the submission of a drainage plan and the inclusion of informatives regarding highway drainage and flood risk to mines, there is no objection on drainage or flooding grounds to this proposal.

It is likely that there may be ground stability issues, given the history of mining in the locality and reports from neighbouring householders. This issue would also be overcome through the imposition of the condition shown below for a ground stability survey.

With regard to nesting birds, an informative has been included to make sure that the developer is aware the works to the existing trees should not be carried out in the nesting season. Squirrels benefit from no statutory protection.

5.7 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

5.8 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 1/97

relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 1/97 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, in this case it is considered that conditions will suffice.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK07/3326/F**
Contact Officer: **Chris Gosling**
Tel. No. **01454 863787**

CONDITIONS

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

Reason:

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

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

Reason:

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

3. Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid the risk to the [public/buildings/environment] when the site is developed. Development shall not commence until the measures in the scheme have been implemented.

Reason:

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policies EP1/EP6 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 any elevation of any of the properties.

Reason:

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

5. The hours of working on site during the period of construction shall be restricted to 0800 to 1800 from Mondays to Fridays and 0900 to 1300 on Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason:

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

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority 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 and densities of planting); boundary treatments and areas of hardsurfacing. Development shall be carried out in accordance with the agreed details.

Reason:

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

7. The access shall be constructed prior to the first occupation of any of the dwellings in accordance with drawing no. 06067 50H.

Reason:

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

8. The dwellings shall not be occupied until the associated car parking and car and lorry manoeuvring areas have been drained and surfaced in accordance with the details approved in writing by the Local Planning Authority. The facilities so provided shall not be used, thereafter, for any purpose other than the parking and manoeuvring of vehicles.

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 Policy T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. The access road shown on the approved plans shall be constructed to adoptable standards prior to the first occupation of any of the dwellings hereby approved.

Reason:

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

CIRCULATED SCHEDULE NO. 51/07 – 21 DECEMBER 2007

App No.: PK07/3384/F
Site: 16 Sydenham Way Hanham BRISTOL
 South Gloucestershire BS15 3TG
Proposal: Erection of single storey rear and side
 extension to form living room and W.C.
 Construction of 1.8 metre high garden
 wall
Map Ref: 64110 71000

Applicant: Mr & Mrs Burke
Date Reg: 14th November
 2007
Parish: Hanham Abbots
 Parish Council
Ward: Hanham



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N.T.S

PK07/3384/F

INTRODUCTION

This application appears on the circulated schedule following receipt of one objection letter which is contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 Full planning permission is sought for the erection of a single storey rear and side extension, and relocation of a garden wall approximately 4 metres to the west of its existing position.
- 1.2 The application property consists of a two storey semi detached dwelling located on an open plan estate within an established residential area of Hanham.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS 1 Delivering Sustainable Development
PPS 3 Housing
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T8 Car Parking Standards
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance / Documents
South Gloucestershire Advice Note 2: House Extensions
The South Gloucestershire Design Checklist (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 P89/4330 (Previous ID: K6316) Relocation of garden wall
Approved: 3rd July 1989

4. CONSULTATION RESPONSES

- 4.1 Hanham Abbots Parish Council
No objection.

Other Representations

- 4.2 Local Residents
One letter has been received during the consultation period associated with this planning application. The comments can be summarised as follows:
- loss of privacy

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 are relevant to this planning application. The policies indicate that the proposed development is acceptable subject to the following consideration.

5.2 Design / Visual Amenity

For the purposes of this report the application can be analysed in two elements.

5.3 The first element consists of the erection of a single storey side and rear extension. This would project 2.3 metres to the side of the property and project 3 metres into the rear garden. It would be constructed from materials to match the existing dwelling and will contain two vertical windows on the rear elevation and one door and smaller window on the west side elevation. It will be finished with a concrete tiled roof. Accordingly, the mass and scale of the extension, together with its external appearance, is considered to meet an acceptable design standard.

5.4 The second element comprises of relocating the existing side boundary wall some 4 metres further to the west. The original design and layout of the estate was 'open plan'; dwellings and garden walls on the estate are set back from the road frontages and footways, with landscaped open amenity areas adjacent to the public footways. These landscaped amenity areas create a sense of space and provide a soft interface between the public and private domain, thus making a significant contribution towards defining the character of the street scene.

5.5 The proposed siting of the wall would result in the loss of a significant area of adjoining landscaped open amenity land for use as a domestic garden. Normally the Council would seek to restrict such proposals on the basis that it would have a significant adverse impact on the 'open plan' character of the street scene, to the detriment of the visual amenity of the locality. In this instance, however, because a number of properties have been granted permission to enclose the verges to the side of their houses, it is considered that, on balance, refusal of the application could not be justified; No.1 Oaktree Close has erected a two storey side extension across the entire landscape verge (PK00/2722/F) whilst No.6 Sydenham Way has erected a two storey side extension and repositioned the garden wall some 0.5 metres from the carriageway. In addition, it should be noted that the front of the site will remain unaltered thus ensuring the openness of this particular corner is not completely lost. Furthermore, the property to the south of the site (No. 18) has a side boundary wall located directly adjacent to the pavement. The proposed wall would follow the same line as this neighbouring wall and as a result it is considered that it would not appear overly obtrusive or out of character with the estate.

5.6 Residential Amenity

Concern has been raised that the application will result in a loss of privacy. The extension would be located approximately 19 metres from the neighbouring properties to the west and south. Whilst this marginally falls short of the separation distance stipulated in the Council's supplementary planning guidance (21 metres) it is considered that because the extension is single storey in form and the boundary treatment is sufficient in height and

consistency to eliminate inter-visibility, officers consider that direct inter-visibility and a subsequent loss of privacy will not be experienced by surrounding occupiers. Furthermore, it is considered that because the existing west elevation of the property contains a kitchen window facing directly towards the neighbouring properties to the west, the insertion of a side door approximately on the same plane as the kitchen window will not result in a materially greater impact than the present situation. Finally, the dwellings to the west are separated from the application site by the width of the road, pavement and front gardens, and thus the intervening uses are considered to further restrict inter-visibility.

5.7 In respect of an overbearing impact it is considered that because the extension projects just 3 metres into the rear garden – a distance that complies with the Council's supplementary planning guidance – an overbearing impact will not be experienced by surrounding occupiers.

5.8 Transportation

The property benefits from a garage with a further parking space located directly in front. These are situated to the rear of the garden, and will be unaffected by the development. Accordingly, it is considered that the development will not prejudice highway safety or impact on the property's parking arrangements.

5.9 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, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Planning permission be **GRANTED** subject to the following conditions:

Background Papers PK07/3384/F

Contact Officer: Edward Purnell

Tel. No. 01454 863056

CONDITIONS

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

Reason:

To comply with the requirements of Section 91 of the Town and 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. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no walls, fences, gates or other means of enclosure other than those shown on the plans hereby approved, shall be erected at any time to the side or front of the property.

Reason:

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

4. The proposed planted verge, low level shrubs and climbers shown on plan CA0790/02, shall be planted in the first planting season following occupation of the extension and maintained thereafter.

Reason:

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

CIRCULATED SCHEDULE NO. 51/07 – 21 DECEMBER 2007

App No.: PK07/3398/RM

Applicant: March Developments

Site: 19 Conham Hill Hanham BRISTOL South Gloucestershire BS15 3AW

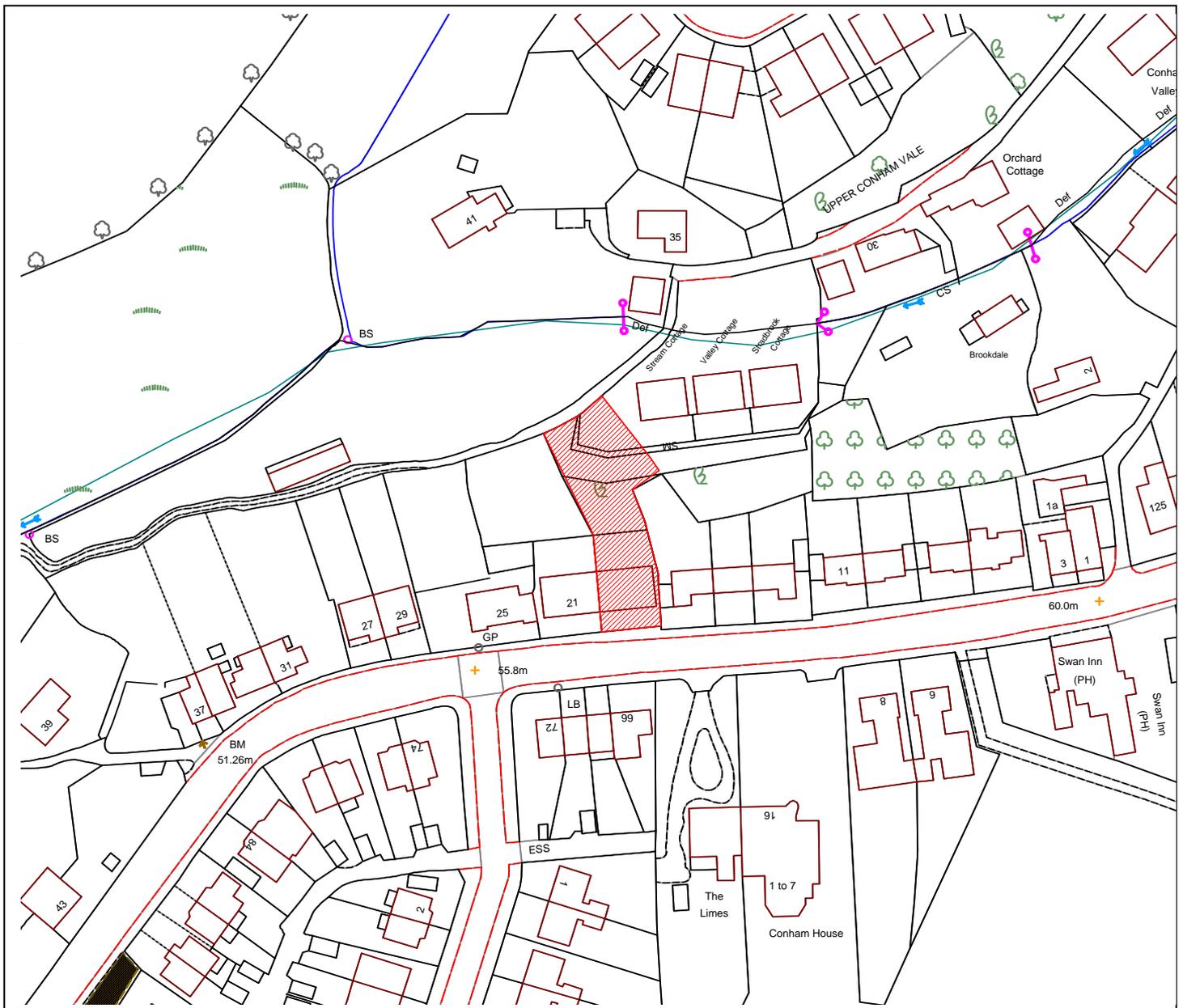
Date Reg: 15th November 2007

Proposal: Demolition of existing dwelling and erection of 2no. dwellings. (Approval of reserved matters to be read in conjunction with PK07/2265/O).

