



**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. 11/07**

**Date to Members: 16/03/07**

**Member's Deadline: 23/03/07**

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](mailto: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](mailto: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: 16/03/07**

**SCHEDULE NO. 11/07**

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](mailto: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.

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

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

**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 .....**

# Circulated Schedule 16 March 2007

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>PK06/2849/F</b>	Approve with conditions	98 Church Road Kingswood South Gloucestershire BS15 4BE	Kings Chase	
2	<b>PK06/3138/F</b>	Approve with conditions	11 Overhill Road Downend South Gloucestershire BS16 5DN	Downend	Downend and Bromley Heath
3	<b>PK07/0255/F</b>	Approve with conditions	Eastmead Cottage Marshfield Road Tormarton South Gloucestershire GL9 1JF	Cotswold Edge	Tormarton Parish Council
4	<b>PK07/0338/F</b>	Approve with conditions	Newhouse Farm Sodbury Road Acton Turville South Gloucestershire GL9 1HD	Cotswold Edge	Acton Turville Parish Council
5	<b>PK07/0374/ADV</b>	Approve	Land on the east side of the A46 to the south-east of the Cold Ashton roundabout South Gloucestershire SN14 8JZ	Boyd Valley	Cold Ashton Parish Council
6	<b>PK07/0377/F</b>	Approve with conditions	15 Stonehill Longwell Green South Gloucestershire BS15	Hanham	Hanham Parish Council
7	<b>PK07/0407/F</b>	Approve with conditions	5 Corinum Close Emersons Green South Gloucestershire BS16 7HW	Siston	Mangotsfield Rural Parish Council
8	<b>PK07/0408/F</b>	Approve with conditions	Land adj. to Abbots Road Hanham BRISTOL South Gloucestershire BS15 3NR	Hanham	Hanham Abbots Parish Council
9	<b>PT07/0052/F</b>	Approve with conditions	2 Berrows Mead Rangeworthy South Gloucestershire BS37 7QQ	Ladden Brook	Rangeworthy Parish Council
10	<b>PT07/0327/CLE</b>	Refusal	Glenwood Winterbourne Road Bradley Stoke Stoke South Gloucestershire BS34 8PT	Bradley Sto Baileys Court	Bradley Stoke Town Council
11	<b>PT07/0335/F</b>	Approve with conditions	7 Station Road Patchway South Gloucestershire BS34 6LP	Patchway	Patchway Town Council
12	<b>PT07/0357/F</b>	Refusal	20 Queensway Little Stoke South Gloucestershire BS34 6LH	Stoke Gifford	Stoke Gifford Parish Council
13	<b>PT07/0358/RM</b>	Approve with conditions	Unit 100 North Bristol Park Northway Filton South Gloucestershire BS34 7QH	Filton	Filton Town Council
14	<b>PT07/0369/PNS</b>	No objection	Stanley Farm Footbridge at Abbey Wood Filton South Gloucestershire	Filton	Filton Town Council
15	<b>PT07/0412/F</b>	Approve with conditions	25 Flaxpits Lane Winterbourne South Gloucestershire BS36 1LA	Winterbourne	Winterbourne Parish Council
16	<b>PT07/0413/F</b>	Approve with conditions	23 Quarry Mead Alveston South Gloucestershire BS35 3JN	Alveston	Alveston Parish Council

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATION</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
17	<b>PT07/0433/F</b>	Refusal	Henfield Bungalow Westerleigh Road Henfield South Gloucestershire	Westerleigh	Westerleigh Parish Council
18	<b>PT07/0451/RM</b>	Approve with conditions	88 Stone Lane Winterbourne Down South Gloucestershire BS36 1DJ	Winterbourne	Winterbourne Parish Council
19	<b>PT07/0466/F</b>	Approve with conditions	5 Broncksea Road Filton South Gloucestershire BS7 0SE	Filton	Filton Town Council
20	<b>PT07/0516/F</b>	Approve with conditions	Abbeywood Tots Day Nursery 97 Station Road Filton South Gloucestershire BS34 7JT	Filton	Filton Town Council
21	<b>PT07/0526/F</b>	Approve with conditions	76 Jubilee Drive Thornbury BRISTOL South Gloucestershire BS35 2YJ	Thornbury South	Thornbury Town Council

**CIRCULATED SCHEDULE NO. 11/07 – 16 MARCH 2007**

**App No.:** PK06/2849/F  
**Site:** 98 Church Road Kingswood BRISTOL  
 South Gloucestershire BS15 4BE  
**Proposal:** Conversion and extension of existing  
 outbuilding to form 1no. residential  
 annexe and 1 no.dwelling with garage  
 and associated works.  
**Map Ref:** 65322 74251

**Applicant:** Group22 Limited  
**Date Reg:** 3rd October 2006  
**Parish:**  
**Ward:** Kings Chase



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 100023410, 2006.

**N.T.S**

**PK06/2849/F**

This application appears on the Circulated Schedule following objections raised by local residents, the objections being contrary to the officer recommendation.

## 1. THE PROPOSAL

- 1.1 The application relates to a 3 bed, detached, two-storey dwelling, probably late 19<sup>th</sup> C in age, with outbuildings to the side and rear. The rear outbuilding, which is 'locally listed' is a period natural stone building and a remnant of 19<sup>th</sup> C activities on the site; the outbuilding to the side is a much later brick built construction, which has a mono pitch roof and lies very close to neighbouring no.100 Church Road. Neighbouring no.100 is a similar property to no.98, otherwise the site is surrounded by later 20<sup>th</sup> C dwellings, in what is now a residential area. The land within the residential curtilage of no.98 is made over to hard-standing and was previously used for the storage of caravans. Ground levels generally fall away to the east and south of the property.
- 1.2 Application PK06/1414/F was granted planning permission to demolish the outbuilding to the side of the house and erect a 2-storey side extension to no.98, to provide two self-contained two bedroomed flats. A separate communal garden to serve the flats is to be situated to the rear, with bin and cycle stores included. The land immediately to the front of this new development will be entirely made over to hard-standing, providing three car parking spaces, one for each flat and one for the existing dwelling. Vehicular access is to be directly from Church Road to these parking spaces. The applicant has confirmed that notwithstanding the current application PK06/2849/F, the approved scheme PK06/1414/F will be implemented. The current proposal is therefore in addition to that already approved.
- 1.3 In the current application PK06/2849/F, it was originally proposed to extend and convert the existing outbuildings to the rear of no.98, to provide two self contained cottages. Following officer concerns about inadequate amenity space the scheme has been revised so that part of the outbuilding (nearest the house) would now be converted to a residential annexe whilst the remainder of the building would be extended on the eastern (rear) end and converted to a single self-contained residential unit. This unit would incorporate a single garage accessed from a private lane to the side.

## 2. POLICY CONTEXT

### 2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG3	Housing
PPS3	Housing
PPG13	Transport: Guide to Better Practice
PPG15	Planning and the Historic Environment

### 2.2 Development Plans

#### Joint Replacement Structure Plan

- Policy 1 - Sustainable development objectives.
- Policy 2 - Location of development.
- Policy 33 - Housing provision and distribution.
- Policy 34 - Re-use of previously developed land.

South Gloucestershire Local Plan (Adopted) January 2006

- D1 - Design in New Development
- L1 - Landscape Protection and Enhancement
- L15 - Buildings which make a Significant Contribution to the Character and Distinctiveness of the Locality.
- H2 - Residential Development in Urban Areas
- H4 - Development within Existing Residential Curtilages
- H6 - Affordable Housing
- T7 - Cycle Parking
- T8 - Parking Standards
- T12 - Transportation Development Control Policy
- EP1 - Environmental Pollution
- EP2 - Flood Risk and Development
- EP4 - Noise Sensitive Development
- LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)

- 2.3 Supplementary Planning Guidance  
Advice Note 1 - Altering Your Home  
Advice Note 2 - House Extensions

**3. RELEVANT PLANNING HISTORY**

- 3.1 PK03/1548/O - Erection of 1 no. bungalow with siting and means of access (outline)  
Refused 31<sup>st</sup> Jul 2003 for reasons of cramped form of development, inadequate private amenity space to detriment of residential amenity.
- 3.2 PK04/0790/O - Erection of 1no. dwelling (outline) with means of access and siting to be determined. All other matters to be reserved.  
Refused 27<sup>th</sup> April 2004 for reasons of demolition of a building (situated to the rear of the property), which makes a significant contribution to the character and distinctiveness of the locality.
- 3.3 PK06/1414/F - Erection of two-storey side extension to existing dwelling to form 2no. self-contained flats with 3no. car parking spaces and associated cycle/bin stores.  
Approved 7<sup>th</sup> July 2006

**4. CONSULTATION RESPONSES**

- 4.1 Parish Council  
Not a parished area.
- 4.2 Other Consultees
- 4.3 None
- 4.4 Sustainable Transport  
No objection subject to conditions.

**Other Representations**

- 4.5 Local Residents



Two rounds of consultations were conducted, one relating to the originally proposed scheme for two cottages and a second in relation to the revised proposal for one cottage and residential annexe. There were 4no. letters of objection received in response to the first consultation, the concerns raised are summarised as follows:

- No right of way from no.98 into private lane.
- Traffic congestion in private lane and Church Road.
- Garages are too small.
- No rear access to proposed cottages.
- No access for emergency vehicles.
- Builders' vehicles will obstruct lane.
- Cramped development.
- Overlooking of 125 Alma Road.
- Increased rubbish will result in more rats.

A further 5no. letters of objection were received in response to the second round of consultations. The concerns raised are summarised as follows:

- The access lane should be kept in-keeping with covenants during the construction phase.
- Access lane should be re-surfaced.
- No right of way to lane.
- Problems for users of the lane during demolition/construction phase.
- Traffic congestion in Church Road.
- Increased on-street parking in Church Road.

#### 4.6 Internal Consultees

#### 4.7 Education

The proposal falls below the Council's threshold (5 units) for contributions to Education facilities.

#### 4.8 Affordable Housing

The proposal falls well below the Council's threshold (15 units) for affordable housing provision in urban areas. Furthermore the site is less than 0.5ha in area.

#### 4.9 Community Services

The proposal falls well below the Council's threshold (10 units) for contributions towards Community Services.

#### 4.10 Environmental Protection

No objection

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The site lies within the residential curtilage of no.98 Church Road which falls within the definition of previously developed land. 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.
- 5.2 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.
- 5.3 Policy H4 relates to development within existing residential curtilages and lists criteria covered by H2. Policy D1 seeks good quality designs in new development. Policy L15 seeks to protect buildings of local historic importance.
- 5.4 Density  
Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and like PPG3 seeks to avoid development, which makes an inefficient use of land. PPG3 defines an inefficient use as a density of less than 30 units per hectare, and the supporting text to Policy H2 sets out the Council's expectation that higher densities (in excess of 50 dwellings per hectare) will be achieved in and around existing town centres and at locations well served by public transport.
- 5.5 The South Gloucestershire Local Plan (Adopted) 6th January 2006 and PPG3 (para.54) also seek to ensure, in achieving higher densities for new development, that *"local planning authorities and developers think imaginatively about designs and layouts which make more efficient use of land without compromising the quality of the environment"*. PPG3 (para.1) also supports a greater choice of housing and that (para.9) the majority of the projected growth will be in one-person households and does not accept that different types of housing make bad neighbours.
- 5.6 Notwithstanding the proposed residential annexe to the existing house, the scheme would introduce a one bedroom dwelling/cottage to the site in addition to the 2 units already approved under PK06/1414/F. This would give a total of 4 dwellings on the 0.027ha site, which equates to a density of 148 units per hectare. The high density figure merely reflects the fact that the units comprise of the 2 x 2 bedroom flats approved under PK06/1414/F and the one bed unit now proposed, all of which are small in scale. Having regard to the size of the

plot and the scale of the units both approved and proposed, officers consider that the proposed density would make the most efficient use of the site in this urban location. A larger building than that now proposed is not considered appropriate due to the proximity of two-storey residential dwellings, the character of the street scene, the limited amount of amenity space available and the need to retain the historic fabric of the locally listed outbuilding. The original scheme proposed to convert the outbuilding to two separate cottages but officers considered that, due to the paucity of private amenity space, this would be an overdevelopment of the site. The site is in a sustainable location being in the heart of Kingswood within easy walking distance of the shopping and community facilities and main bus routes. The density proposed is therefore acceptable.

#### 5.7 Scale and Design

Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 requires a good standard of design, in particular the siting, layout, form, scale, height, detailing, colour and materials should be informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.

5.8 The proposed extension is relatively small and for most part replaces the least important part of the existing building. The bulk of the existing outbuilding would therefore be retained thus maintaining the established building line, form and pattern of development in this part of the lane, which runs to the side of no.98.

5.9 The historic character and appearance of the building would for most part be retained and repairs to the outer rubble stone walls would be an enhancement. The scale and design of the proposal is therefore considered acceptable.

#### Impact Upon Residential Amenity

5.10 Adequate private amenity space would be provided for the proposed residential unit. Furthermore a separate private garden would be retained to serve the existing house and annexe; a communal garden would serve the two flats approved under PK06/1414/F. Pedestrian access is afforded to all of these gardens via a narrow walkway from Church Road as well as directly from the individual units. Adequate amenity distances would be achieved between any facing habitable room windows and there would be no significant issues of overlooking or loss of privacy. A condition could also control the hours of working on the site so as to lessen the disturbance to residential property during the construction and demolition phases. Bin storage would be provided to the rear with access to Church Road along the proposed walkway on the northern boundary of the site. There would therefore be no adverse impact on residential amenity.

5.11 The new one bedroom residential unit would be sold on the open market and would provide a valuable contribution to the low cost open market housing stock, which is increasingly in demand by single people or first time buyers. Whilst it is unclear at this stage who would occupy the residential annexe, this is not in this case considered justification for refusal of planning permission because officers are conscious of the fact that the building, being within the residential curtilage of no.98, could be used as ancillary residential accommodation without the benefit of planning permission. On balance therefore, officers are satisfied that the impact of the proposed development upon neighbouring residential amenity, would be acceptable.

#### 5.12 Transportation Issues

The proposed off-street parking provision accords with the Council's maximum parking standards. One of the three parking spaces provided under PK06/1414/F is allocated to the existing house and this has been secured by a condition attached to that planning permission. Vehicular access to the garage serving the new one bed residential unit would be from Church Road via the private lane to the side of no.98. Contrary to objections raised by local residents, the applicant's agent has given assurances that the applicant does retain right of way over the private lane. Whilst it is not for the Council to resolve disputes concerning access over private property, the scheme could not be implemented if it should be subsequently found that the applicant has no right of access.

5.13 The access lane serves a large number of garages to properties in Alma Road and Runnymede and is already well used. Whilst the Council's Highway Officer considers that the access lane would benefit from re-surfacing, this cannot be secured by condition because the applicant does not have control over the lane. The amount of traffic generated from the proposal is so small that it would be unlikely to add significantly to the current highway safety hazards. Notwithstanding the proximity of the private lane, the development would be sufficiently close to Church Road for access by emergency services. No objection has been raised by the Highway Officer to the size of the garage now proposed. There are therefore no highway objections to the proposal.

#### 5.14 Conservation Issues

The outbuilding located to the rear of no.98 was previously assessed by the Council's Conservation Officer and due to its historic significance was considered worthy of local listing. The building has evolved in several stages and the various elements possibly date from around the early C19. The construction is principally rubble stone walls and a clay tiled roof although the lower section, which is to be demolished, has a corrugated sheet roof. The revised scheme incorporates a number of features requested by the Conservation Officer and is now considered to be acceptable. Since the historic fabric of the building would be retained the scheme would be in accordance with Policy L15 of the South Gloucestershire Local Plan (Adopted) 6th January 2006. There are therefore no objections to the proposal on conservation grounds.

#### 5.15 Landscape Issues

Policy L1 seeks to conserve and enhance the character, distinctiveness, quality and amenity of the landscape. There is no vegetation on the existing site. There are therefore no landscape objections to the proposal.

#### 5.16 Drainage

PPS25 and Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 require that proposed development ensures that foul and surface water disposal arrangements are acceptable and incorporate sustainable drainage principles. In addition, development will not be permitted where it could increase the risk of flooding. Both foul and surface water drainage would be disposed of to the existing services. The proposal would also be the subject of Building Control. There are therefore no drainage objections.

#### 5.17 Environmental Issues

Policy EP1 does not permit development that would unacceptably harm the environment, or the health, safety and amenity of users of the site or

surrounding land, as a result of pollution to water, air or soil, or through noise, vibration, light, heat or radiation. The Council's Environmental Health Officer, has raised no objections to the proposal.

#### 5.18 Other Concerns Raised

Regarding the concerns raised by local residents that have not been addressed above:

- Covenants relating to the private lane are civil matters that are not enforced or administered by planning legislation.
- It will be the developers' responsibility not to obstruct the private lane; this again is not controlled by the planning system.
- There is adequate room for bin storage and any rat infestation would be controlled by Environmental Health legislation.

#### 5.19 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).

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

## 7. RECOMMENDATION

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

**Background Papers**      **PK06/2849/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. 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, G and H), or any minor operations as specified in Part 2 (Class A,B), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.  
(For the avoidance of doubt this condition applies to both the existing house and associated annexe as well as the new one bed residential unit hereby approved).

Reason:

In view of the limited size of the plot and the character of the locally listed building, any extension/alteration to the dwelling would require further detailed consideration in order to safeguard the amenities of the area and to accord with Policies H4/H2/L15 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The hours of working on the site for the period of demolition and 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 occupiers of nearby dwelling houses, and to accord with Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the first occupation of the development hereby approved, the exterior rubble stonework surface of the building (the subject of this planning permission) shall be repaired using lime mortar only.

Reason:

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

5. No windows other than those shown on the plans hereby approved shall be inserted at any time in the residential annexe and house hereby approved.

Reason 1:

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

Reason 2:

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.

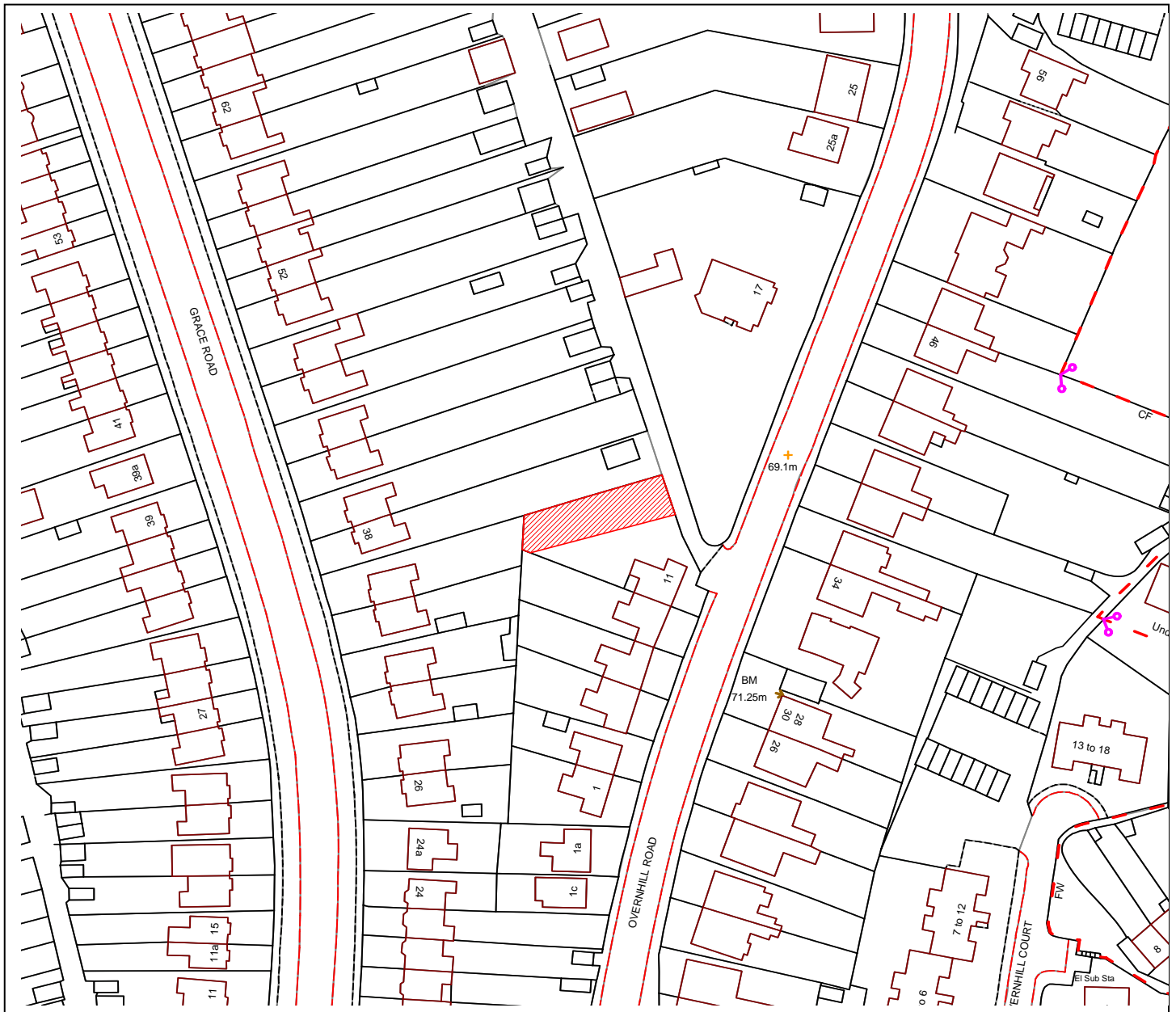
6. The annexe conversion hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 98 Church Road, Kingswood.

Reason:

There is insufficient space within the site to accommodate a further residential unit in accord with Policies D1/H4/H2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

**CIRCULATED SCHEDULE NO. 11/07 – 16 MARCH 2007**

<b>App No.:</b> PK06/3138/F	<b>Applicant:</b> Mr K Webb
<b>Site:</b> 11 Overhill Road Downend BRISTOL South Gloucestershire BS16 5DN	<b>Date Reg:</b> 26th October 2006
<b>Proposal:</b> Erection of 1no. detached dwelling with new access and associated works.	<b>Parish:</b> Downend and Bromley Heath
<b>Map Ref:</b> 64455 76156	<b>Ward:</b> Downend



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**N.T.S**

**PK06/3138/F**



## **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 This application seeks full planning permission for the erection of what could be referred to as a “chalet bungalow” – a two-storey dwelling but with the first floor accommodation contained within the roof space.
- 1.2 The application site is currently land within the curtilage of No.11 Overhill Road, a semi-detached property located on the western side of Overhill Road. Access to the site is to be via a lane which provides rear vehicular access to properties fronting both Overhill Road and Grace Road.
- 1.3 Since submission, the application has been subject to some revisions to the design and the location and species of the replacement tree has been clarified on plan.

### **2. POLICY CONTEXT**

#### **2.1 Development Plans**

##### Joint Replacement Structure Plan

Policy 31	Residential Development
Policy 33	Residential Development
Policy 59	Transportation Aspects of Development

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

D1	Design
H2	Residential Development in Urban Areas
H4	Residential Development within Existing Residential Curtilages Including Extensions and New Dwellings
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy

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

- 3.1 PK04/2442/F - Erection 1 no. two-storey detached dwelling with access and associated works. Refused planning permission 02/09/04.
  1. Having regard to the size, shape and configuration of the site and the position, mass and height of the proposed dwelling, it is considered that the proposal will result in overdevelopment of the site which would have an overbearing affect on the occupiers of the existing dwelling, all to the detriment of the existing levels of residential amenity that are currently enjoyed. The proposed scheme is therefore contrary to Policy KLP.81 of the adopted Kingswood Local Plan and Policies H2 & H4 of the South Gloucestershire Local Plan (Revised Deposit Draft).
  2. By reason of its close proximity to the existing Maple Tree which is protected under Tree Preservation Order KTPO3/76, the proposed development would be detrimental to the long term health of the tree,

which in turn would be detrimental impact on the future visual amenity of the locality. The proposed scheme is therefore contrary to Policies D1 and L1 of the South Gloucestershire Council Local Plan (Revised Deposit Draft) and Draft Supplementary Planning Guidance "Trees On Development Sites".

- 3.2 The refusal was subsequently appealed and dismissed, however whilst the Planning Inspector upheld the Council's concerns regarding the tree, he disagreed with the first reason for refusal.
- 3.3 PK06/1738/TRE Works to fell 1no. Norway Maple covered by South Gloucestershire Tree Preservation Order KTPO3/76 dated 7 June 1976. Approved 31/08/06.

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

- 4.1 Downend and Bromley Heath Parish Council  
No objections as long as surface of access road is suitable.

- Environmental Services  
4.2 Comments to be added as an informative

#### **Other Representations**

- 4.3 Local Residents  
7no. consultation responses were received from local residents that expressed the following summarised objections to the proposed scheme:
- The proposed dwelling would face out into a lane used by pedestrians and would present a highway safety hazard;
  - The existing local infrastructure is considered to be inadequate;
  - The proposed dwelling would face out into the lane and would spoil the outlook of trees and a far view of Purdown over the tops of the trees in Grace Road;
  - A previous scheme (PK04/2442/F) was refused and later refused on appeal;
  - The proposed dwelling is out of keeping with the character and appearance of the surrounding area;
  - The proposed development would appear as a cramped form of development, out of keeping with the area;
  - The proposal would lead to an increase in on-street parking levels;

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

- 5.1 Principle of Development  
PPG3 (Housing) indicates a presumption in favour of the development of previously developed sites as part of an objective to widen housing choice, maintain a housing supply and create sustainable residential environments. The proposed seeks the redevelopment of an existing residential property, and so the land falls within this category. It is also important to note however that PPG3 indicates that such development must be in accordance with other development control criteria such as design, layout, parking and amenity. PPG3 (para 56) states that development of whatever scale should not be viewed in isolation, for considerations of design and layout must be informed by the wider context having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality. The local

pattern of streets and spaces, building traditions and materials should all help to determine the character of the development.