Parish: Hanham Parish Council

Map Ref: 63394 72275

Ward: Hanham



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100023410, 2007.

INTRODUCTION

This application appears on the Circulated Schedule following the receipt of objections from a local resident, the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 No.19 Conham Hill is a semi-detached bungalow located on the northern side of Conham Hill, Hanham. The location is residential and suburban in character. There is a mix of house types within the street i.e. terraces, bungalows and detached houses. The plot is 0.0655 ha. in area and the land generally slopes down to the rear (north) into the Conham Vale.
- 1.2 Outline consent PK07/2265/O with siting/layout and access determined; was previously granted for the demolition of the existing bungalow to facilitate the erection of a pair of semi-detached, split-level, 4-bedroomed houses. The split-level takes into account the change in level from the front of the property to the rear; this arrangement would allow three-storey elevations to the rear, with the top level set within the roof space.
- 1.3 This application relates only to the outstanding reserved matters of design/appearance, scale and landscaping.

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 - Principles
- Policy 2 - Location of Development
- Policy 17 - Landscape
- Policy 33 - Housing Provision and Distribution
- Policy 34 - Re-use of Previously Developed Land (support for infill)
- Policy 54 - Car Parking Provision
- Policy 59 - New development – transport issues.

South Gloucestershire Local Plan (Adopted) 6th January 2006

- L1 - Landscape protection and enhancement
- EP1 - Environmental Pollution
- EP2 - Flood Risk and Development
- L17 & L18 - The Water Environment
- H2 - Residential development
- H4 - Development in Residential Curtilages
- D1 - Design
- T8 - Parking standards
- T12 - Transportation development control

3. RELEVANT PLANNING HISTORY

- 3.1 P88/4116 - Residential Development (Outline)
Withdrawn 16th Feb. 1989
- 3.2 P91/4101 - Erection of 3 no. houses (Outline)
Refused 20th May 1991
- 3.3 P95/4241 - Erection of 3no detached dwellings (Outline)
Approved 10th July 1995
- 3.4 PK00/2042/O - Erection of 3no. detached dwellings (Outline)
Approved 13th Feb. 2001
- 3.5 PK03/0124/RM - Erection of 3 no. dwellings with associated access and works (Approval of reserved matters) (to be read in conjunction with outline planning permission PK00/2042/O).
Withdrawn
- 3.6 PK03/3762/RM - Erection of 3 no. dwellings with external appearance, siting, design and landscaping (Approval of reserved matters) to be read in conjunction with outline planning permission PK00/2042/O
Refusal 26th Jan 2004
- 3.7 PK04/0892/RM - Erection of 3 no. detached dwellings with external appearance, siting, design and landscaping (approval of reserved matters) to be read in conjunction with outline panning permission PK00/2042/O.
Withdrawn
- 3.8 PK07/0467/O - Demolition of existing dwelling and erection of 2 no. dwellings (Outline) with siting/layout and means of access to be determined, all other matters reserved.
Refused 2nd July 2007 for the following reason:
- "The development proposes insufficient off-street car parking provision, which would lead to increased on-street congestion causing obstructions to visibility all to the detriment of highway safety. The proposal is therefore contrary to Policies T12, H2 and H4 of the South Gloucestershire Local Plan (Adopted) 6th January 2006".*
- 3.8 PK07/2265/O - Demolition of existing dwelling and erection of 2 no. dwellings (Outline) with siting/layout and means of access to be determined, all other matters reserved. (Resubmission of previous application PK07/0467/O)
Approved with conditions 28th September 2007.

4. CONSULTATION RESPONSES

- 4.1 Hanham Parish Council
No objection

- 4.2 Other Consultees
None

Other Representations

- 4.3 Local Residents
2no. letters were received from the occupier of neighbouring no. 17 Conham Vale. The concerns raised are summarised as follows:
- Loss of view to bedroom window.
 - Loss of light to garage.
 - Possible felling of trees.

Other concerns were raised which relate to a previously approved scheme on land in Lower Conham Vale but these matters are not relevant to the current application.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The acceptance in principle of the erection of two dwelling houses on this site of the scale parameters proposed, was previously established with the grant of outline planning consent PK07/2265/O. Only the matters of scale, landscaping, external appearance and design need to be determined under this reserved matters application. The site is located within the existing built-up area, as identified on the South Gloucestershire Local Plan (Adopted) 6th January 2006 Proposals Map where Policy H2 allows new residential development subject to a number of criteria being met. Policy H4 relates to development within residential curtilages also subject to a number of criteria, many of which are common to H2. Policy D1 and The South Gloucestershire Design Checklist SPD seek to secure good quality sustainable designs in new development. Policy L1 seeks to conserve and enhance the character of the landscape. The reserved matters are discussed as follows:
- 5.2 Transportation Issues
The vehicular parking and access arrangements were secured under the outline scheme and remain unchanged. There are therefore no highway objections.
- 5.3 Landscape Issues
A hard and soft landscaping scheme has been submitted and this is shown on the submitted Site Plan no. 1752/3 Rev C. None of the existing trees or hedgerows would be removed. New shrub planting would be introduced to either side of the front hard-standing area, which itself would be surfaced with brick paviours. A new Rowan and Silver Birch tree would also be planted to the front of the houses. The rear gardens would be turfed with a 1.8m high fence subdividing the garden. Officers consider that this low-key landscaping proposal is appropriate for the site and would enhance the visual amenity of the street scene. The landscaping proposal is therefore acceptable.
- 5.4 Scale, Design and External Appearance
The siting and layout of the scheme were determined at the outline stage of the application, as were the scale parameters. There is a mix of housing types and scales along Conham Hill, including terraced houses, larger detached and semi-detached houses, and bungalows. Neighbouring no.21 was until recently

a bungalow but is currently having its roof raised (to 6.1m) and dormer windows inserted, following the grant of planning permission PK02/2416/F; no.25 is still a bungalow. To the east of the application site no.17 is a conventional two-storey terraced property.

5.5 The proposed building lines conform adequately with those already established in this part of Conham Hill. Furthermore the overall width (10.8m), depth (8.5m) and height to roof ridge (8.4m) of the proposed dwellings would not look out of place in this street scene comprising a mix of property types and scales.

5.6 The proposed surfacing to the external elevations would comprise brick at ground floor with through render at first floor separated by a horizontal band of reconstituted stone coursing; the proposed roof would be Black Pantiles.. A condition attached to the outline consent would ensure the prior submission and approval of the materials to be used. The simple gable ended design would integrate adequately within the existing street scene.

5.7 Impact Upon Residential Amenity

The impact of the proposal on neighbouring residential amenity was considered at the outline stage, the conclusion being that the impact would be acceptable. A condition was imposed to ensure that the windows in the side elevations would be obscurely glazed and fixed.

5.8 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

5.9 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, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

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 decision to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) 6th January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That the Reserved Matters submitted in accordance with Conditions 1 & 2 associated with Outline Planning Permission PK07/2265/O dated 28th September 2007 be APPROVED.

Background Papers **PK07/3398/RM**

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

CONDITIONS

None

CIRCULATED SCHEDULE NO. 51/07 – 21 DECEMBER 2007

App No.: PK07/3410/TRE
Site: Land to the rear of Acacia Avenue
 Staple Hill Bristol BS16 4NN
Proposal: Works to fell 40% of the trees covered
 by South Gloucestershire Tree
 Preservation Order STPO3/01 dated
 11th December 2001.
Map Ref: 64506 75669

Applicant: Mr J Bown
Date Reg: 19th November
 2007
Parish:
Ward: Staple Hill



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PK07/3410/TRE

INTRODUCTION

This application appears on the Circulated Schedule due to the receipt of five letters of objection from local residents.

1. THE PROPOSAL

- 1.1 The application seeks permission to carry out works to thin the area of woodland by 40%. The term thinning is mean in the woodland sense and involves the complete felling and removal of up to 40% of the trees in the area.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS 1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- L1 Landscape Protection and Enhancement
L5 Forest of Avon

3. RELEVANT PLANNING HISTORY

- 3.1 None Relevant to the determination of this application although there have been previous applications for works to the trees.

4. CONSULTATION RESPONSES

(a) Statutory Consultees

- 4.1 Town/Parish Council
The area is unparished

(b) Other Representations

- 4.2 Local Residents

Five letters of objection have been received from Local Residents. A summary of the points of concern are as follows;

- Objection on lack of consultation
- 40% is ambiguous and too high a percentage
- No mention of which trees are to be felled – there is a huge diversity of trees
- Not just the saplings will be removed – bigger trees could be removed
- Ulterior motives may exist – such as development
- The felling would kill flora and fauna
- Some trees have already been felled
- Felling trees would increase the build up of carbon monoxide in the area
- Insufficient information has been provided to understand what is proposed
- The works will destroy the local ecological system
- Thinning is pruning – not destruction (felling) a tree
- Who will police the 40% thinning?

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policies L1 and L5 of the South Gloucestershire Local Plan (Adopted) seek to conserve and enhance the quality and amenity of the landscape and distinctiveness of the locality and to protect the features that contribute to the character or appearance of the area.

5.2 What is Thinning?

Fundamental to the determination of this application is an understanding of what is meant by 'woodland thinning'. The National Trust recognise thinning as the following;

'A thinning operation may be appropriate to establish favoured trees more quickly by giving them more space for crowns and roots to occupy. By choosing an appropriate intensity of thinning, light levels beneath the tree canopy can be adjusted to benefit understorey plants as well as trees.

The effect of thinning is to encourage:

- *deeper, fuller crowns;*
- *the potential for longer life;*
- *the potential for greater stability and more options for management at maturity;*
- *a preferred species in a mixed plantation or amongst natural regeneration '*

Woodland thinning does involve the felling of entire trees. It is not to be confused with arboricultural thinning which is a reduction in the size of a tree only. The Royal Forestry Society (RFS) recognises woodland thinning to be a sound and beneficial form of woodland management and improvement.

5.3 Analysis of the Health of the Trees

Fundamental to the determination of this application is an understanding of the purposes of woodland thinning – see bullet points in section 5.2 above. The purpose is not to reduce the size of a woodland but instead is to improve its long term appearance, longevity and benefit to people, animals and fauna alike. It is completely appreciated by the officer that the short term impact of carrying out such an operation may have a visual impact on the amenity of the locality. However, it is the opinion of your planning and tree officers that the long term advantages far outweigh the short term visual impacts.

The application does not identify precisely which trees are to be removed as this would be unreasonable. It is accepted that a 40% reduction sounds very great indeed. However, the application does state that the majority of the trees to be removed would be sapling Ash which have naturally regenerated. Felling these modestly sized saplings will have little visual impact but will allow much more light to spread through the woodland to the benefit of the other trees. As a result, the remaining trees will become stronger and larger as they will have less competition from the smaller trees. Also, by letting more light reach the woodland floor, smaller herbs and shrubs will grow with a significant benefit to wildlife in the area providing more varied habitat and food source. The removal of the sapling Ash will also allow more tree species to grow rather than being

smothered by the Ash. To re-iterate, the works will not reduce the size of the woodland – the purpose of the works is to protect and enhance the woodland. There is no reason to believe that the works are for any ulterior development motives as no suitable development space would be cleared.