- 5.2 Policies 1 and 2 of the Joint Replacement Structure Plan give support for steering residential development in locations in those settlements, which have significant existing advantages over other locations in respect of public transport, employment and other facilities. In addition Policy 33 of this plan reflects the guidance within PPG3 by stating that priority would be given to the reuse of previously developed land and buildings within urban areas, and that Local Plans will set out proposals to maximise the use of previously developed sites. Subsequently, as the application represents development of a previously developed site, it is therefore in accordance with these Structure Plan principles. The South Gloucestershire Local Plan (Adopted) January 2006 also identifies the site as within the urban area and Policy H4 allows for new dwellings within residential curtilages in accordance with the following criteria that will be considered below.

As noted in the planning history, this application follows two previous applications made on the site. Within the Inspector's Appeal Decision, the principle of a full two-storey dwelling on this site was accepted, but the appeal failed due to the proximity of a protected tree. With the tree now removed, a view can be taken that there are no grounds to object to the principle of the scheme.

- 5.3 The principle of the development is therefore considered acceptable in this instance subject to the following assessment.

5.4 Layout, Scale and Density of the Proposed Development

The scale of the building can be considered to be smaller than the one previously refused. Therefore in light of the Inspector's decision notice, there can be no objections to the scale, layout or density of the proposed development.

- 5.5 As previously noted however, permission has now been granted to fell the TPO'd tree on the site. This was due to poor health. Confirmation of the position of the replacement tree has been submitted and agreed by the Council's Tree Officer. With a condition in place (attached to PK06/1738/TRE) requiring the planting of the replacement tree, no further condition is to be attached.

Design

- 5.6 The streetscene of Overhill Road is made up of Victorian and Edwardian buildings of varying styles and scale. Although it is recognised that the form of the proposed building is not present within the streetscene, its design is sufficiently detailed and due to it being sited to the back of the existing plot, it is not considered that the building would have a significant presence within the street scene.

Impact Upon Residential Amenity

- 5.7 In light of the similarity between the previous scheme and this application and the fact that the previous concerns of residential amenity levels were not supported by the Planning Inspector in this decision notice, there can be no objections to the proposed scheme on these grounds.

- 5.8 It is noted that on plan only 1no. side casement window is shown for the north facing side elevation where 2no. are shown on the elevation. This disparity is not considered significant with regards to effect upon privacy levels for the

outlook from these windows would be enclosed by the existing levels of boundary treatment that would be in relatively close proximity.

#### Transportation

- 5.9 The proposed dwelling is situated on a private rear access road, which serves a number of garages and parking spaces. The existing lane is narrow, has no footway and its surfacing is poor and so the highway safety concerns of the local residents are understandable.
- 5.10 In its current form, it is considered that the current access is unsuitable as principal means of access to serve additional residential development. However again it has to be considered that there is a relevant planning history to this site, which includes an appeal decision for a similar residential proposal on the site that did not result in any highway objections to the proposed scheme.
- 5.11 In light of the previous appeal decision that did not raise any highway objections, it would be difficult to substantiate a highway refusal reason to the current application in an appeal situation. Notwithstanding this, it is considered appropriate to impose planning conditions to the following effects;
- 1) Prior to the first occupation of the dwellinghouse, a 2 metre wide footway is constructed on the land edged red and blue, which would run parallel with the existing access road. The said footway would then be adequately surfaced with bound surface material and then connect it to the existing footway on Overnhill Road. The constructed new footway would then be maintained satisfactory thereafter.
  - 2) Prior to occupation of the new building, provide two off-street parking for new dwelling on the red land and two off-street parking for the existing dwelling (namely No. 11 Overnhill Road) on the blue land and then maintain these satisfactory thereafter.

#### 5.12 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).

#### 5.13 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**      **PK06/3138/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. 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, G and H), 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:

To ensure the satisfactory external appearance of the development in the interests of visual amenity and in view of the limited scale of the plot to protect the residential amenity of both the prospective and existing neighbouring occupiers and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no windows/dormer windows or rooflights [other than those expressly authorised by this permission] shall be constructed.

Reason:

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

4. No development shall take place until samples of the roofing and external facing materials proposed to be used have been submitted to and approved in writing by the

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

Reason:

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

5. Prior to the first occupation of the dwellinghouse, a 2 metre wide footway shall be constructed on the land edged red and blue, which would run parallel with the existing access road. The said footway must be adequately surfaced with bound surface material and connected it to the existing footway on Overnhill Road. The constructed new footway must then be maintained in a satisfactory condition thereafter.

Reason:

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

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

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.

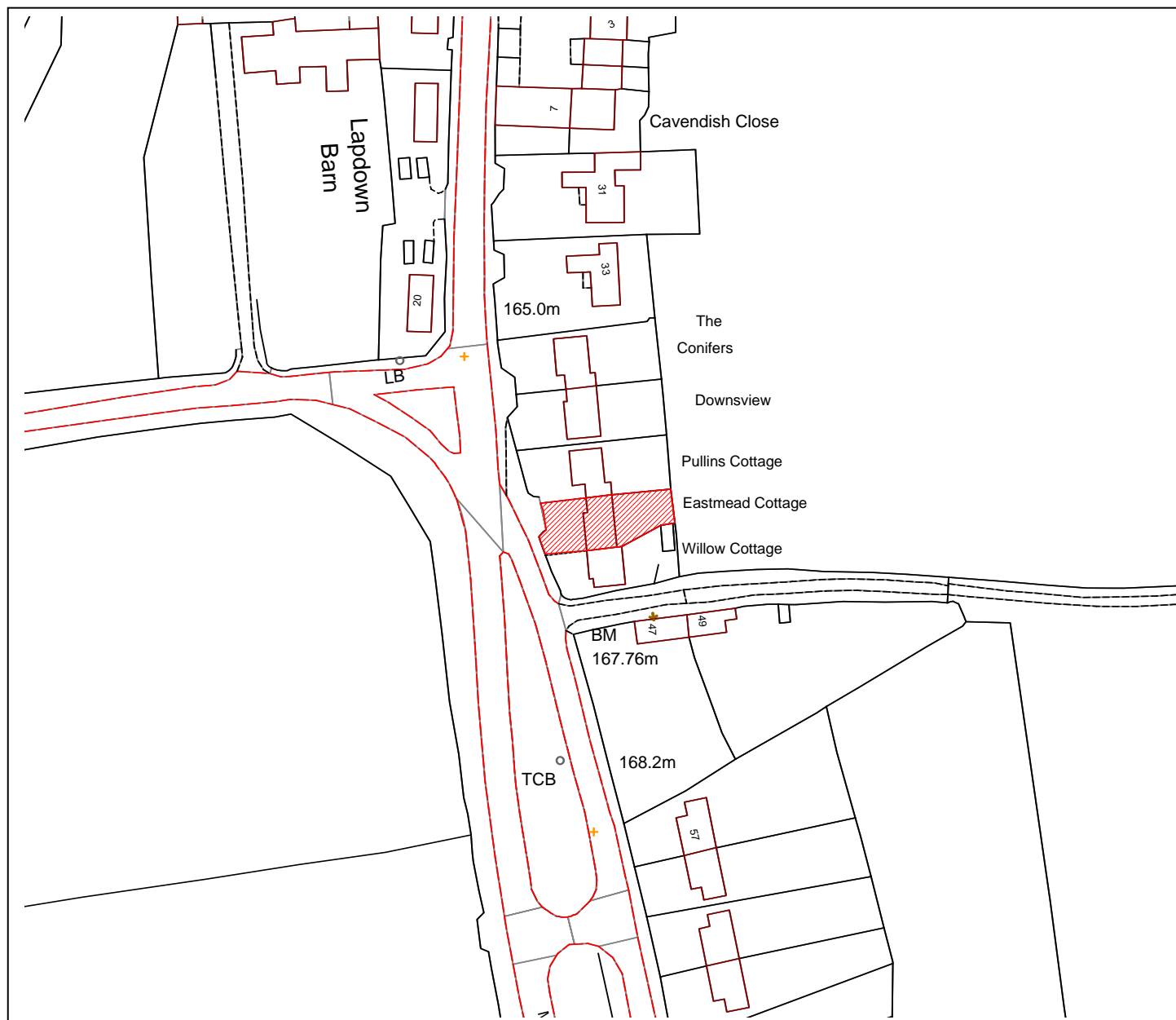
7. Prior to the commencement of development, detailed plans showing the provision of (car and cycle parking facilities) for the existing property (No.11) all in accordance with the standards set out in Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006 shall be submitted to and 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, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 11/07 – 16 MARCH 2007**

<b>App No.:</b> PK07/0255/F	<b>Applicant:</b> Mr & Mrs McBraida
<b>Site:</b> Eastmead Cottage Marshfield Road Tormarton BADMINTON South Gloucestershire GL9 1JF	<b>Date Reg:</b> 30th January 2007
<b>Proposal:</b> Erection of single storey rear extension to form utility, garden room and extended garage.	<b>Parish:</b> Tormarton Parish Council
<b>Map Ref:</b> 77063 78463	<b>Ward:</b> Cotswold Edge



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**N.T.S**

**PK07/0255/F**

## **INTRODUCTION**

This application appears on the Circulated Schedule due to the receipt of one letter of objection from a neighbour.

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking full planning permission for the erection of a single storey extension to the rear of the dwelling. The extension as proposed would have two sections that would be attached to one another – a largely glazed extension to form additional living space on the ground floor of the property and an extension to the rear of the existing garage. The main bulk of the extension (the garden room) will have a depth of 4.15 metres, the garage extension will have a depth of 3 metres.
- 1.2 The application site consists of a terraced property at the edge of the village of Tormarton. The property is clad with stone on the front elevation and has a very traditional appearance although being a fairly new property. To erect the extension the applicants have stated they intend to purchase a small section of garden from the attached property – Willow Cottage. The correct notice has been served on the occupants of this address.
- 1.3 During the course of the application amended plans were received from the agent to remove the canopy roof from the rear of the garage extension. This was in order to ensure that the total depth of the garage extension (adjacent to the boundary fence) is limited to three metres in depth.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPG 1 General Policy and Principles
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
H4 Development within Existing Residential Curtilages, Extensions and New Dwellings  
L2 Cotswold Area of Outstanding Natural Beauty (AONB)
- 2.3 Supplementary Planning Guidance  
Kingswood Advice Note 1: Altering Your Home  
Kingswood Advice Note 2: House Extensions

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

- 3.1 P84/1273 Demolition of existing cottage. Erection of five dwellings and garages. Construction of vehicle access drives.  
Approved June 1984

### **4. CONSULTATION RESPONSES**

- 4.1 Tormarton Parish Council  
No Objection



## **Other Representations**

### 4.2 Local Residents

One letter has been received from a local resident. The neighbour raises the following objections:

- The extensions are too big – almost half as much as the original dwelling
- The extension will have an overbearing impact on the neighbours rear garden.
- The extension, because of the height of the garage element, will enclose the neighbour's rear garden
- Potential for damage to the existing party wall
- May limit the neighbours potential to extend
- The extension is disproportionate to the garden and out of keeping with other property in the village.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan allows for development providing it is in keeping with the character of the area and satisfies several criteria relating to design, scale, highway and impact upon visual and residential amenities being met. Policy L2 allows for development with the AONB providing the conserves and enhances the natural beauty of the area.

### 5.2 Design/ Visual Amenity

The proposed extension meets an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. The main body of the extension will have a gable end which will be constructed largely of glass. The design of the extension is somewhat unusual but is certainly not considered to be poor design. The extension respects the character, scale and design of the host dwelling. The eaves and ridge height of the extension will be in line with the eaves and ridge on the neighbours conservatory. This encourages the extension to integrate with the existing built environment and will not appear excessively tall or dominant.

The rear garage extension is of a different design to the main body of the rear extension. It is considered that this reflects the silhouette of the host dwelling where the attached garage is set down from the ridge of the main dwelling. The garage extension does admittedly have high eaves. However, given the small scale of the garage extension, this is not considered to be of significant concern to warrant the refusal of the application.

The rear extensions will be contained close to the existing buildings and in line with the existing rear conservatory on the neighbours property. It is not considered therefore that the extension will have any significant or detrimental impact on the beauty of the AONB. The design and visual amenity of the proposed extensions are thus considered to be acceptable.

### 5.3 Residential Amenity

It is accepted that rear extensions to semi-detached properties are normally restricted to three metres in depth in order to protect the amenities of the neighbouring properties. In this instance however, consideration must be given

to the fact that there is an existing rear conservatory extension on the back of the neighbouring property Willow Cottage that has a depth of 4.150 metres. Therefore, when viewed from Willow Cottage the extension will be screened behind the existing conservatory and will not have any detrimental impact upon it. The other attached property to the North – Pullins Cottage, does not have any rear protrusions and thus the proposed extension is limited to three metres in depth along this boundary. Pullins Cottage has only a garage window closest to the boundary fence and it is thus not felt that any habitable room windows will be affected by the proposal.