The proposed works represent sound Arboricultural practice that will have long term benefits for the area.

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

7. RECOMMENDATION

- 7.1 Permission be granted subject to the following conditions:

Background Papers **PK07/3410/TRE**

Contact Officer: **Marie Bath**
Tel. No. **01454 864769**

CONDITIONS

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

Reason:

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

2. The works hereby authorised shall comply with British Standard 3998: 1989 - Recommendations for Tree Work.

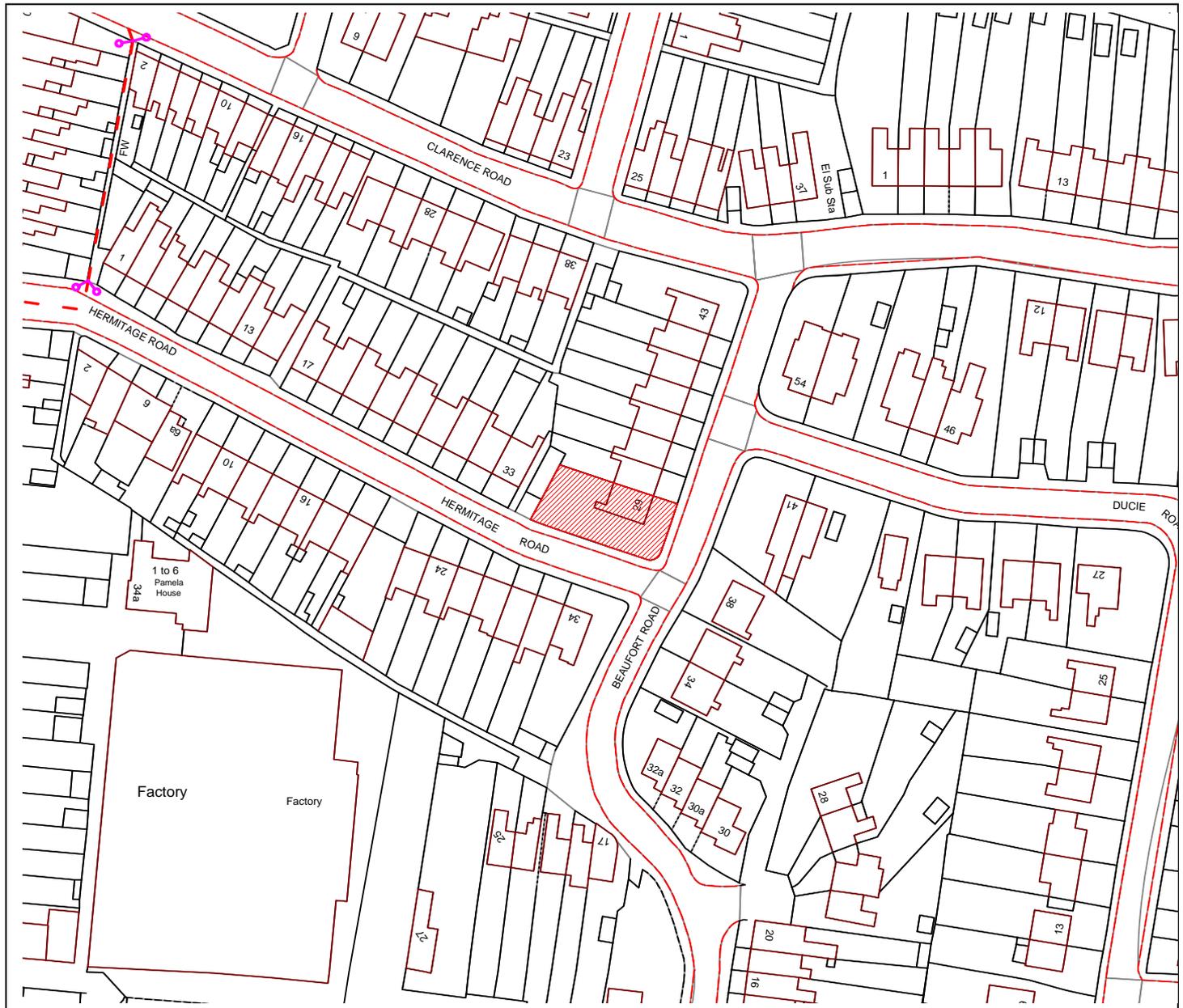
Reason:

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

CIRCULATED SCHEDULE NO. 51/07 – 21 DECEMBER 2007

App No.: PK07/3454/F
Site: 29 Beaufort Road Staple Hill BRISTOL
 South Gloucestershire BS16 5JU
Proposal: Conversion and extension of existing
 dwelling to provide 3no. self contained
 flats.
Map Ref: 65068 76095

Applicant: Mr T Woodman
Date Reg: 22nd November
 2007
Parish:
Ward: Staple Hill



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N.T.S

PK07/3454/F

INTRODUCTION

This application appears on the Circulated Schedule following objections received from local residents; the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to a 0.0126 ha. plot of land that currently forms the garden to the side of no.29 Beaufort Road. The existing property is a 3 bedroom, end of terrace dwelling house, situated on a corner plot at the junction of Beaufort Road and Hermitage Road. The location is suburban in character, consisting predominantly of Edwardian terraces along either side of fairly narrow roads. The centre of Staple Hill lies only a short walk away to the south. The house fronts onto Beaufort Road with most of the garden area to the side being adjacent to Hermitage Road and enclosed by a low wall and 2m high hedge. A double garage located to the rear and accessed off Hermitage Road is in separate ownership.
- 1.2 It is proposed to erect a two-storey side extension to facilitate the conversion of the property into 3no self contained flats, one within the new extension and two within the existing house. Three car parking spaces would be introduced to serve the flats.
- 1.3 A previous application PK07/1998/F to provide 2no. self-contained flats in a larger extension than that now proposed, with the house retained, was refused for the reasons listed in para. 3.4 below. This current application seeks to overcome those refusal reasons.
- 1.4 The key differences between the current application and that previously refused are:
- The extension has been reduced in size.
 - The house would be converted to 2 flats.
 - The 3 no. off-street car parking spaces have been amended.

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 - Principles
Policy 2 - Location of Development
Policy 17 - Landscape
Policy 33 - Housing Provision and Distribution
Policy 34 - Re-use of Previously Developed Land (support for infill)
Policy 54 - Car Parking Provision

South Gloucestershire Local Plan (Adopted) 6th January 2006

D1 - Design
L1 - Landscape Protection and Enhancement
L5 - Open areas
L17 & L18 - The Water Environment
EP1 - Environmental Pollution
EP2 - Flood Risk and Development
EP7 - Unstable Land
H2 - Residential Development within the existing Urban Area
H4 - Development within Existing Residential Curtilages
H6 - Affordable Housing
LC2 - Provision of Education Facilities
T7 - Cycle Parking Provision
T8 - Parking Standards
T12 - Transportation Development Control Policy for New Development
LC4 - Proposals for Educational and Community Facilities Within the Existing Urban Area.

Supplementary Planning Guidance

Advice Note One - "Altering Your Home"

Advice Note Two - "House Extensions"

South Gloucestershire Design Checklist (SPD) adopted 23rd August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 P75/4730 - Erection of detached double garage for two vehicles and private storage.
Approved 31st Oct. 1975
- 3.2 P77/4110 - Alteration and extension of existing outbuilding to form a conservatory.
Approved 4th May 1977
- 3.3 PK07/1473/F - Erection of 2no self contained flats and associated works.
Withdrawn 2nd July 2007
- 3.4 PK07/1998/F - Erection of 2 no. self contained flats with parking and associated works (Resubmission of PK07/1473/F)
Refused 14th September 2007 for the following reasons:

1. The development, with off-street parking below the maximum residential parking standards set out in Policy T8 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, would lead to an increase in on-street congestion in close proximity to a road junction thereby causing obstructions to visibility, all to the detriment of highway safety; contrary to Policies T12, H2 and H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.

2. The proposal would result in a cramped form of development leaving inadequate areas of private amenity space to serve the occupiers of the existing house, all to the detriment of residential amenity, which is contrary to Policies H2 (A) and H4 (D) of The South Gloucestershire Local Plan (Adopted) 6th January 2006.

3. The proposal would result in built development protruding well beyond the established building line in Hermitage Road, which would represent an

incongruous element within the street scene to the detriment of the visual amenity of the locality, contrary to Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.

4. **CONSULTATION RESPONSES**

4.1 Parish Council
Not a parished area.

4.2 Other Consultees
None

Other Representations

4.3 Local Residents
5no. letters of objection have been received from local residents. The concerns raised are summarised as follows:

- Inadequate off-street parking provision would result in increased on-street parking.
- Proposed parking bays are close to a busy junction resulting in a highway hazard.
- Proposed parking bays are too small.
- Loss of on-street parking.
- Overdevelopment of site.
- Adverse impact on the street scene.
- Increased flood risk.
- Loss of open space and amenity area.
- Flats are not in-keeping with the locality.
- Increased noise.
- Flats should be sound-proofed.
- Sky-light would be out of context.
- Disruption and pollution during construction phase.
- Flats too small and poor living conditions.
- Too many flats in the area.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development
The site lies within the Urban Area and being residential curtilage, is previously developed land and can therefore be assessed as a brownfield windfall site. 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 34 states that in making allocations for housing provision, Councils should give priority to the re-use of previously developed land. Similarly, Policy 33 states that priority will be given to the re-use of previously developed sites *within the urban area*. Furthermore, Policy 2 of the JRSP, 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. JRSP Policy 19 requires development to be managed in a manner that respects local character and distinctiveness through good design.

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. The South Gloucestershire Local Plan (Adopted) 6th January 2006 (para.8.26) seeks 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 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. PPS3 (para.47) indicates that a national indicative minimum density of 30 dwellings per hectare should be used and whilst not prescribing any maximum figure the PPS encourages the highest density that can be achieved within the various local considerations that need to be taken into account. The proposal, which includes the conversion of the existing house, equates to 92 dwellings per hectare but this higher figure merely reflects the fact that the development would comprise of 3 small flats as opposed to individual dwelling houses, thus distorting the density figure.

5.6 Officers are satisfied that having regard to the site’s constraints, a larger building containing more than 3 flats could not realistically be accommodated on the site and in this respect the proposal represents the most efficient use of the land in what is a sustainable location, close to the centre of Staple Hill within walking distance of the shopping and community facilities and main bus routes. The proposal therefore accords with Government guidelines and in terms of its density alone the development is not considered to be an overdevelopment of the site.