The eaves height of the extension adjacent to Pullins cottage is 2.5 metres - thus only 70cm will be visible above the existing boundary fence. It is not considered that this is of concern and will not have any overbearing, overshadowing or oppressive effect on the amenities of the attached property. It is thus not considered that the extension will result in any issues of overshadowing or overbearing for the neighbouring property.

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

#### 5.4 Other Issues

In response to the neighbours concerns, whilst not a planning issue, there is no reason to believe that the proposed extension subject of this application will have any impact whatsoever on the ability of the neighbour to also extend their property should they wish. Issues of the stability of the existing garage wall are not planning considerations and instead should be dealt with either at building control stage or via the Party Wall Act.

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

## 7. RECOMMENDATION

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

**Background Papers**      **PK07/0255/F**

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

**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 Policies D1, H4 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 11/07 – 16 MARCH 2007**

**App No.:** PK07/0338/F

**Applicant:** Orange Personal Communications Services

**Site:** Newhouse Farm Sodbury Road Acton Turville BADMINTON South Gloucestershire GL9 1HD

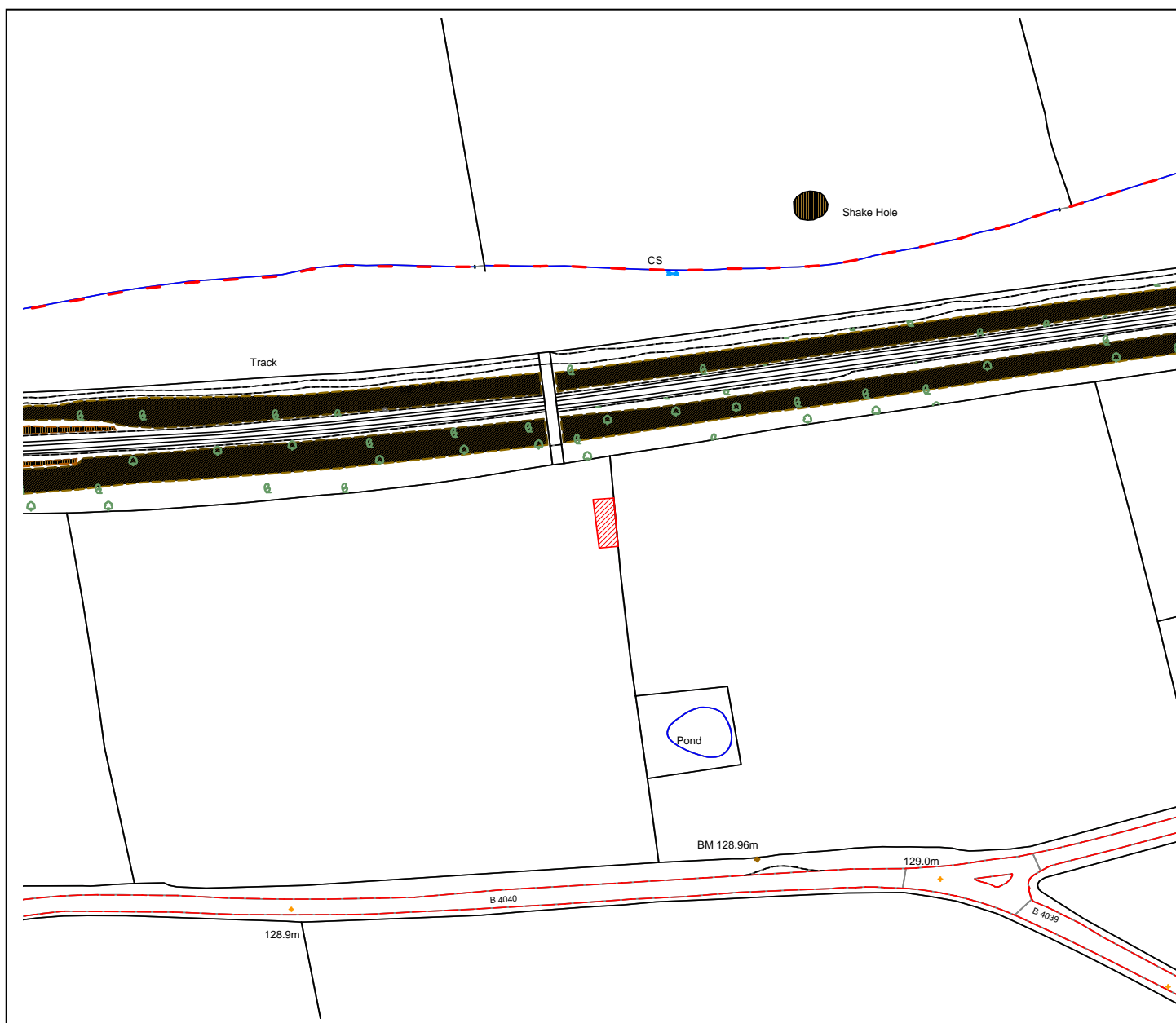
**Date Reg:** 5th February 2007

**Proposal:** Erection of 10m dual telecommunication transformer pole with two shrouded antennas, enclosure and associated cabinets.

**Parish:** Acton Turville Parish Council

**Map Ref:** 80309 81150

**Ward:** Cotswold Edge



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 100023410, 2006.

## **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 This application seeks approval for the above installation to provide coverage for the users of the adjacent main rail line as they travel through the Sodbury tunnel and cutting. This application also follows a previous scheme that was approved on appeal late last year.
- 1.2 Following the approval on appeal, the applicants wished to make a minor amendment in relation to the orientation of the dual pole transmitter – an approximate 90 degree rotation. As approval was not given by the local planning authority, no minor amendment to the previous approval could be entertained and so a full application is required.
- 1.3 In view of the planning history, the principle of a 10m high dual pole transmitter has been established and so therefore this application is merely to consider the proposed change in orientation.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS7	Sustainable Development in Rural Areas
PPG8	Telecommunications

#### 2.2 Development Plans

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

D1	Design
L2	Cotswolds Area of Outstanding Natural Beauty
S5	Telecommunications

#### 2.3 Supplementary Planning Guidance

Telecommunications Network Infrastructure SPD (August 2005)

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

- 3.1 PK04/3576/F – Erection of 10m dual telecommunications transformer pole with two shrouded antennas, enclosure and associated cabinets.

Refused planning permission 07/12/04 on the grounds of harm to the Cotswolds AONB, lack of technical justification and lack of significance to the national network.

- 3.2 As stated previously, the refusal was appealed and in their decision notice dated 11/10/06, the Planning Inspector concluded that the proposal would not cause significant harm to the AONB and contrary to the Council's view, the provision of the mast in providing coverage to the users of the adjacent railway would provide a significant contribution to the network.

## **4. CONSULTATION RESPONSES**

### **4.1 Acton Turville Parish Council**

The Parish Council objected to the previously proposed mast and permission has now been given (on appeal). The Council wish to be assured that the latest application will replace the previous and so that its approval could not result in there being two masts in close proximity.

### **Other Representations**

### **4.4 Local Residents**

4no. consultation responses were received from local residents which expressed the following summarised objections to the proposed scheme:

- The proposal represents a health risk, which until resolved should not be placed so close to the village of Acton Turville; and
- The installation of masts in areas of outstanding natural beauty is totally inappropriate and is not required, as the reception of Orange in the surrounding area is fine;

## **5. ANALYSIS OF PROPOSAL**

5.1 The principle of the proposed installation in this location has already been established, (see paragraphs 1.1 to 1.3 above).

5.2 It is considered that the proposed new orientation of the installation would be of no significance in terms of visual amenity, as its siting and design remain as previously approved.

5.3 The concerns of the local parish council are noted, but as shown on the respective plans for this scheme and the previously approved one, the siting of the masts are the same, and so the approval of this installation could not physically result in two masts being erected.

5.4 With regards to the health concerns expressed by the local residents, PPG8 advises that the planning system is not the place for determining health guards and that enforcement of health and safety legislation is a matter for the Health and Safety Executive.

5.5 The Government has accepted recommendations in the Stewart Group's Report that, as a precautionary measure, mobile phone base stations, such as proposed by this application, should meet the guidelines for limiting exposure as set by the ICNIRP (International Commission on Non-Ionizing Radiation Protection).

5.6 The application is supported by a certificate that demonstrates that the equipment complies with the ICNIRP guidelines. As in the case with the majority of equipment installed nationally, the levels of radiation generated by this equipment is a tiny fraction of the maximum levels set by the ICNIRP.

### **5.7 Section 106 Requirements**

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, 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 is GRANTED subject to the following conditions.

**Background Papers**      **PK07/0338/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. Notwithstanding the details shown on the submitted plans, and prior to the commencement of the development hereby approved, details of the type and colour of the external surfaces of the dual transformer poles and the 2 antennas, and equipment cabinets shall be submitted to and agreed in writing by the local planning authority; installation shall be carried out in accordance with the agreed details and the external colour of the poles and equipment shall not be altered without the Council's prior written approval.

Reason:

To protect the character and appearance of the area to accord with Policies D1, L1 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 11/07 – 16 MARCH 2007

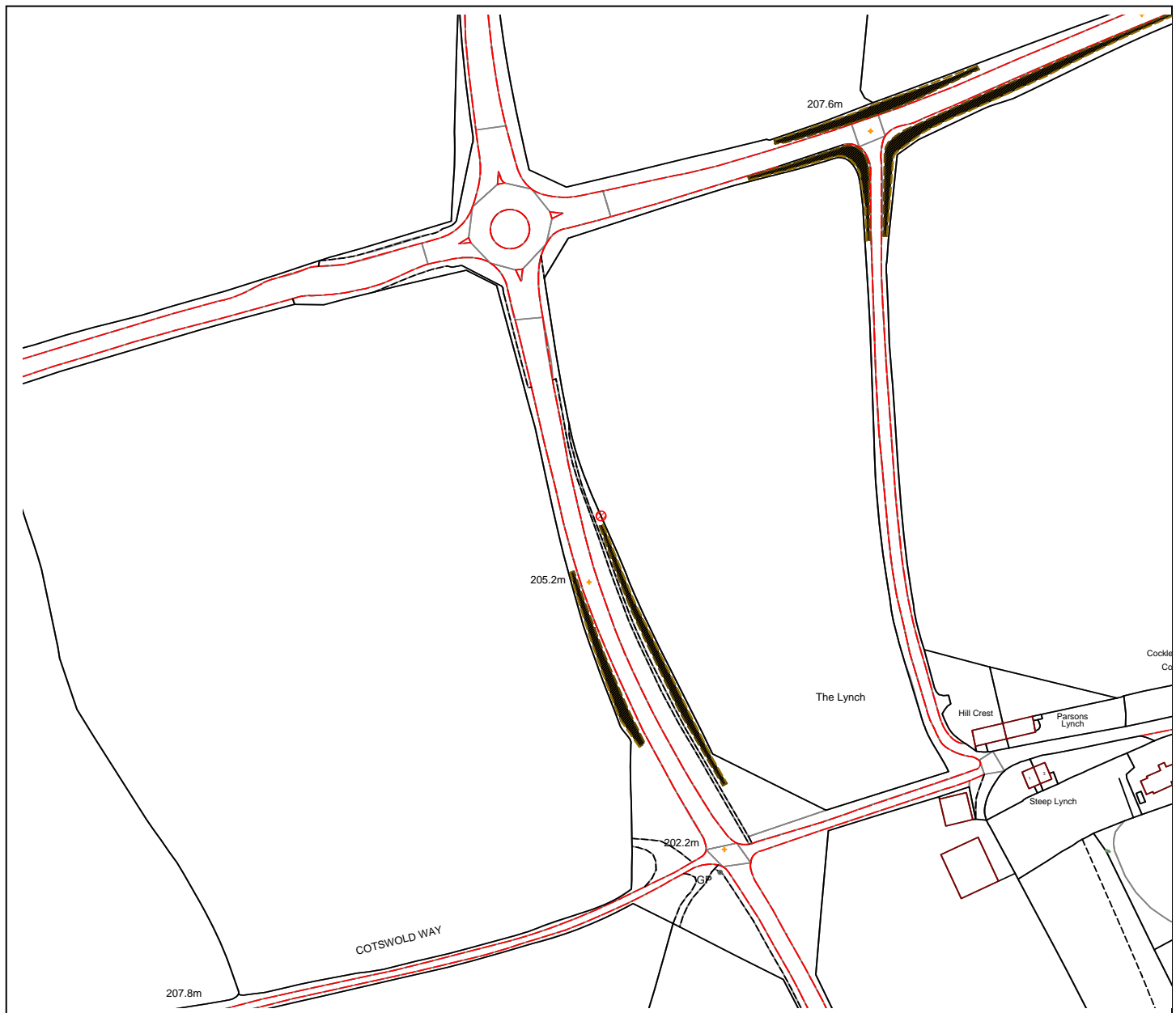
**App No.:** PK07/0374/ADV  
**Site:** Land on the east side of the A46 to the south-east of the Cold Ashton roundabout South Gloucestershire SN14 8JZ

**Applicant:** Mr D E Watts  
**Date Reg:** 7th February 2007

**Proposal:** Display of 1 no. non-illuminated sign.

**Parish:** Cold Ashton Parish Council  
**Ward:** Boyd Valley

**Map Ref:** 74482 72644



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**N.T.S**

**PK07/0374/ADV**



## **INTRODUCTION**

This application is referred to the Circulated Schedule following an objection to the proposed scheme being received from the Highways Agency as part of the consultation process.

### **1. THE PROPOSAL**

- 1.1 This application seeks advertisement consent for 1 no. non-illuminated advert sign that is positioned on the east side of the A46, just to the south of the Cold Ashton roundabout. The advert is associated with a nearby Bed and Breakfast situated within hamlet of Cold Ashton.
- 1.2 Within the supporting information, the applicant has stated that the sign has been *in situ* for some 20 years, and so with it still in place, this application in truth could be considered as seeking retrospective consent.
- 1.3 The sign has dimensions of 600mm in height x 750mm in width and has a very simple appearance (just contains the following lettering “B&B” and “Next left” and is top hung on a black metal angle post.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPG1	Planning Policy and Principles
PPG19	Outdoor Advertisement Control

#### **2.2 Development Plans**

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

D1	Achieving Good Quality Design in New Development
L19	Display of Advertisements
T12	Transportation Development Control Policy for New Development

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

- 3.1 PK03/2222/ADV - Display of 1 no. non illuminated advertising hoarding adjacent to A46 and Dyrham Park, Upper Street, Dyrham, South Gloucestershire, SN14 8ER. Refused 02/10/03 for the following reason:

*“By reason of its size, location and detail, the proposed sign is considered unacceptable for it would cause undue distraction to passing motorists to the detriment of public safety and this would be contrary to Policy L18 of the South Gloucestershire Local Plan (Revised Deposit Draft)”.*

- 3.2 The refusal of the proposal was based on the objections of the Highways Agency, as the A46 was a trunk road.
- 3.3 The applicant subsequently appealed the refusal, and in their decision notice dated 24/02/04, the Planning Inspector allowed the appeal after considering that the Dyrham Park sign would not present a hazard to highway safety.

### **4. CONSULTATION RESPONSES**

- 4.1 **Cold Aston Parish Council**  
No consultation replies were received

- The Highways Agency
- 4.2 The A46 is virtually a de-trunked route and there are some safety concerns for the following reasons:

The number of drivers using the trunk road on a daily basis makes the roadside environment an place to achieve free advertising. Those same numbers of driver however make the road environment a dangerous place and accidents occur on the A16 on a regular basis which cause injuries, expense and inconvenience and considerable delays and disruption to journeys for all trunk road users.

Any sign within the trunk road needs to be serving a road related function and any new signs are subjected to the Highways Agency's procedures which require a series of Road Safety Audits by a team of qualified safety auditors. It is acknowledge that this sign would not fall under these procedures because it is outside of the highway boundary. It is however so close that it is to all intents part of the highway environment and will therefore contribute to driver distraction and to general highway clutter. There may also be an issue about the safety of the materials which are being used which could result in highway headlights being reflected back to the driver.

There is additionally a concern that if the planning authority are minded to grant this application it will set a precedent which will make it difficult to resist other applications for advertising adjacent to the trunk road.

### **Other Representations**

- 4.3 Local Residents  
1no. consultation response was received which expressed objection to the scheme on the grounds that the delivery access are shown is not wide enough to be used by service lorries to the detriment of highway safety.

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
As outlined in PPG19, outdoor advertisements can only be controlled in the interests of "*amenity*" and "*public safety*". In terms of "*amenity*", the affect of the proposal on the visual amenity in the immediate neighbourhood has to be considered. With regard to "*public safety*", LPA's must ensure any advertisement does not create a traffic hazard, especially in terms of causing a distraction.
- 5.2 Policy L19 of the South Gloucestershire Local Plan (Adopted) January 2006 incorporates advice contained within PPG19. This policy allows for the display of advertisements provided the following criteria are complied with:-
- A. The advertisement would not be detrimental to the appearance of the building on which it is displayed, or detrimental to the immediate location in which it is to be displayed, by virtue of size, siting, materials, colour or illumination; and**
- 5.3 The sign is free standing and so no buildings would be affected. The sign is also considered to be of a simple and traditional design and to an appropriate

scale, and so it is not considered that the sign is detrimental to the immediate location.

**B. the advertisement would not detract from the character of the locality;**

- 5.4 As above, it is considered that the simple and traditional appearance of the sign has not caused any harm to the character the locality.

**C. the cumulative effect of the proposal would not be detrimental to visual amenities;**

- 5.5 As the only sign within the wider context, it is not considered that there have been any cumulative effects caused by the proposed scheme which could be argued to be detrimental to levels of visual amenity.

**D. the advertisement would not prejudice public safety.**

- 5.6 In terms of the principle of the scheme, the comments of the Highways Agency are noted. However their argument is broadly the same as the argument which resulted in the refusal of the application noted in paragraph 3.1 of this report. As also noted within paragraph 3.3 of this report, the highway safety argument previously raised for a much larger and more prominent sign was dismissed by a Planning Inspector on appeal.

- 5.7 There is therefore concern that if the principle of an advert along the A46 is once again refused on the advice of the Highways Agency, the Council would be in a weak position to defend any appeal.

- 5.8 Notwithstanding the above, the Council's own Highways Engineer was consulted on the proposed scheme and raised no objection to the proposal on the grounds that the sign is small and does not encroach onto highway land.

- 5.9 In light of the above, it is considered that in view of the recent planning history with regard to signage along the A46 and "no objection" from the Council's own Highways Engineers, although the concerns of the Highway Agency are noted and should be seen as a basis for providing future guidance in controlling the level of adverts along the A46, it is considered that any objection put forward would not be sustainable at appeal, and for this reason, advertisement consent is to be recommended.

Other Issues

- 5.10 The "setting of a precedent" concern expressed by the Highways Agency is again noted and it is assumed that this relates to a concern in relation to highway safety. However, every application has to be considered on its merits, and so for every advertisement consent application submitted, a full assessment on the highway safety implications will be made. It is though acknowledged that the appeal decision previously recorded has undermined the "objection in principle" to adverts along the A46 stance advocated by the Highways Agency, and so the highways safety implications will have to be brought down to a case-by-case assessment level, and so whilst the principle may now be acceptable, issues such as siting, scale and design would still be significant material considerations in the determination of any advertisement consent application alongside the A46.

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

## 7. RECOMMENDATION

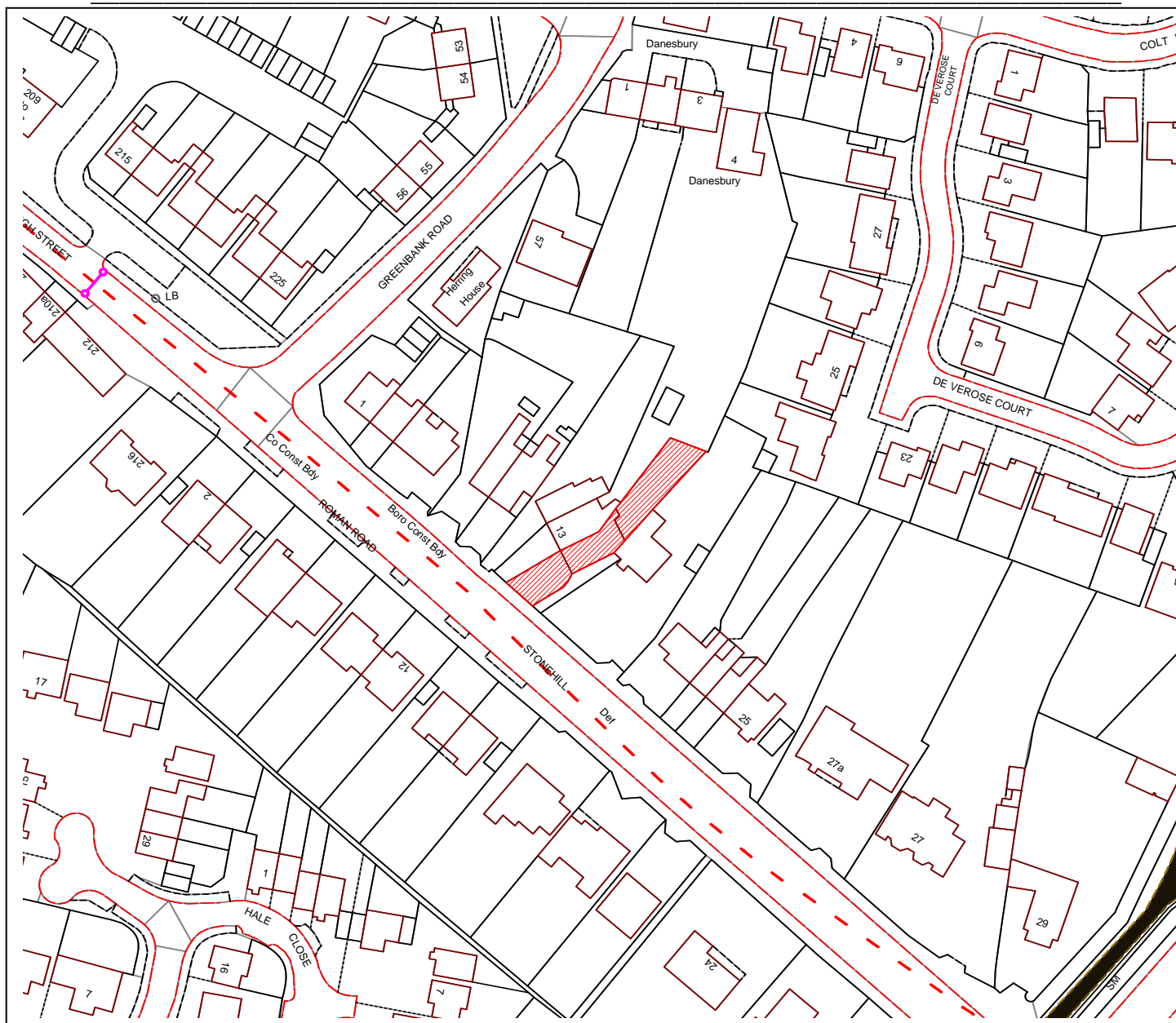
- 7.1 Advertisement consent is to be GRANTED.

**Background Papers**      **PK07/0374/ADV**

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

## CIRCULATED SCHEDULE NO. 11/07 – 16 MARCH 2007

<b>App No.:</b>	PK07/0377/F	<b>Applicant:</b>	Mr M Silk
<b>Site:</b>	15 Stonehill Longwell Green BRISTOL South Gloucestershire BS15 3HN	<b>Date Reg:</b>	7th February 2007
<b>Proposal:</b>	Erection of two storey rear extension to provide additional living accommodation. (Resubmission of PK06/2221/F).	<b>Parish:</b>	Hanham Parish Council
<b>Map Ref:</b>	64960 71919	<b>Ward:</b>	Hanham



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N.T.S

PK07/0377/F



-I will not accept the gutter of the proposed extension to encroach over property.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for extensions to existing dwellings subject there may be no adverse impact on existing visual and residential amenities.

### 5.2 Visual Amenity

The application site relates to a simple two storey end terraced cottage with other properties of a similar style sited nearby. The application site property has a natural stone frontage finish with render finish on the side and rear elevations along with natural clay roof tiles and white upvc windows.

5.3 Members are advised to consider that a recent planning application relating to this site (PK06/2221/F) sought planning permission for the erection of a two storey rear extension. The application was subsequently withdrawn in light of planning objections raised by the Planning Officer on the grounds that the extension was considered to be of a scale and design out of keeping with the character of the existing dwelling.

5.4 This scheme has been revised and now proposes a two storey rear extension which is considered to be of an appropriate scale and design that reflects the simple character of the existing dwelling. The application also proposes a small scale flat roof infill between the proposed two storey rear extension and no.13's single storey rear extension, which again is considered acceptable.

5.5 The original plans had proposed two windows at ground and first floor level on the rear elevation. Members are advised to consider that amended plans have been submitted reducing the number of windows to one at each level and amending the design so that they now reflect the existing windows.

### 5.6 Residential Amenity

The proposed two storey rear extension will project beyond the existing rear building line of the application site dwelling by 3.0m, which is in line with the Council's guidelines. On the rear elevation of the adjoining property no.13 is a first floor bedroom window. It is considered that the proposed extension by reason of its scale and siting design will not have an overbearing impact on the existing residential amenities of no.13.

5.7 The application proposes to introduce a bedroom window at first floor level on the rear elevation. This will introduce an element of overlooking onto the adjacent garden area of no.13. It is considered that given the existing pattern of development within this established residential area and current levels of overlooking onto adjacent gardens, the proposal would simply be reflecting the existing situation and therefore existing levels of privacy would not be so detrimentally prejudiced so as to warrant refusal of the application.