5.7 Scale and Design

The extension is designed as a continuation of the Beaufort Road terrace and in terms of its form and appearance would satisfactorily achieve its aim. The length of the extension (as viewed from the Beaufort Road frontage) would now measure 3.9m compared to the 5.5m which was previously refused under

PK07/1998/F, and as such would not now protrude beyond the well defined building line created by the front elevations of the houses along the northern side of Hermitage Road. The depth of the extension (when viewed from Hermitage Road) would be slightly less than that of the existing house. The new-build element of the proposal is now subservient in scale and would not appear as an incongruous element in the street scene, there being a reasonable amount of open space retained in the front and side gardens. The proposal does not therefore represent an overdevelopment of the site.

5.8 Landscape

There is little vegetation of note on the site other than the boundary hedge, much of which appears to be retained in the scheme. Supplementary planting could be secured by way of an appropriate landscape condition.

5.10 Transportation

Three off-street parking spaces have been proposed for this development of one 2-bed flat and two 1-bed flats. Two parking spaces would be accessed off Hermitage Road and one onto Beaufort Road. The proposed parking spaces meet the required size guidelines of 2.4m wide by 4.8m deep to avoid having a vehicle hanging over into either the footway or carriageway.

5.11 The Council's Highways Officer considers that the off-street parking provision satisfies the maximum residential parking standards set out in Policy T8 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 and would not therefore lead to an increase in on-street parking congestion. Furthermore there is no objection to the proposed positioning of the car parking spaces close to the junction. There are therefore no highway objections to the proposal.

5.12 Impact upon Residential Amenity

The proposed extension would be on a corner plot and would not have a significant overbearing affect on neighbouring property. Any overlooking of neighbouring gardens from the windows proposed, would be from a reasonable distance, angle and height. There would be no windows on the southern side elevation facing the houses on the opposite side of Hermitage Road. Some overlooking of gardens to the front and rear is considered to be inevitable in a densely populated urban area such as this. Any loss of privacy that might occur would be minimal and certainly not considered to be significant enough to justify refusal of planning permission.

5.13 Adequate amenity space would be retained in the remaining garden and to the rear of the property, to serve the two ground floor flats nos. 3 and 2 respectively. Separate bike and bin storage areas would be provided for each flat. Whilst no amenity space would be provided for flat 1, this flat would be contained within the first floor and attic space of the existing building. Officers are of the view that such flats in town centre locations are often devoid of amenity space and it is not always the case that occupiers of such flats require amenity space. Any future occupiers would be well aware of this situation before taking up residence. Furthermore the space standards of the flats, ventilation arrangements and soundproofing are all controlled under building regulations. Officers therefore conclude that that the proposal would not have an adverse impact upon residential amenity.

5.14 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. Any increase in noise levels or anti-social behaviour would be the subject of normal environmental health controls. In terms of drainage the Council's Drainage Engineer has previously raised no objection to the proposal. A condition would however be required to secure the submission of a full drainage scheme for approval before development could commence.

5.15 Affordable Housing

The proposal is for 3no. flats only, which is below the Council's threshold (15) for affordable housing provision.

5.16 Education Service

The proposal is for 3no. flats only, which is below the Council's threshold (5) for contributions to the Education Service.

5.17 Community Services

The proposal is for 3no. flats only, which is below the Council's threshold (10) for contributions to Community Services.

5.18 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document (Consultation Draft).

5.19 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, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

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 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 be GRANTED subject to the following conditions:

Background Papers PK07/3454/F

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 and Country Planning Act 1990 (as amended).

2. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority 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. 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 H4/D1/L1 of the South Gloucestershire Local Plan (Adopted) January 2006

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

Reason:

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

4. Developments shall not begin until drainage proposals incorporating Sustainable Drainage Systems (SUDS) and hydrological conditions (soil permeability, watercourses, mining culverts etc) within the development site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details and thereafter maintained.

Reason:

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

6. The off-street car parking facilities, shown on the Proposed Ground Floor Plan 01007 10 Rev C hereby approved shall be provided before the first occupation of the flats, and thereafter retained as such and used only in conjunction with the occupation of the buildings 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 Policy T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. The parking facilities hereby approved shall, prior to their first use, be surfaced with a bound material, and maintained as such thereafter.

Reason:

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

8. Prior to the first occupation of the dwellings hereby approved, the cycle parking as shown on the plans hereby approved, shall be provided in the form of secure and undercover stores.

Reason:

To ensure the provision of adequate and secure cycle parking facilities in accordance with Policy T7 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2007.

9. The 3 no. car parking spaces shown on the approved 'Proposed Ground Floor Plan Rev C' numbered 01007 10, shall be allocated on the basis of no more than one space per flat (whichever they may be) and maintained as such unless the Local Planning Authority gives written consent to any variation.

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 Policy T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

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

11. The hours of working on the site for the period of construction of the development hereby approved, shall be restricted to 07.30 to 18.00 Monday to Friday and 07.30 to 13.00 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. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason:

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

12. Other than those shown on the plans hereby approved, no new first floor windows, dormers or roof lights shall be inserted at any time in the building, unless the Local Planning Authority gives consent in writing to any variation.

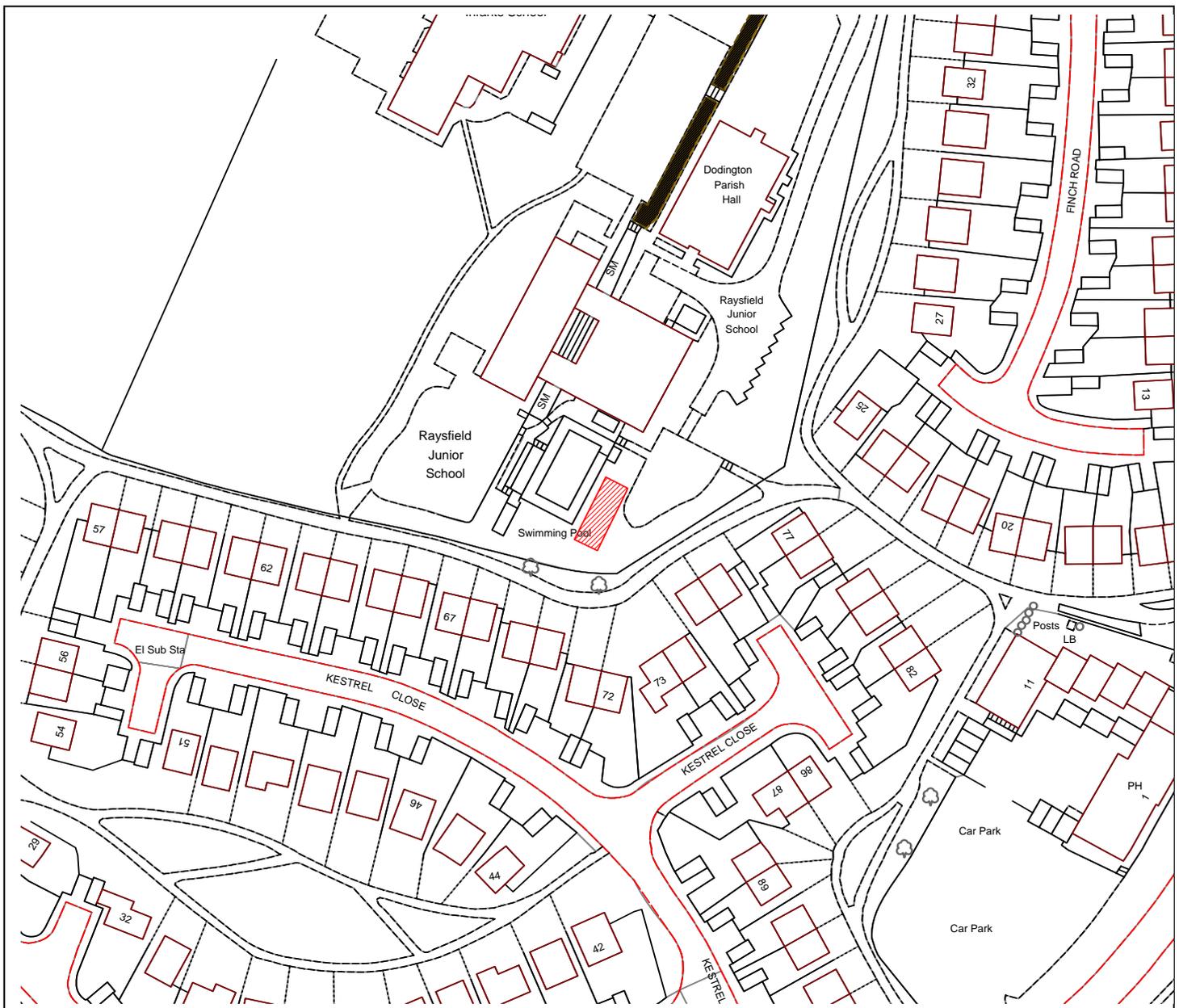
Reason:

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

13. To ensure the satisfactory external appearance of the development in the interests of visual amenity and to accord with Policies D1/H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 51/07 – 21 DECEMBER 2007

App No.:	PK07/3466/RVC	Applicant:	Mr J Bird
Site:	Raysfield Junior School Finch Road Chipping Sodbury BRISTOL South Gloucestershire BS37 6JE	Date Reg:	22nd November 2007
Proposal:	Removal of condition 2 attached to planning application PK07/2147/R3F dated 24 August 2007 to allow permanent use of timber framed classroom with associated access ramp and retaining wall with railings above.	Parish:	Dodington Parish Council
Map Ref:	71994 81570	Ward:	Chipping Sodbury



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100023410, 2007.

DC0901MW

INTRODUCTION

This planning application has been referred to the Council's Circulated Schedule as this application relates to a Local Authority School and this is in line with the Council's procedures.

1. THE PROPOSAL

1.1 This planning application seeks permission to vary condition 02 attached to planning permission PK07/2147F dated the 24th August 2007 which reads as follows:

Condition 02

The building hereby permitted shall be removed and the land restored to its former condition on or before September 2012 in accordance with the scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason 02

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

1.2 This condition relates to planning permission (PK07/2147/R3F) that was recently granted for the erection of a single storey detached timber framed classroom.

1b. Supporting Information

The applicant has submitted the following information in support of the application, which has been summarised by the Planning Officer as follows:

- The application for the classroom was submitted after 3 years of pursuing other solutions
- Need for extra space
- All other options for more traditional brick/block built structures have proven financially unsuitable (A similar sized permanent brick built construction would cost at around £250,000)
- Other complications of the specific nature of the school site have inhibited the sighting of other solutions
- The timber construction has a guarantee of at least 25 years by which time there may well be plans in place for the complete redesign of the schools, in line with Government initiatives for Building Schools for the Future.
- Therefore this appears to be the only remaining cost effective solution providing for both the current needs of our pupils and the local community

2. POLICY CONTEXT

2.1 National Guidance
PPS1

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

T7 Parking Standards

T12 Transportation Development Control Policy for New Development

3. RELEVANT PLANNING HISTORY

- 3.1 The following relevant planning history relates to the application site:
- 3.2 PK05/2557/TMP Temporary siting of caravan for residential and Business use
Refused Jan.2006. Contrary to policy
- 3.3 PK06/1795/F Erection of dwelling
Approved Dec.2006
- 3.4 PK06/3604/TMP Temporary siting of caravan
Approved Feb.2007

4. CONSULTATION RESPONSES

- 4.1 Dodington Parish Council
Strongly support this application and feel that the applicant has made a sensible argument for having the condition removed.