### 5.8 Other issues

A number of concerns have been raised by the neighbouring occupier.

- 5.9 Propose access and driveway do not form part of the submitted plans  
Members are advised to consider that these works formed part of the previous application but have not been applied for as part of this currant application due to objections raised by the Highway Officer first time round.
- 5.10 Notice no.1  
The neighbour has advised that he has not received notice no.1 from the agent. Members are advised to consider that for the purposes of this planning application the agent has confirmed that they have given the relevant notice to no.13 and no.17.
- 5.11 Guttering and discharge of water  
Issues of discharge of water etc. is a civil matter between the applicant and neighbour.
- 5.12 Design and Access Statement  
Not applicable.
- 5.13 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 te following planning conditions.

### Background Papers      **PK07/0377/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. No windows other than those shown on the plans hereby approved shall be inserted at any time in the side elevations of the property.

Reason:

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

3. The tiles to be used in the development hereby permitted shall match those of the existing building in colour, texture and profile.

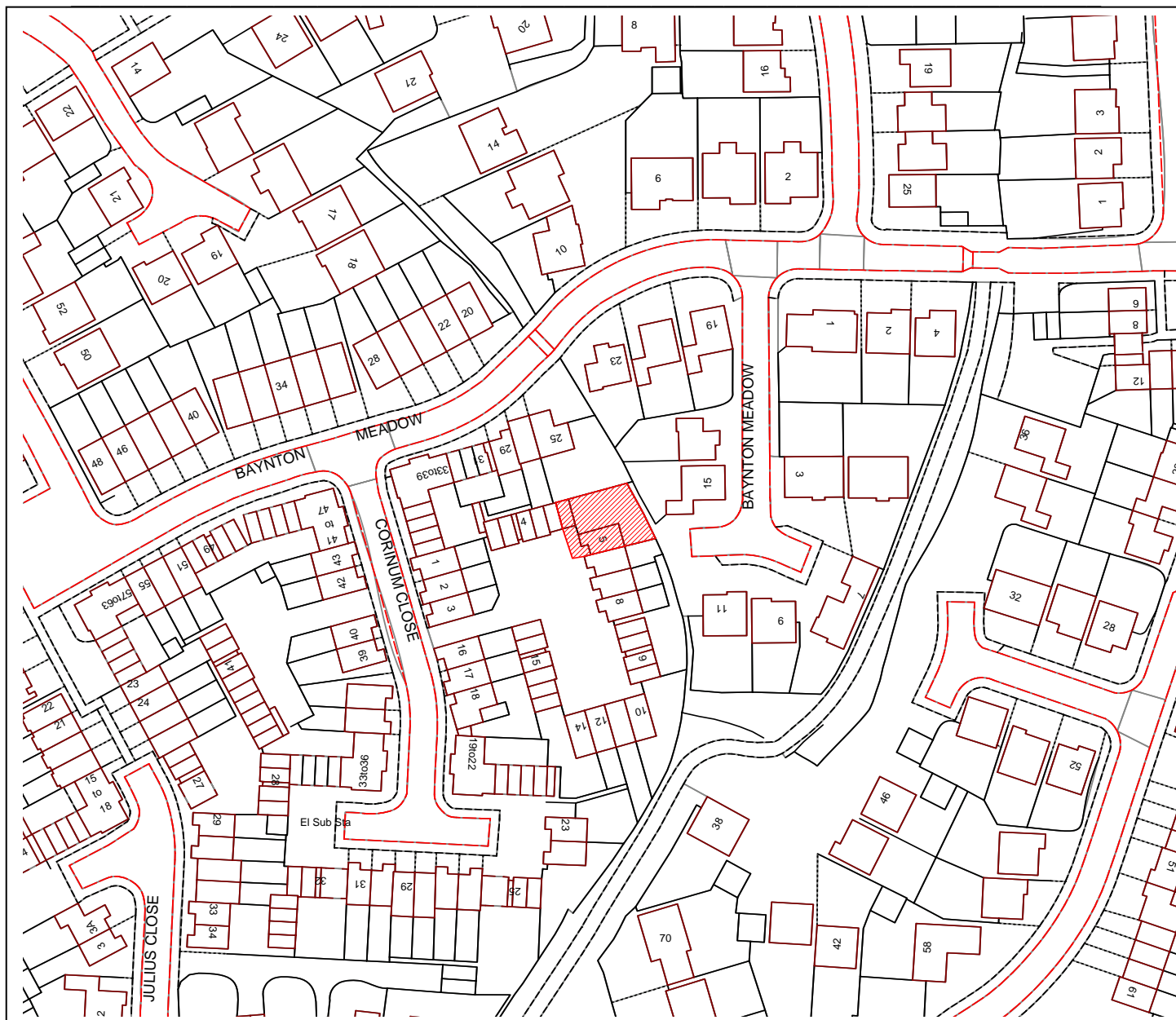
Reason:

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

**CIRCULATED SCHEDULE NO. 11/07 – 16 MARCH 2007**

**App No.:** PK07/0407/F  
**Site:** 5 Corinum Close Emersons Green  
 BRISTOL South Gloucestershire BS16  
 7HW  
**Proposal:** Erection of side conservatory.  
**Map Ref:** 67288 76773

**Applicant:** Mr & Mrs Jones  
**Date Reg:** 8th February 2007  
**Parish:** Mangotsfield Rural  
 Parish Council  
**Ward:** Siston



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**N.T.S**

**PK07/0407/F**

## **INTRODUCTION**

This application appears on the Circulated Schedule due to receipt of one letter of objection from a local resident.

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking full planning permission for the erection of a conservatory to the side of the existing dwelling. The conservatory as proposed would have a width of 3 metres, a length of 6 metres and a maximum height to ridge of 3.1 metres.
- 1.2 The application site consists of an end of terrace, two storey dwelling within a residential estate. The property is finished with a combination of render and red brick and has a larger than average garden. The dwelling is set back from the main carriageway and is accessed via a communal parking court.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPG 1 General Policy and Principles

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design in New Development

H4 Development within Existing Residential Curtilages, Extensions and New Dwellings

- 2.3 Supplementary Planning Guidance  
Kingswood Advice Note 1: Altering Your Home  
Kingswood Advice Note 2: House Extensions

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

- 3.1 No history

### **4. CONSULTATION RESPONSES**

- 4.1 Mangotsfield Rural Parish Council  
No response received

#### **Other Representations**

- 4.2 Local Residents

One letter of objection has been received from a neighbouring property. The neighbour raises the following points:

- The existing dwelling currently only has a landing window on this elevation and the conservatory would have an overbearing impact and allow for overlooking.
- The conservatory, by reason of overall scale and external appearance, would result in a disproportionate addition which fails to integrate with the scale of the existing dwelling.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

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

### 5.2 Design/ Visual Amenity

The proposed conservatory extension meets an appropriate standard in design and reflects the character of the main dwelling house. The design of the conservatory, with its lean too type roof is simple in appearance and will not detract from the character of the host dwelling. The conservatory is to be 3 metres in width and set 2 metres back from the front wall of the porch. When this is combined with the fact that the site is screened from the highway by the existing detached garage and 1.8 metre high boundary fence, it is not considered that the conservatory will be dominant or detract from the character of the host dwelling. The conservatory integrates successfully with the host dwelling with the hipped front and rear ends of the conservatory being given a pitch to match that of the host dwelling.

The structure will be hardly visible from the highway and as such, it is not considered the addition would be visually intrusive. The design of the conservatory is thus considered to be acceptable.

### 5.3 Residential Amenity

It is noted that a local resident is concerned that the conservatory will have an overbearing impact on their property. However, the conservatory is to be sited at a relatively central location within the curtilage – approximately 10 metres from the nearest residential property. Given the distance from the proposed structure to neighbouring properties, the existing 1.8 metre high boundary treatments, and the low ridge height of the proposed structure it is not considered that the conservatory will have any overbearing or overshadowing impact.

Further to this, given that the conservatory is to be single storey only and is not elevated above ground level, it is not considered that there will be any increased intervisibility. Residents standing in the conservatory will not be able to see over the boundary fences and thus it is not considered there are any issues of overlooking.

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

### 5.4 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, 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 That the application be approved subject to the following conditions:

**Background Papers**      **PK07/0407/F**

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

### **CONDITIONS**

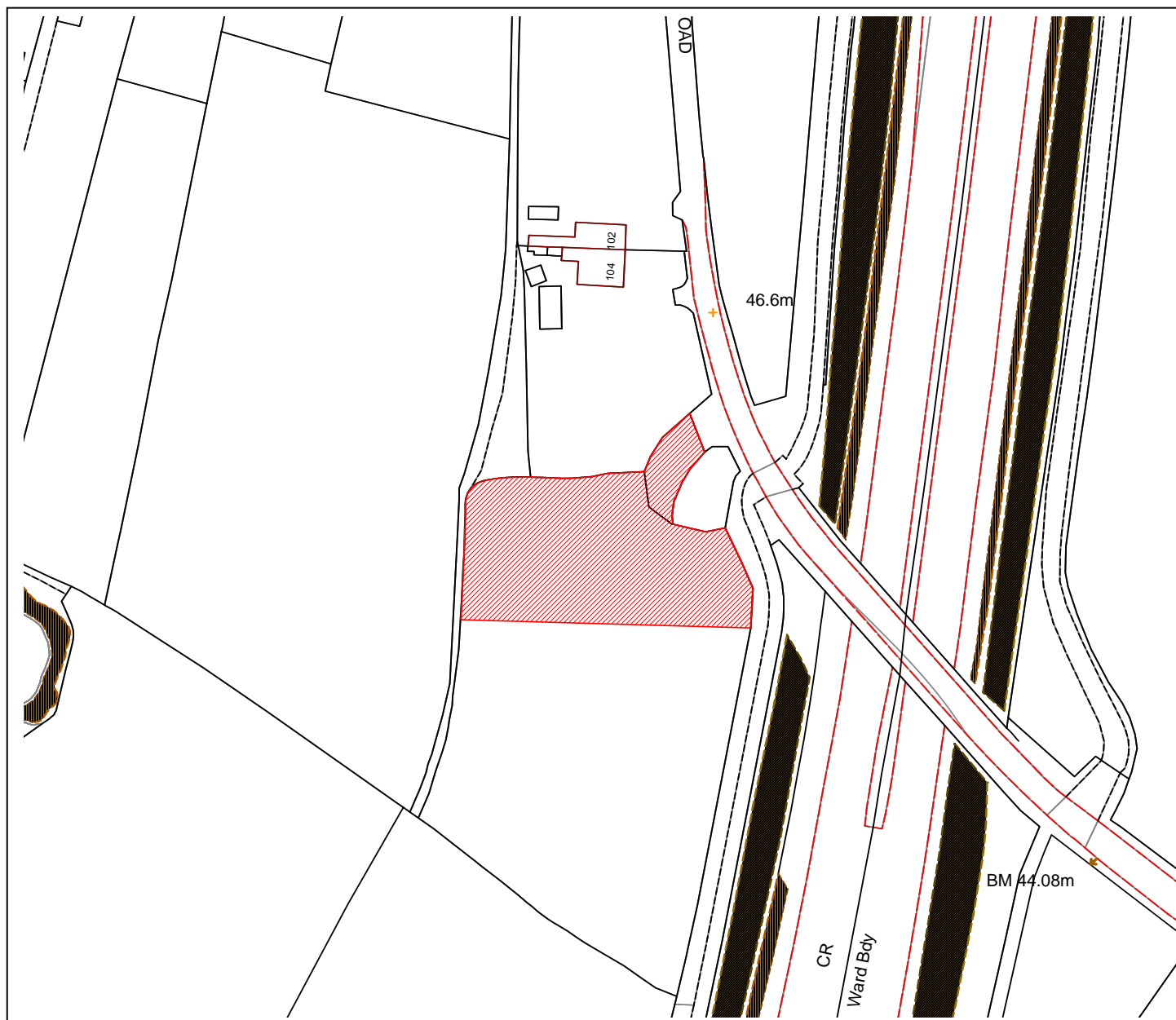
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:

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

## CIRCULATED SCHEDULE NO. 11/07 – 16 MARCH 2007

<b>App No.:</b>	PK07/0408/F	<b>Applicant:</b>	Miss H Cook
<b>Site:</b>	Land adj. to Abbots Road Hanham BRISTOL South Gloucestershire BS15 3NR	<b>Date Reg:</b>	8th February 2007
<b>Proposal:</b>	Change of use of land from agricultural to land for the keeping of horses, erection of 4 stables and hay store.	<b>Parish:</b>	Hanham Abbots Parish Council
<b>Map Ref:</b>	64489 70651	<b>Ward:</b>	Hanham



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**N.T.S**

**PK07/0408/F**

## **INTRODUCTION**

This application appears on the Circulated Schedule following objections received from local residents, which are contrary to the officer recommendations.