Other Representations

- 4.3 Local Residents
No response received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
To vary planning conditions, the proposal must be assessed in terms of the reasons for the conditions against Circular 11/95, which relates to the use of planning conditions. Paragraph 14 of the Circular states that, as a matter of policy, conditions should only be imposed where they satisfy all of the following tests, in that conditions should be:
- Necessary
 - Relevant to Planning
 - Relevant to the development to be permitted
 - Enforceable
 - Precise; and
 - Reasonable in all other respects.
- 5.2 The main issues to consider with regards the determination of this application is whether or not it is '**necessary and reasonable**' to prohibit the approved classroom from being permanently sited on the site.
- 5.3 At the time of assessing the previous planning application (PK07/2147/R3F) for the classroom the Case Officer reported the following;

Generally the Council only grants temporary planning permission for these types of buildings, given their general appearance on the understanding that the existing building will be extended with a permanent structure, which is more in keeping. It is therefore considered

that should planning permission be granted it should be on the basis of a 5 year temporary period.

5.4 The Planning Officer is of the opinion that regard must be had for the material considerations that have been submitted in support of this application which were not submitted at the time of the previous application. It is considered that in light of the site constraints and financial implications involved with removing the building from the site in 5 years time and given that the building is of a more suitable appearance than that of a typical portacabion that is not considered necessary or reasonable to uphold the temporary time limit.

5.5 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, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

The 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 is granted subject to the following planning condition.

Background Papers PK07/3466/RVC

Contact Officer: Tracey Price
Tel. No. 01454 863424

CONDITIONS

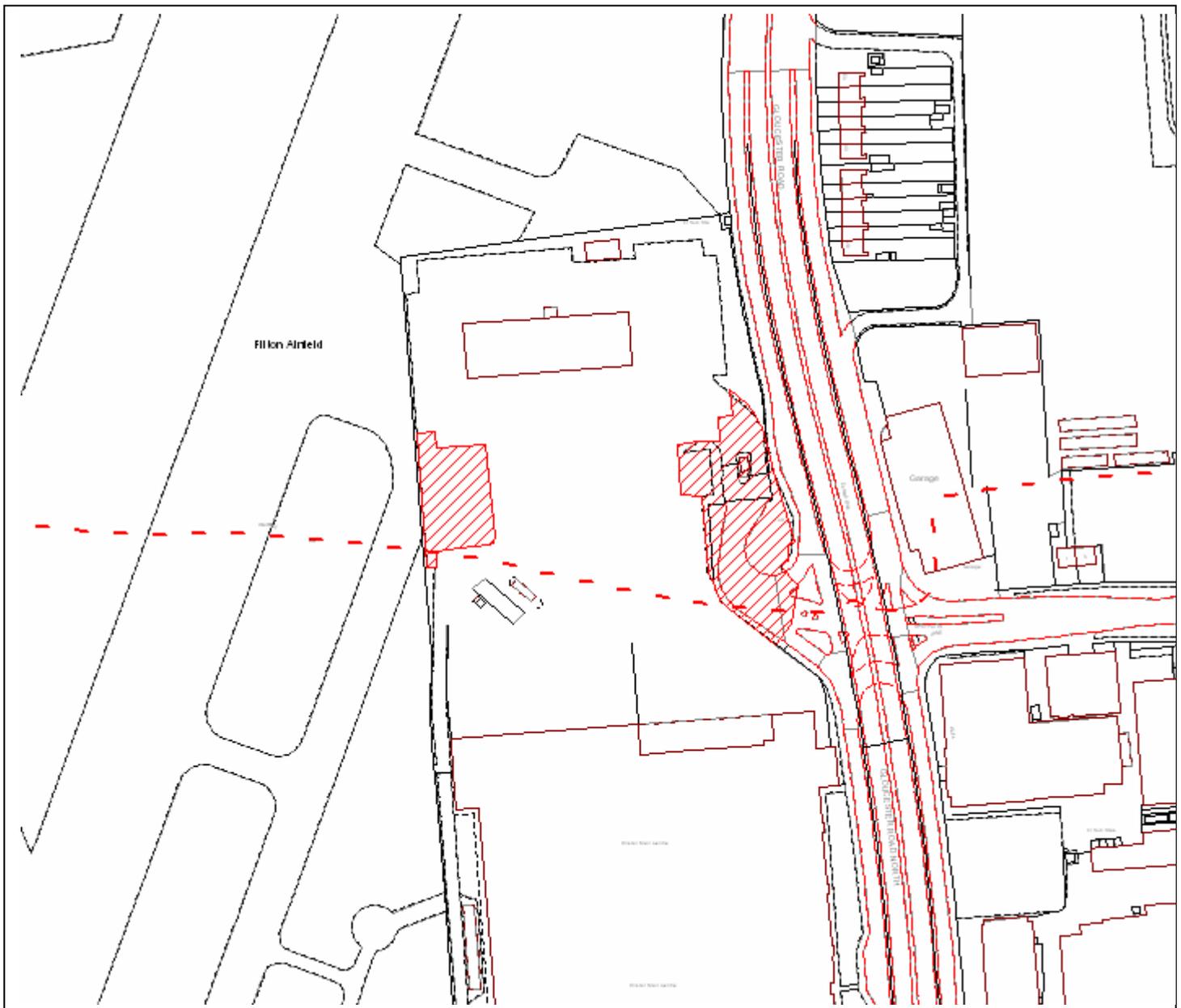
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:

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

CIRCULATED SCHEDULE NO. 51/07 – 21 DECEMBER 2007

App No.:	PT07/3107/F	Applicant:	Royal Mail Group Plc
Site:	Royal Mail West Of England Mail Centre Gloucester Road North Filton South Gloucestershire BS34 7ST	Date Reg:	18th October 2007
Proposal:	Formation of new vehicular access to facilitate erection of 1no. gatehouse and alterations to existing carpark with landscaping and associated works	Parish:	Patchway Town Council
Map Ref:	60358 80683	Ward:	Patchway



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1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the formation of new vehicular access at the back of the site, and the erection of 1 no. gatehouse. Given that a new entrance at the rear is being created, then the existing entrance at the front of the site which fronts on to the A38 is being closed off and returned to its former condition. Given the above, alterations to the existing parking layout within the site are also proposed.
- 1.2 The application site relates to a large industrial unit sited adjacent to the Filton Aerodrome, within the Bristol North Fringe. The site is also designated as a *Safeguarded Employment Area*.
- 1.3 The proposed new access at the rear of the site will be via the Northfield (PT03/3143/O) mixed use development which has a resolution to approve. This development is presently waiting the signing of the associated S106 Agreement.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1: Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Quality Design in New Development
E3: Criteria for Assessing Proposal for Employment Development
E4: Safeguarded Employment Areas
- 2.3 Supplementary Planning Document
South Gloucestershire Design Checklist

3. RELEVANT PLANNING HISTORY

- 3.1 The royal mail centre has benefited from a number of planning permissions but none have a direct impact upon this development.

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
No objection
- 4.2 Local Residents
None
- 4.3 Highways Agency
No objection
- 4.4 Transportation
No overall objection to the proposal but a S106 Agreement is required to ensure the correct reinstatement of the existing access from the A38.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 sets out criteria for achieving a high standard of design in development proposals. In particular proposals should be informed by and respect the character, distinctiveness and amenity of both the site and locality. Features of the landscape, nature conservation, heritage and amenity value should be safeguarded and enhanced.

The site is location within a *Safeguarded Employment Area* designated under Policy E4. Proposals within these sites are tested against the criteria set out in Policy E3 which ensures proposals respect the environment, existing residential amenity, highway safety and the character of the area.

5.2 Alteration to the Access,

The proposal seeks to move the main access point to the rear of the site from the front. In transportation terms this is seen as being an improvement as it will improve pedestrian, and cycle links in the area as they would not have to cross this service arm. The development will also lead to an increase in capacity at this junction as Royal Mail Vehicles will not be using this intersection. Consequently provided an appropriate scheme for stopping up this junction can be agreed, and suitable reinstatement measures agreed then there is no transportation objection to the scheme. Both of the above measure will be achieved via a condition and S106 Agreement respectively.

5.3 Landscaping

Given the prominent location of the site on the A38. The blocking up of the existing access is an important aspect of this scheme. It is suggested to follow the existing boundary treatment around the Entrance in terms of a pillars and fencing. Also landscaping is important to help blend the blocked up entrance into the landscape. Thus a detailed scheme of landscaping is required to cover the works to the blocked up junction. A indicative scheme has been proposed but a more detailed scheme is require and it suggested that this could be achieved by way of a condition.

5.4 Design of Guard Houses.

It is considered that given the location of the application site within a well established industrial area, it considered that the proposed guard houses would not result in any adverse impact on visual amenity, residential amenity, the environment or highway safety. Therefore, in this instance the proposal is deemed to be acceptable in accordance to Policy D1, E3 and E4 of the Local Plan.

5.5 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

5.6 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 05/05 relate to the use of planning conditions and planning obligation under Section 106 of the Town & Country Planning Act (as amended). Circular 05/05

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 following is required in the form of a Section 106 Agreement and would satisfy the tests set out in Circular 05/05. The Section 106 Agreement would be used to provide, Highway works. Planning conditions are also proposed as detailed below.

6. CONCLUSION

- 6.1 In accordance with Section 54A of the Town and Country Planning Act 1990 (as amended), 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 Adopted South Gloucestershire Local Plan as set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning 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:

- 1) Reinstatement works to the existing Gloucester Road access.
- 2) Reconfiguration of signalised junction at Gloucester Road / Gypsy Patch Lane.

Reason

To accord with Policy T12 Transportation Development Control Policy for New Development of the South Gloucestershire Local Plan (Adopted) January 2006.

- 7.2 That the Head of Legal and Democratic Services be authorised to prepare and seal the Agreement.
- 7.3 This Section 106 Agreement should be signed within 12 months of the date committee resolve to approve this scheme otherwise the proposal will be refused for the failure to sign the section 106 Agreement necessary to achieve the required level of contributions, or alternatively the application be referred back to the area Development Control Committee

Background Papers PT07/3107/F

Contact Officer: Gareth John
Tel. No. 01454 863438

CONDITIONS

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

Reason(s):

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

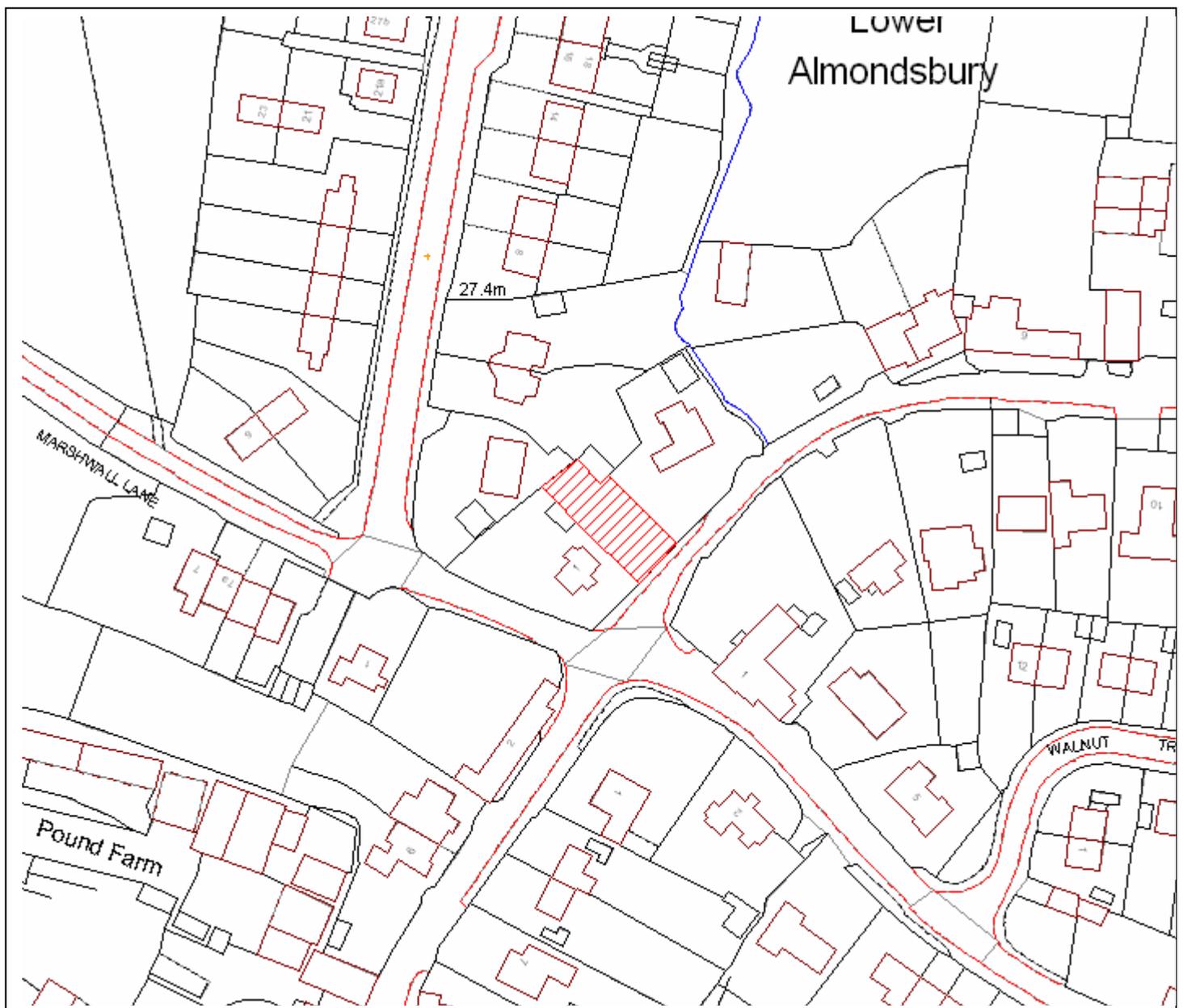
2. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing. Development shall be carried out in accordance with the agreed details.

Reason(s):

To protect the character and appearance of the area to accord with Policies L1/T12/E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO.51/07 – 21 DECEMBER 2007

App No.:	PT07/3122/F	Applicant:	Mr & Mrs R D Underwood
Site:	The Willows Lower Court Road Almondsbury South Gloucestershire BS32 4DX	Date Reg:	22nd October 2007
Proposal:	Erection of detached dwelling and formation of new vehicular access with associated works	Parish:	Almondsbury Parish Council
Map Ref:	60133 84296	Ward:	Almondsbury



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1. THE PROPOSAL

- 1.1 The site is located within the Almondsbury Conservation Area and is within the settlement boundary associated with Almondsbury Village. The site is washed over by the Green Belt.
- 1.2 The proposed development consists of the construction of a new detached dwelling within the curtilage of the dwelling known as 'The Willows'.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG2	Green Belt
PPG15	Planning and the Historical Environment

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
H2	New Residential Development within the Urban Areas or Village Development Boundary
H4	Development within Residential curtilages
L12	Conservation Area
L13	Listed Buildings
T12	Transportation Development Control Policy for New Development
GB1	Green Belt

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)
Lower Almondsbury Conservation Area Statement (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/1374/F Erection of detached dwelling and formation of new vehicular access with associated works
Withdrawn

4. CONSULTATION RESPONSES

- 4.1 **Almondsbury Parish Council**
No comments received

- 4.2 **Sustainable Transport**
No Objection

Other Representations

- 4.3 **Local Residents**
One letter is received. This raises objection on the following grounds;

The site is in a conservation area.

There are not sufficient services and parking for the rising population of the village

The development will result in a loss of privacy and sunlight for 2 Tockington Lane

There will be an increase in noise levels from the new dwelling, potentially adding to the friction from other infilling projects

There is concern regarding the additional sewage and drainage requirements for the soil pipe currently running under 2 Tockington Lane

5. **ANALYSIS OF PROPOSAL**

5.1 The proposed development consists of the construction of a new dwelling within the curtilage of an existing dwelling.

5.2 Principle of Development

Policy H2 and H4 are relevant to this planning application. The policies indicate that such development is acceptable subject to the following considerations.

5.3 Green Belt

In accordance with the requirements of PPG2, Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006 provides limited categories of development that is appropriate within the green belt. These categories include the development of new dwellings provided that development would take place within a designated settlement boundary and would represent 'limited infilling' of small gaps within existing development.

5.4 The site is located between The Willows and the dwelling at number 1 Lower Court Road. This is a gap of approximately 20 metres. The proposed dwelling is positioned centrally within this gap. In this instance, given the position of the site and the scale of the development, it is considered that the development represents 'limited infilling' and is consistent with the requirements of Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.5 Density

The proposal site measures approximately 290 sqm. The development of one dwelling equates to 34 dwellings per hectare. This is sufficient with the requirements of PPS3 and Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006; and as such represents efficient use of the site.

5.6 Design and Conservation Area Issues

The site is located within the Lower Almondsbury Conservation Area and is located opposite a Grade II Listed Building (approximately 25 metres to the Southeast of the subject site). Given that the proposed dwelling is some 35 metres from the listed building, it is not considered that the principle of introducing a new dwelling as proposed would have a material impact upon the setting of the building. Similarly, given the character of the surrounding conservation area and the relationships of the dwellings along Lower Court Road, it is considered that the introduction of the proposed dwelling is acceptable in principle. However, in order to adequately address the character of the locality and given the nature of the site, it is considered that a new dwelling on this site should take on a modest 'traditional cottage' style and utilise existing buildings as a model for its design.

- 5.7 The initial submission was considered to be too sub-urban in appearance by virtue of its height and detailing; and use of inappropriate materials. Revisions have resulted in a dwelling with lower eaves, half dormer windows and more modest detailing. It is considered that the general appearance of the proposed building is now consistent with the character of the site and the surrounding conservation area. The amendments also detail the use of rendered walls, clay pantiles and timber windows. These materials are considered acceptable within this context, however the render should be traditional rough cast render. It is appropriate to apply a condition to any approval of this application in order to allow the Local Planning Authority to see samples and details of these materials prior to the commencement of the build.
- 5.8 Currently, a swimming pool and shed are located within the site. These are modern structures and are not considered to be of any architectural merit or historical importance. These structures are to be removed as part of the development proposal and indeed, the removal of them is considered to have a benefit for the character of the area generally.
- 5.9 Subject to the above condition it is considered that the proposed development is acceptable in design and conservation area terms.
- 5.10 Residential Amenity
Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 seek to ensure that new residential development would not unduly prejudice the privacy and residential amenity of the occupants of nearby dwellings.
- 5.11 Concern is raised as to the impact of the development upon the privacy and residential amenity of the occupants at 2 Tockington Lane. In this instance, the proposed dwelling is positioned approximately 12 metres to the Southeast from the boundary with the property at 2 Tockington Road. The associated dwelling would be between 18 and 25 metres from the rear elevation of the proposed dwelling. Given the topography of the site, the proposed dwelling is set down from the level of the land to the Northwest and as such the relative first floor height in the proposed dwelling would be less than four metres. It is considered that this relationship will not result in the ability to overlook the property at 2 Tockington Road; and would not result in a loss of privacy. Similarly, given the overall height of the dwelling (approximately 7 metres above the level of the land at Tockington Lane) and the position of the new dwelling, it is not considered that the development would result in an overbearing impact. It is also considered that the dwelling at 1 Lower Court Road and at The Willows will not be materially affected by the proposed development.
- 5.12 The development is therefore acceptable in residential amenity terms.
- 5.13 Transportation
Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development would not have a detrimental impact upon the safety and amenity of the surrounding highway network. Policy T8 provides the maximum parking standards for new development.
- 5.14 In this instance, the proposed development would provide sufficient space for two vehicles to park and manoeuvre within the site. The proposed access itself is also considered acceptable given the scale of development and the

characteristics of Lower Court Road. It is not considered that there is a need to lower the boundary wall to aid egress from the site. Indeed to do so would be harmful to the character of the conservation area, and on balance the benefit of doing so would not outweigh this harm.

5.15 The development would also provide sufficient cycle parking within the site. On this basis the development is considered acceptable in transportation terms.