### **1. THE PROPOSAL**

- 1.1 The application relates to a 0.15ha area of land which forms the northern end of a much larger field laid to grazing and situated immediately to the west of the Avon Ring Road and its overbridge with Abbots Road. The site lies within the open countryside and forms part of the designated Bristol/Bath Green Belt. To the east, the site is bounded by a cycleway, which runs next to the ring road, whilst to the south and west are open fields; there is a public footpath along the western boundary of the site. The nearest residential properties lie immediately to the north of the site, where the garden of no.104 Abbots Road bounds part of the site. Vehicular access to the site is via a gated access which is set back from Abbots Road. The location is generally rural in character and the authorised use of the site is currently agricultural.
- 1.2 The application seeks to change the use of the land from agricultural land to land for the recreational keeping of horses. It is proposed to erect a stable building within the field to contain four loose boxes, a tack room and a hay store. The building would measure 20.0m long x 7.5m wide x 4.00m high to the top of the ridged roof, and would be constructed of rendered blockwork and timber cladding with a grey steel sheet roof and timber windows. It is also proposed to construct hard standing areas to the front of the stable to provide a parking and turning area for vehicles visiting the site.
- 1.3 The stable block would be located at the north western end of the field with its back adjacent to an existing stone boundary wall. Hedgerow planting would be introduced to enhance screening on the northern boundary whilst a new stock fence would separate the site from the grazing land to the south. It is proposed to keep a maximum of four horses on the site.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 - Delivering Sustainable Development  
PPG2 - Green Belts  
PPS7 - Sustainable Development in Rural Areas

2.2 Development Plans

Joint Replacement Structure Plan

- Policy 2 - Location of Development  
Policy 3 - Landscape Protection  
Policy 16 - Green Belts  
Policy 45 - Promoting Enjoyment of the Countryside

South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> January 2006

- L1 - Landscape Protection and Enhancement  
D1 - Design in New Development  
GB1 - Development within the Green Belt  
T12 - Transportation  
E10 - Horse Related Development

EP1 - Environmental Pollution  
LC5 - Outdoor Sports and Recreation outside Existing Urban Area and Defined Settlement Boundaries.

- 2.3 Supplementary Planning Guidance  
Advice Note no.9 - "Development Involving Horses"

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

- 3.1 P75/4460 - Change of use of existing agricultural buildings (stables) to riding school.  
Approved 11<sup>th</sup> Sept 1975

### **4. CONSULTATION RESPONSES**

- 4.1 Hanham Abbots Parish Council  
No objection

- 4.2 Other Consultees

- 4.4 Hanham District Green Belt Conservation Society  
No objections in principle but made the following comments:
- The application makes no provision for disposal of foul waste.
  - The access to the site is adequate for car use but concern is raised that access for horseboxes could be a problem, the access being on a bend where the road is narrow and well used.

- 4.5 The Environment Agency  
No objections subject to standard conditions and informatives.

### **Other Representations**

- 4.5 Local Residents  
4no. letters of objection have been received, one from the occupant of neighbouring no.104 Abbots Road and three from relatives of the occupant of no.104, who do not reside in the locality. The following is a summary of the concerns raised:
- The field access restricts use of the 'slipway' for parking by those members of the public wishing to use the nearby cycle path/footpath.
  - Loss of view for occupant of no.104 Abbots Road.
  - Loss of privacy for occupant of no.104 Abbots Road.
  - Manure will result in smell and flies for occupant of no.104 Abbots Road.
  - Increased use of water will adversely impact on the drainage problems in Abbots Road.
  - Increased noise.
  - Increased highway hazards on Abbots Road and at access to 104 Abbots Road.
  - Adverse impact on house values.
  - Horses have not been grazed on the land in the last 35 years.
  - Lighting will be visible from the road and from no.104.
  - Intensification of the use of the site from cars and horse boxes.



## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

In the first instance the proposal must be considered in the light of current Green Belt Policy. Guidance contained in PPG2 states that, the change of use of land or the re-use of existing buildings in the Green Belt is not inappropriate where it would not have a materially greater impact on the openness of the Green Belt than the present authorised use. Furthermore, the construction of new buildings inside the Green Belt is not inappropriate development if it is an essential facility for outdoor sport and recreation. Paragraph 3.5 of PPG2 states that essential facilities should be genuinely required for the uses of the land, which preserve the openness of the Green Belt and gives an example of **small stables** as possible essential facilities. This is supported by Policy LC5 of The South Gloucestershire Local Plan (Adopted) 6th January 2006, which states that proposals for outdoor sports and recreation outside the urban area and defined settlement boundaries will be permitted, subject to a number of criteria being met.

5.2 Policy E10 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 reinforces the view that 'proposals for horse related development ..... such as stables, will be permitted outside the urban boundaries of settlements', subject to certain criteria being met. The analysis of the proposal in relation to the aforementioned criteria is considered below.

### 5.3 Green Belt Issues

Officers must consider whether the development amounts to inappropriate development in the Green Belt and if so, whether there are any very special circumstances sufficient to overcome the presumption against such development. Policy GB1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 lists the categories of development that would be permitted in the Green Belt, subject to their impact on its visual amenity; this reflects the guidance given in PPG2. The categories listed include essential facilities for outdoor sport and recreation and other uses of land which preserve the openness of the Green Belt and which do not conflict with the purpose of including land in it.

5.4 The applicant has indicated that the facility is for the social or domestic use of the applicant and her daughter only. It is intended to keep up to 4 horses in the stable with associated hay store and tack storage. In order for the development to fall within the category of an essential sporting facility as prescribed in PPG2 and Policy GB1 of the South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> Jan 2006, the stables must be **small**.

5.5 Having regard to the massing, height and orientation of the building proposed and its intended purpose, officers are satisfied that the building is not excessive in size and is sufficiently small enough to satisfy the above criteria. The proposal is therefore considered to be an essential sporting facility, which is appropriate development within the Green Belt.

5.6 The proposed building would be located in an area of relatively attractive and open countryside. Being tucked away in the far north-western corner of the field, the building would not significantly reduce the openness of this part of the Green Belt or significantly harm its character to the detriment of the visual amenity of the Green Belt.

5.7 Environmental Effects

All matters of external lighting, erection of loose jumps and fences, car parking and use of horse-boxes or portable buildings or trailers, could be strictly controlled by conditions.

5.8 The disposal of foul waste should be undertaken in accordance with the MAFF (now DEFRA) Code of Good Agricultural Practice for the Protection of Water and would be the subject of Environment Agency and Environmental Health controls. The applicant has indicated that the manure from the stables will not be stored in close proximity to neighbouring property and will be returned to the land. Having regard to the proximity of residential property to the site, officers consider that a condition to prevent storage of muck within a 40m zone adjacent to the residential properties and their gardens is in this case justified. Subject to this condition there are no objections on environmental grounds.

5.9 In terms of noise, the location already experiences a high level of background noise from vehicles using the adjacent ring road and to a lesser extent Abbots Road itself. Whilst the proposal is likely to increase the level of traffic using the field access (the applicant states one car twice a day will visit the site) the use of the site would be for private and social use only and such a use is unlikely to significantly intensify the level of noise disturbance for local residents. Neither the Council's Environmental Health Officer or the Environment Agency have raised any objections to the proposal, so on balance the scheme is considered to be acceptable in terms of environmental impact.

5.10 Landscape Issues

The Council's Landscape Architect has visited the site and noted that whilst the stables would be visible from distant views from the south west, the stable block is only 4m high and would be partially screened by existing hedges as well as being set/viewed against an existing building. The views of the site from the Hanham Abbots Conservation Area would be over the top of the ring road, which is in a cutting, and would be screened by the vegetation on both sides of the ring road. Views of the stable from the cycle track are also limited by existing hedgerows. Distant views from the west would be screened by Bickley Wood. Furthermore the site of the proposed stable block would be screened by a mixed hedgerow located at the end of the garden to no.104 Abbots Road. The planting proposed on the northern boundary of the site will enhance this screening. The proposed building materials are considered to be appropriate for the location and the exact type and colour can be controlled by condition.

5.11 Officers consider that stable buildings such as that proposed are common features in a rural landscape. Given the stables relatively small size, its siting within the field and the level of existing and proposed screen planting, the development will not appear as an incongruous element within the countryside or have an adverse impact on the visual amenity of the Green Belt. There are therefore no landscape objections to the proposal.

5.12 Transportation Issues

The existing authorised use of the land is agricultural which would already attract some vehicular traffic along Abbots Road and through the existing 'slipway and access' from Abbots Road. The proposed change of use is for leisure purposes only. Given the extant use of the site, plus the small number of horses involved (4), the differences in potential traffic generation between the authorised and proposed use would not be significant. The applicant has indicated that one car would visit the site twice a day and no doubt from time to

time horseboxes would be required to transport horses off-site for competitions. Nevertheless the Council's Highway Officer considers that due to the sites location, on a narrow road and tight bend, close to the cycleway, a turning area within the site boundary is required to enable vehicles to enter and leave the site in forward gear. Such a turning area and three parking spaces has been incorporated within the scheme and these will need to be kept free of obstruction and maintained as such thereafter.

- 5.13 Abbots Road is narrow and the site access is on a tight bend close to the cycleway. The current access to the site is gated and set back from Abbots Road. Having regard to the location of the access the Highway Officer considers that, in the interest of highway safety, this gate will need to be set back further (fully 10m) from the carriageway than it currently is, to enable vehicles with trailers/horseboxes to pull off the carriageway while the gates are being opened. All of the area leading from the road to the gate will need to be surfaced with bound material to prevent stone scatter onto the highway; this can be secured by condition.
- 5.14 Subject therefore to conditions to limit the number of horses kept on the site to 4 and prevent any DIY livery or riding school use, surface the extended access, maintain the turning/parking area and set back the field gate a minimum of 10m from the edge of the carriageway; there are no highway objections.
- 5.15 The occupant of no.104 Abbots Road considers that the 'slip-way' leading to the field access should be used as a parking area for people using the nearby cycleway, although it is not suggested that any covenants exist that restrict the use of the land to parking only. Prior to the construction of the Avon Ring Road the land forming this 'slip-way' belonged to the occupant of no.104. Whilst cars could temporarily pull into the slip-way, it is quite evident that any longer term parking would render access to the field impossible. On the basis that there are other parking areas further down Abbots Road, officers consider that the slip-way is not a lay-by as such.
- 5.16 Existing Buildings Available for Conversion  
There are no existing buildings on the land that could be converted for the use as a stable.
- 5.17 Appropriateness for the Safety and Comfort of Horses  
The proposal accords with the advice given in Supplementary Guidance Note 9 concerning care and housing of horses. It is proposed to keep a maximum of 4 horses on the site. The horses would be exercised in the field and would be periodically taken off-site for competitions or exercise on nearby bridleways at Ferry Road/Chequers Pub ¼ mile away. There is sufficient space in the field for the number of horses proposed and this number can be limited accordingly by condition. A fresh water supply is available on the site.
- 5.18 Ecology  
The field is already in agricultural usage and can be used for the grazing of horses or other farm animals as part of that authorised use. There are no ecological objections.
- 5.19 Impact Upon Residential Amenity  
The nearest residential properties are those located on Abbots Road to the north of the site. The garden of no.104 Abbots Road lies immediately adjacent to the northern boundary of the site. The current authorised use of the

application site is agricultural and under this use horses or other animals could be grazed in the field. Under the extant use, temporary mobile field shelters could also be erected on the site without planning permission.

- 5.20 It is evident from historical records that prior to the construction of the Avon Ring Road, the application site once formed part of a much larger parcel of land associated with Bickley Farm. In June 1975, planning permission K157/2 was granted for a riding school at Bickley Farm, so it is quite likely that the application site has been used in the past for the grazing of horses; this is confirmed by the applicant. Since the construction of the Avon Ring Road the application site has been severed from Bickley Farm.
- 5.21 The occupant of no.104 has raised concerns about loss of view, but there is in fact no right to a view so this matter is not a material consideration. In terms of visual amenity, officers have noted that the proposed stable block would be orientated end on in relation to no.104. Furthermore there is extensive screen planting already in place around 104's garden boundary and this will be significantly enhanced by the proposed hedgerow planting to the northern boundary of the application site. Officers are satisfied that having regard to the scale, design and location of the stable block, and the level of screen planting, the proposed building and associated parking/turning areas would not appear as an incongruous element or adversely affect the visual amenity for occupants of 104 Abbots Road. Having regard to the site's location, a condition to control any external lighting is justified (though none is proposed). Any lighting inside the stable is likely to be low key and reasonably justified, such lighting should not be so visible as to warrant refusal of the application.
- 5.22 Moving to the issue of loss of privacy, again the screen planting will help to reduce the impact of the development, which itself is relatively low key and is the type of activity that would be expected in a rural locality. On balance therefore the impact on residential amenity would be acceptable. In reaching this conclusion, officers have taken into account the existing potential uses of the site, as well as the raft of conditions to be attached to any consent, which would strictly control the management of the site in the interests of residential amenity.
- 5.23 Drainage Issues  
Concerns have been raised about the drainage implications of the proposal for the occupier of 104 Abbots Road. Officers visited the site after a prolonged period of rainfall but did not observe any excess surface water on or adjacent to the site. Roof water would be disposed of to soakaways and no watercourse would be directly affected. Control of contaminated water or wash down onto the highway would be the subject of legislation other than the Planning Act. Whilst there is already a fresh water supply to the site, the amount of water likely to be used in washing down the horses would be insignificant. The Council's Drainage Engineer has raised no objection to the proposal and officers are satisfied that the scheme is unlikely to exacerbate any existing drainage problems within the locality.
- 5.24 Other Concerns Raised  
Of the concerns raised by the local resident, that have not been addressed above:
- Impact of development on house values is not in fact a material consideration in determining planning applications.