5.16 Design and Access Statement

The Design and Access Statement submitted with this application is considered to demonstrate that the applicant has adopted a design approach that is consistent with the Councils Design Checklist Supplementary Planning Document (Adopted)

5.17 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, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That Planning Permission be granted subject to the following conditions

Background Papers **PT07/3122/F**

Contact Officer: Simon Penketh

Tel. No. 01454 863433

CONDITIONS

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

Reason(s):

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

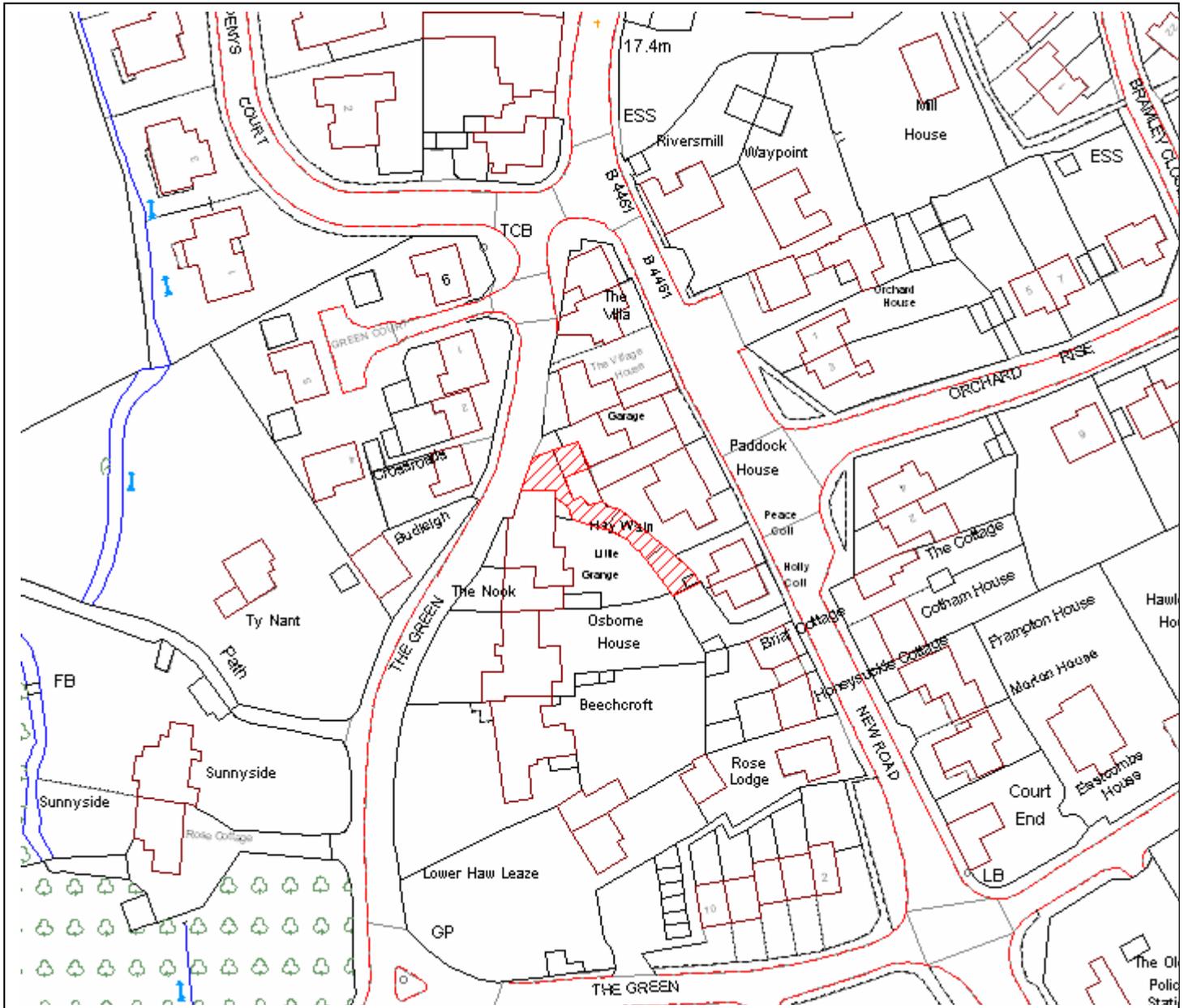
2. Notwithstanding the submitted details, no development shall take place until details and samples of the hard surfacing, roofing and external facing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. For the avoidance of doubt the external walls shall be rough cast rendered and shall not include the use of 'bell casting and bedding' and shall be finished following traditional methods.

Reason(s):

To ensure a satisfactory standard of external appearance in the Almondsbury Conservation Area, and to accord with and Policy L12, D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 51/07 – 21 DECEMBER 2007

App No.:	PT07/3340/F	Applicant:	T Auburn & J Pritchard
Site:	Hay Wain The Green Olveston South Gloucestershire BS35 4EJ	Date Reg:	12th November 2007
Proposal:	Erection of single storey extension to existing outbuilding to provide enlarged bedroom and ensuite room	Parish:	Olveston Parish Council
Map Ref:	60094 86945	Ward:	Severn



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N.T.S

PT07/3340/F

INTRODUCTION

This application appears on the Circulated Schedule following the receipt of two objections from local residents.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the extension to an existing ancillary annex sited in the rear garden. The outbuilding would provide additional living accommodation.
- 1.2 The application site relates to a detached dwelling situated within a well established residential area of Olveston. The site is washed-over by Green Belt and is located within the Olveston Conservation Area.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1: Delivering Sustainable Development
PPG2: Green Belts
PPG15: Planning and Historic Environment
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Quality Design in New Development
H4: Development within Existing Residential Curtilage
L12: Conservation Areas
GB1: Development within the Green Belt
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist (Adopted) August 2007
Development within the Green Belt (Adopted) June 2007
Olveston Design Statement (Endorsed) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT05/3388/F Erection of two storey rear extension to provide additional living accommodation.
Approved 5 January 2006
- 3.2 PT07/0847/F Erection of single storey rear extension to provide 2no. bedrooms and covered walkway. Erection of front porch.
Refused 27 April 2007

4. CONSULTATION RESPONSES

- 4.1 Olveston Parish Council
No objection
- 4.2 Conservation Officer
Subject to the conditions (reported below) the proposal would preserve the character and appearance of the Olveston Conservation Area

Other Representations

4.3 Local Residents

Two letters of objection, the main points were:

- A. The proposal should not exceed the height of the existing wall;
- B. The proposal may be visible from Briar Cottage; and
- C. Drainage may weaken boundary wall and impact Briar Cottage.

Comment C is not a material planning consideration.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for the extension to residential dwelling subject to there being no adverse impact on the residential amenity.

Policy D1 of the Local Plan considers general design principles and ensures good quality design.

Policy L12 of the South Gloucestershire Local Plan (Adopted) 2006 states that development affecting a conservation area will only be permitted where it would preserve or enhance the character or appearance of the conservation area.

The site also lies within designated Green Belt, thus under Policy GB1 any extensions must be limited and should not result in disproportionate additions over and above the size of the original dwelling.

5.2 Residential Amenity

The application site is bounded by the curtilages of four dwellings (Paddock House, Peace Cottage, Briar Cottage and Little Grange. The proposal would involve the extension of the existing lean-to annex situated at the end of the rear garden by approximately 1m.

As such, the form of proposal would fundamentally appear the same as the existing outbuilding. Local residents have raised concerns that the proposal may exceed the height of the existing wall or may be visual prominent from their properties. However, the submitted plans show that these concerns are not evident because the extension would be achieved without altering the existing ridge height or pitch angle. Furthermore, the proposal would have no impact on the privacy of the adjacent occupiers because the proposal would only include roof lights and windows on the front elevation. Therefore, given the above, it is considered that the proposal would not result in any adverse affect on the residential amenity of nearby occupiers.

5.3 Impact on Design , Visual Amenity and Conservation Area

The proposal involves a simple 1 metre extension to the depth of the existing annex. The outbuilding is contained within the site and is only visible from the first storey of the surrounding dwellings.

The annex can be considered of a stone construction - both sides and rear are formed by existing coursed stone walls and the front is of a stone construction with some patches of cement and concrete visible. The building itself is not considered to be of any historic interest; internally it features modern finishes.

The character of the site is one of visual containment due to the stone walls enclosing either side boundary and the recently constructed concrete block and render two-storey rear extension. The design and scale of the extension is considered acceptable in isolation, but the main consideration is that the extension would remain largely hidden from view behind the two stone boundary walls and the host property. Therefore as the building would have no presence within immediate and wider public area, the character and appearance of the Conservation Area would be preserved.

The Councils Conservation Officer has no objection to this proposal. However, notwithstanding the secluded character of the site, as points of detail which are appropriate to such a sensitive site as this. It is noted that the application form implies the use of concrete tile and the plans suggest double Roman root tiles to "LPA approval", but the existing building has clay pan tiles. It is therefore recommended that a condition is attached to ensure the use of clay pan tiles.

The plans also contain no details over the window and roof light construction or materials. The application form does state window frames and doors to be timber, but a condition is suggested to cover this.

Finally the submitted plans merely state that all new stonework is to be "butt jointed, it may be worth pointing out that if any actual alterations to the wall that encloses the western boundary of the site is required, then listed building consent sought be sought. An informative should be accordingly attached to any approval.

5.4 Green Belt

The proposal would be minor in scale and massing and would be contained within the enclosed garden in a well established residential area. As such, it is considered that the proposal would represent a limited extension which would be a proportionate addition and would not adversely impact the openness of the Green Belt.

5.5 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, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.]

6. CONCLUSION

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

The decision 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 conditions:

Background Papers **PT07/3340/F**

Contact Officer: **Peter Rowe**
Tel. No. **01454 863538**

CONDITIONS

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

Reason(s):

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

2. The rooflights hereby approved shall be fitted with a central glazing bar and installed so that the upper faces are flush with the surface of the adjoining roof tiles, and thereafter maintained as such at all times.

Reason(s):

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.

3. The window and door and all associated joinery is to be constructed from natural timber, either hardwood or softwood where applicable,

Reason(s):

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.

4. The existing pantiles on the roof are to be reused and any new pantiles to be used as part of the development hereby authorised shall match the existing natural clay pantiles in terms of colour and profile.

Reason(s):

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.

CIRCULATED SCHEDULE NO. 51/07 – 21 DECEMBER 2007

App No.: PT07/3389/F
Site: Shield Road Primary School Shields Avenue Filton South Gloucestershire BS7 0RR

Applicant: Mr N Moss
Date Reg: 15th November 2007

Proposal: Erection of 1no. cycle store/shelter
Map Ref: 60392 78430

Parish: Filton Town Council
Ward: Filton



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100023410, 2007.

N.T.S

PT07/3389/F

INTRODUCTION

This application appears on the Circulated Schedule because it involves land owned by the Council.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for a cycle store/ shelter.
- 1.2 The application site forms Shield Road Primary School fronting Shield Road, Filton.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG13 Transport
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
T7 Cycle Parking
T12 Transportation Development Control Policy for New Development
LC4 Proposals for Educational and Community Facilities
- 2.3 Supplementary Planning Guidance
Urban Design Checklist

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
No objection
- 4.2 Other Consultees
No comments received

Other Representations

- 4.3 Summary of Local Residents Comments
One letter received in support of the proposal:
 - The shelter will encourage children to cycle to school thus educating them as to alternative forms of travel;
 - It will provide cover for children who arrive early before the school is open;
 - The development will enhance the school's contribution to the community.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy LC4 cites that proposals for the improvement of educational facilities will be permitted provided that:

- The sites are highly accessible by foot and bicycle; and
- Development would not prejudice residential amenity; and
- It would not have an unacceptable transportation/ environmental effect; and
- Development would not give rise to unacceptable levels of on street parking to the detriment of the amenities of the surrounding area & highway safety.

5.2 Policy T7 requires that cycle parking is provided in all new development with the number of cycle spaces to be provided for pupils determined on merit.

5.3 Design/ Visual Amenity

The application seeks planning permission for a covered cycle store to provide for 20 bicycles. The proposal would comprise an Ancholme Shelter with the 20 bicycles covered by a steel framed glazed canopy. The proposal would stand to the side of the existing school building on an area of hardstanding behind the 1.8m high (approx.) palisade fencing that encompasses the school site.

5.4 In view of the above, the proposal is considered acceptable with no objection raised on this basis.

5.5 Residential Amenity

There is only one dwelling within proximity of the proposal with this comprising 48 Shields Avenue. This stands forward of the application site aligning with the schools front playground. Nonetheless, given the nature of the proposal, it is not considered that any significant adverse impact in residential amenity would be caused.

5.6 Highway Safety

The proposal would be positioned clear of the schools parking area and would help to promote a sustainable form of transport. As such, there is no highway objection to this application.

5.7 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

5.8 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, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

The 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 is **GRANTED** subject to the following conditions:

Background Papers **PT07/3389/F**

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

CONDITIONS

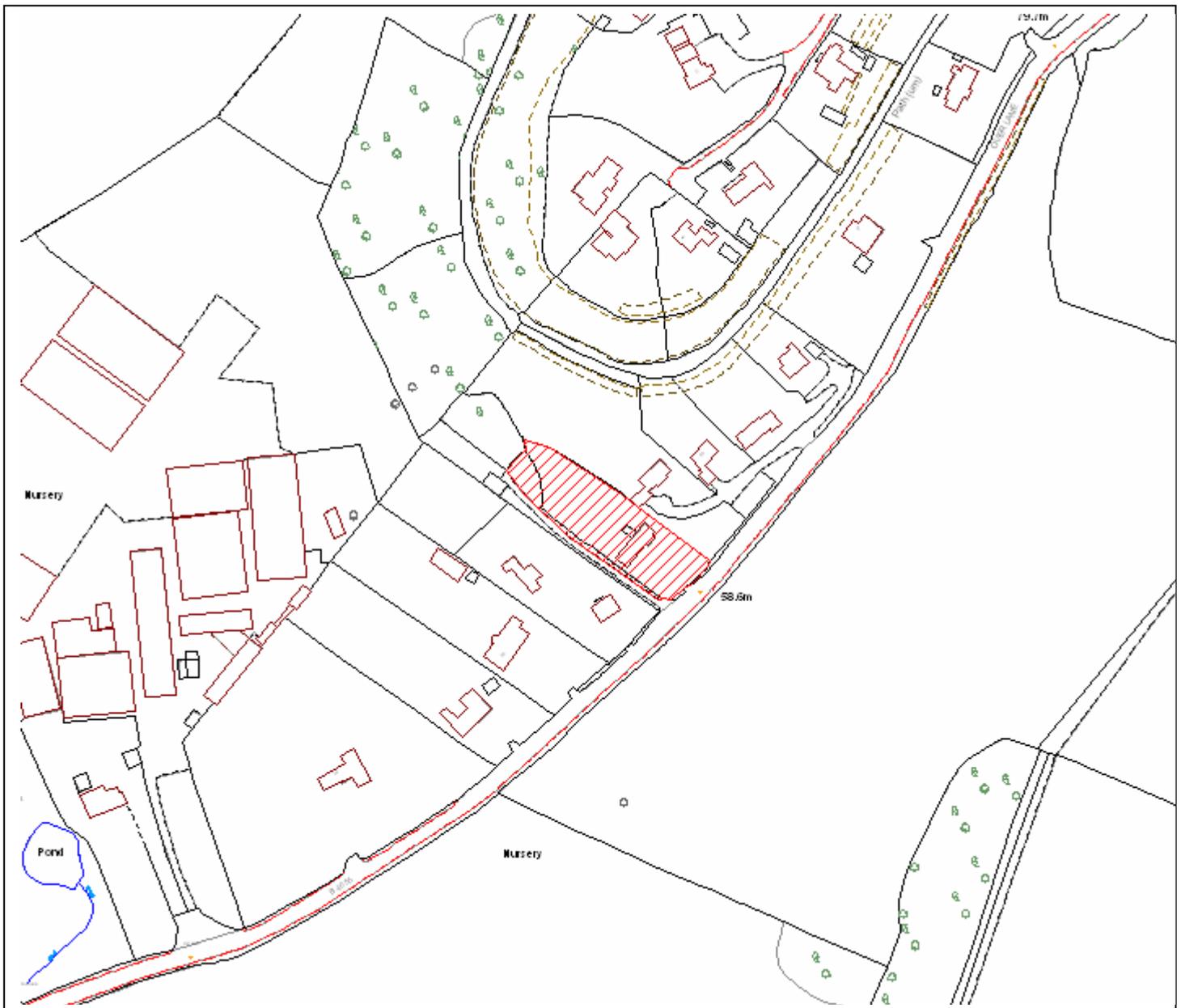
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason(s):

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

CIRCULATED SCHEDULE NO. 51/07 – 21 DECEMBER 2007

App No.: PT07/3408/F	Applicant: Mr M Collins
Site: 54 Over Lane Almondsbury South Gloucestershire BS32 4BW	Date Reg: 19th November 2007
Proposal: Erection of single storey front and rear extensions and two storey side and rear extensions to provide additional living accomodation. Construction of rear balcony. (Re-Submission of PT07/2669/F)	Parish: Almondsbury Parish Council
Map Ref: 59565 83158	Ward: Almondsbury



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100023410, 2007.

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INTRODUCTION

This application appears on the Circulated Schedule in view of the concerns expressed by the neighbouring residents.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of single and two-storey front extensions, a two-storey rear extension and two-storey side addition. The application would also allow raised timber decking to the rear of the property and shows new detailing to the elevations of the dwelling.
- 1.2 The application site forms a detached two-storey dwelling on the west side of Over Lane. The property sits beyond any settlement boundary and within the Green Belt.
- 1.3 The application is a resubmission of PT07/2669/F that was withdrawn earlier this year in view of concerns relating to the design of the proposal.
- 1.4 Amended plans form part of this application allowing a reduction in the size of the proposed timber decking at the rear.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1: Delivering Sustainable Development
PPG2: Green Belt
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Quality Design in New Development
H4: House Extensions
GB1: Development in the Green Belt
- 2.3 Supplementary Planning Guidance
Design Checklist
Development within the Green Belt

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/2669/F: Erection of single-storey front and rear extensions and two-storey side and rear extensions to provide additional living accommodation.
Withdrawn: 18 October 2007

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
No objection
- 4.2 Other Consultees
Tree Officer: no objection

Other Representations

4.3 Summary of Local Residents Comments

One letter received expressing the following concerns:

- 'I do not oppose the development but wish to register my concerns regarding the existing retaining wall and the effect any new excavations in this area may have on it';
- The drawings do not acknowledge the 3m difference in height between the neighbouring properties;
- A note should be placed on the Building Regulations drawings to account for the above;
- 'I would confirm that we are happy for the new development to go ahead and trust that my new neighbours will be happy in their new home'.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 allows for the principle of house extensions subject to considerations of design, residential amenity and highway safety. Further, policies H4 & GB1 cite that where in the green belt, proposals should not form a disproportionate addition over and above the size of the original dwelling.

5.2 Design/ Visual Amenity

The application site comprises a two-storey detached dwelling on the west side of Over Lane. The property benefits from garage accommodation beneath to its south side by virtue of the topography of the application site with land rising steeply to the north.

5.3 The application seeks approval for single and two-storey front extensions with the former to provide a new entrance lobby and the latter a replacement sun room with a bedroom extension above. This element of the works proved the contentious part of the previous proposal with it not considered to integrate with the dwelling; instead (primarily by reason of the roof structure), it appeared to 'float' in front of the existing property.

5.4 Accordingly, the proposal has been amended to provide two distinct elements; the single-storey front porch and the two-storey front gable addition. These are considered to provide a strong vertical emphasis whilst their massing, scale and design better relate to that of the host dwelling. As such, there is now no objection to this element of the proposal.

5.5 The side extension would be relatively small in size and provide a utility room at ground floor with a small ensuite bedroom above. This would be set back from the front wall of the host dwelling and encompassed under a roof structure of lower eaves and ridge height. As such, this element of the proposal is also considered to be acceptable.

5.6 The rear two-storey extension would enlarge an existing two-storey flat roofed addition providing a larger kitchen and larger ensuite bedroom. In so doing, the overall length would remain unchanged (4.5m) with the width increased to 6.2m. These works would also allow the formation of a pitched roof with the resulting works considered to enhance the appearance of the rear elevation.

5.7 Green Belt

There appears no planning history (except the withdrawn scheme) relating to this property although it would appear that it has been previously extended. To this extent, the flat-roofed rear extension would appear an addition whilst there might also have been side extensions in the past. Nonetheless, in the absence of any relevant planning history, it would be difficult to refuse further extensions to the dwelling on this basis. To this extent, the existing additions are taken to comprise the two-storey rear extension (although the agent believes the ground floor element to predate 1948), the front sunroom and the side lean-to.

5.8 In view of the above, it is noted that the works would comprise a 41% increase (approx.) in floor area. In this regard, advice contained within the Green Belt supplementary planning document stipulates that the larger a house becomes in excess of 30% of its original size, the less likely that the proposal will be acceptable. Works beyond a 50% increase are very unlikely to be acceptable.

5.9 In view of the above, the proposal is on balance considered acceptable given that it would involve a number of subservient additions (thus helping reduce the overall massing and scale of the works) that would significantly enhance the appearance of the dwelling. Accordingly, there is no green belt objection to the proposal.

5.10 Further, the agent has drawn attention to PT07/0552/F (8 Over Lane) where a 50% increase in volume has been permitted. To this extent, whilst applications must be determined on their own merits, this approval is noted.

5.11 Residential Amenity

The property forms a line of ribbon development along this side of Over Lane with large dwellings set within relatively spacious plots. Concerning that unit to the north, this sits further back and appears to benefit from dual aspect rooms with side facing ground and first floor windows overlooking the application site. Further, this property is inset from the boundary with a flat roofed double garage sited adjacent to the host dwelling. Accordingly, it is not considered that any significant adverse impact in residential amenity would be caused.

5.12 With regard to that property to the south, this sits at a correspondingly lower level forward of the host dwelling and is separated from the site by virtue of a vehicular access track that runs between to a detached garage building behind (understood not to be owned by either the applicant or neighbour). This property also appears to benefit from dual aspect rooms with both ground and first floor windows facing the application site. Nonetheless, screening along either side of the aforementioned access limits view between these dwellings.

5.13 Having regard to the impact on this property, it is noted that by virtue of the site topography, the applicants already gain views into this neighbouring garden. Nonetheless, the rear decking as originally proposed would have allowed more extensive views given that it would have been at an elevated level within close proximity of the boundary. As such, amended plans allow a reduction in width with it now pulled in away from this boundary. Therefore, it is not considered that any significant adverse impact in residential amenity would be caused with no significant gain in vantage point and with the seating area inset from these neighbours.

5.14 Outstanding Issues

Concerns as to the boundary wall and any new foundations would be covered at the building regulations stage of development.

5.15 At the time of the site visit, it was noted that there is a mature Oak tree within the front garden area approximately 1m from the existing sun room. The applicants indicate that they would seek to retain the tree, while the Councils tree officer states that he would not require its retention anyway.

5.16 Design and Access Statement

A Design and Access is not required as part of this application.

5.17 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, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

The 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 is **GRANTED** subject to the following conditions:

Background Papers **PT07/3408/F**

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

CONDITIONS

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

Reason(s):

To comply with the requirements of Section 91 of the Town and 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(s):

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