## 5.25 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).

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

## 7. RECOMMENDATION

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

**Background Papers      PK07/0408/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. At no time shall the stables and the associated land be used for livery, riding school or other business purposes whatsoever.

Reason 1:

To protect the amenities of the occupiers of the nearby dwellings, and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

Reason 2:

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

Reason 3:

To protect the character and appearance of the area, and to accord with Policies GB1 and E10 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

3. The number of horses kept on the site edged in red on the approved plans shall not exceed 4.

Reason 1:

In the interests of the welfare of horses, to accord with the guidance of the British Horse Society; and Policy E10 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

Reason 2:

To protect the amenities of the occupiers of the nearby dwellings, and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

Reason 3:

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

4. No jumps, fences, gates or other structures for accommodating animals and providing associated storage shall be erected on the land.

Reason:

To protect the character and appearance of the area, and to accord with Policies GB1, L1 and E10 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5. Any temporary jumps erected on the land shall be stored away to the side of the stable hereby approved, immediately after use.

Reason:

To protect the character and appearance of the area, and to accord with Policies GB1, L1 and E10 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

6. No foul waste removed from the stables shall be stored within 40 metres of the boundary with any residential property.

Reason:

To protect the amenities of the occupiers of the nearby dwellings, and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. At no time shall horse boxes, trailers, van bodies and portable buildings or other vehicles be kept on the land other than for the loading and unloading of horses.

Reason:

To protect the character and appearance of the area, and to accord with Policies GB1, L1 and E10 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

8. Details of any external illumination shall be submitted to and approved in writing by the Local Planning Authority. The external illumination shall be implemented in accordance with the approved details.

Reason 1:

To protect the character and appearance of the area, and to accord with Policies GB1, L1 and E10 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

Reason 2:

To protect the amenities of the occupiers of the nearby dwellings, and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. At no time shall there be any burning of foul waste upon the land the subject of the planning permission hereby granted.

Reason:

To protect the amenities of the occupiers of the nearby dwellings, and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. Prior to the first use of the site for the purpose hereby approved, the gateway on the vehicular access to the site from Abbots Road, shall be set back a minimum of 10 metres from the edge of the carriageway and retained thereafter as such.

Reason:

To allow vehicles with trailers/horseboxes to adequately pull off the carriageway while the gates are opened, in the interests of highway safety to accord with Policy T12, E10 and LC5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

11. Prior to the first use of the site for the purpose hereby approved, the entire access driveway between the re-located gate (as required in condition 10 above) and edge of the carriageway shall be surfaced with bound material and maintained as such thereafter.

Reason:

To prevent stone scatter onto Abbots Road in the interests of highway safety to accord with Policy T12, E10 and LC5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

12. Prior to the first use of the site for the purpose hereby approved, the off-street parking facilities (for all vehicles) and manoeuvring areas as shown on the approved plan no.12/MD/001, shall be provided and thereafter kept clear of obstructions and retained and used only in conjunction with the occupation of the land and buildings hereby approved.

Reason:

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

13. 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 1:

To protect the character and appearance of the area to accord with Policies D1/L1/GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

Reason 2:

To protect the amenities of the occupiers of the nearby dwellings, and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

14. 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 1:

To protect the character and appearance of the area to accord with Policies D1/L1/GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

Reason 2:

To protect the amenities of the occupiers of the nearby dwellings, and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason 1:

To protect the character and appearance of the area to accord with Policies D1/L1/GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

Reason 2:

To protect the amenities of the occupiers of the nearby dwellings, and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.



**CIRCULATED SCHEDULE NO. 11/07 – 16 MARCH 2007**

<b>App No.:</b> PT07/0052/F	<b>Applicant:</b> Mrs C Dawe
<b>Site:</b> 2 Berrows Mead Rangeworthy BRISTOL South Gloucestershire BS37 7QQ	<b>Date Reg:</b> 5th January 2007
<b>Proposal:</b> Erection of 1 no. dwelling and erection of 1 no. garage.	<b>Parish:</b> Rangeworthy Parish Council
<b>Map Ref:</b> 69424 85921	<b>Ward:</b> Ladden Brook



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100023410, 2006.

**N.T.S**

**PT07/0052/F**

## **INTRODUCTION**

The application appears on the Circulated Schedule following the receipt of one letter of objection received from a neighbouring resident and in the light of the concerns expressed by the Parish Council.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a two-storey attached dwelling.
- 1.2 The application site currently comprises a two-storey semi-detached dwelling on the corner of New Road and Berrows Mead, Rangeworthy. The property lies within the Rangeworthy settlement boundary and beyond the Green Belt.

### **2. POLICY CONTEXT**

- 2.1 National Guidance
  - PPS1 Delivering Sustainable Development
  - PPS3 Housing
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
  - D1 Achieving Good Quality Design in New Development
  - H2 Proposals for Residential Development
  - H4 Development within Residential Curtilages
  - T7 Cycle Parking
  - T8 Parking Standards
  - T12 Transportation Development Control Policy for New Development
  - L1 Landscape Protection and Enhancement
  - L18 The Water Environment
- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist (Draft for Public Consultation):  
September 2006

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

- 3.1 N792: Erection of council flats and garage development. Withdrawn
- 3.2 P91/1721: Erection of two-storey building to form granny annexe with single-storey kitchen linking extension to main dwelling. Refused: 21 August 1991

### **4. CONSULTATION RESPONSES**

- 4.1 Rangeworthy Parish Council  
No objection in principle but wishes the following issues to be considered:
  - a) The foul sewer through the village is overloaded and discharges into gardens and a watercourse. There should be no more development until this problem is resolved;
  - b) It is specified that surface water should be kept out of the foul sewer and passed into a soak away. It appears doubtful that the site is big enough to accommodate an adequate soak away, given the ground conditions.

4.2 Technical Services (Drainage)

No objection in principle

4.3 Environmental Services

No objection in principle

4.4 Sustainable Transport

No objection subject to conditions relating to:

- a) Maintenance of existing garage and parking space for new dwelling;
- b) Provision and retention of one parking space for new dwelling;
- c) Bound surfacing to driveways;
- d) Any entrance gates to open inwards;
- e) Undercover and secure cycle storage for both units.

4.5 Summary of Local Residents Concerns:

One letter received expressing the following concerns:

- a) The owner of 1 Berrows Mead (opposite) was informed that he was not allowed to build a new dwelling, whilst any building works had to be set back and lower than the existing dwelling with the garage detached;
- b) There are a lot of new houses being built across the road thus there is no need to expand the size of Berrows Mead.

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy H2 of the South Gloucestershire Local Plan allows for the principle of residential development provided the maximum density compatible with the site, its location, accessibility and surroundings is achieved. Further, the works should not have an unacceptable environmental or transportation effect and should not have an adverse impact on residential amenity.

5.2 Planning policy H4 echoes these above requirements and further requires that proposals do not prejudice the retention of adequate private amenity space and provide sufficient amenity space for any additional dwelling.

5.3 Design/ Visual Amenity

The application site comprises a corner plot of land fronting Berrows Mead cul-de-sac with New Road running adjacent to its south boundary. As such, by virtue of its corner positioning, this dwelling benefits from a plot more than twice the width of those further properties along Berrows Mead. It is also noted that dwellings behind sit closer to New Road ensuring that any future development (to the side of the dwelling) is unlikely to project forward of this building line.

5.4 The application seeks full permission for the subdivision of this plot and the erection of an attached dwelling to the side of this aforementioned unit. In this regard, it is noted that this existing dwelling forms a semi-detached property. However, these properties appear as two joined detached units thus are devoid of the balanced appearance usually associated with semi-detached properties.

5.5 Subdivision of this plot would reduce the garden area associated with the host unit to the width of the property with the remainder to provide for the new end of terrace unit. As a result, it is noted that the existing build would make do with a

- narrower plot compared to the remainder along Berrows Mead. However, this plot would not be significantly narrower thus it is not considered that permission could be reasonably withheld on this basis.
- 5.6 The build would replicate the width of the existing unit and would provide living, kitchen and dining room facilities at ground floor (in addition to a WC) with three bedrooms (one ensuite) and a bathroom above. However, in contrast it would incorporate a forward projecting front gable. Nonetheless, this would align with further properties along this side of Berrows Mead that sit slightly forward of the host dwelling. Therefore, and with this considered to add visual interest to the proposal, this design approach is considered to be acceptable.
- 5.7 Finally, a detached garage would be provided at the far end of the rear garden associated with the new dwelling (with one space for each unit). This structure would be of modest design and set back from the highway with additional car parking space in front.
- 5.8 In the light of the above, the proposal is considered to be acceptable and in keeping with the general character of the area.
- 5.9 Density  
The proposal would allow a density of development equivalent to 28 dwellings per hectare. Whilst this is slightly below the expectation of policy H2, (which advises that in all new residential development, a minimum of 30 dwellings per hectare will be anticipated), it is not considered that a higher density could be reasonably achieved having regard to the characteristics and planning history of the site. Accordingly, no objection is raised to the proposal on this basis.
- 5.10 Residential Amenity  
With the exception of the host dwelling, all other neighbouring properties stand at an appreciable distance from the site of the proposal by virtue of the corner positioning of the application site. In this regard, the existing unit would lose its side ground floor openings, part of its garden and its single-storey attached rear garage. However, the openings appear secondary whilst a new garage would be provided. Further, an appreciable area of garden space would be retained. As such, it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.11 Waverley View behind the application site forms a two-storey cottage unit stood away from the shared boundary with its main outlook north and south (i.e. away from the proposals). Further, this unit also benefits from a detached garage stood on the shared boundary behind the existing dwelling. Therefore, and with a 1.8m high (approx) laurel boundary hedge, it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.12 Highway Safety  
Berrows Mead comprises an unclassified highway accessed via New Road; a classified highway. The posted speed limit is 30mph and observations indicate that traffic is travelling at least this speed. Visibility is considered acceptable for this posted speed limit.
- 5.13 The existing property benefits from vehicular access via New Road, a garage and ample off street parking. Having regard to the proposal, policy T8 indicates that a maximum of two car parking spaces should be provided for a three bed unit. As such, each would benefit from one garage space and an additional

- space to the front of this garage. This level of parking provision is considered to be acceptable.
- 5.14 Finally, it is also noted that this road is classified as a 'less busy classified road' and thus accordingly, the requirement for turning facilities within the curtilage of the application site is considered unnecessary. As such, there is no highway objection to the proposal subject to the conditions as detailed above.
- 5.15 Outstanding Issues: Planning History  
Having regard to the thirds party comments received, it is noted that permission was refused in 1988 for the erection of a detached dwelling on land adjacent to no. 1 Berrows Mead. This was refused for the following reason:
- 'The site of the proposed development is restricted in size and the development of the land as proposed, would result in a cramped form of development to the detriment of the amenities of the occupiers of the adjoining dwellings and the visual amenities of the locality'.*
- 5.16 In response, planning policy has evolved considerably with a greater emphasis now on higher density brown field development. Nonetheless, there are also considered to be significant differences between these two proposals with a detached dwelling also less likely to be considered favourably in this instance.
- 5.17 Additional comments appear to relate to the subservient appearance required for the subsequent extensions permitted to the existing dwelling approved in 2003. In this regard, such advice would hold true for extensions to this dwelling but is not considered appropriate for the erection of an additional property.
- 5.18 Outstanding Issues: Drainage  
Drainage concerns would generally be addressed at the Building Regulations stage of development whilst it is noted that no objections have been raised by the Councils drainage engineer.
- 5.19 Outstanding Issues: TPO Oak tree in front of application site  
Finally, it is noted that a mature oak stands forward of the application site on the corner of Berrows Mead and New Road. Having regard to its distance from the proposal, it is considered unlikely that the tree would be adversely affected. Nonetheless, it is advised that a condition be attached to the decision notice to safeguard this tree during the construction period.
- 5.20 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).
- 5.21 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 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**      **PT07/0052/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 development hereby permitted shall match those used in the existing property (2 Berrows Meads).

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.

- 3 The off-street parking facilities shown on the plan hereby approved shall be provided (with a bound surface) before the building is first occupied, and thereafter retained as such for that purpose.

Reason(s):

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.

- 4 No gates shall be hung so as to open over or across the public highway/footway.

Reason(s):

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

- 5 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(s):

To ensure that a satisfactory means of drainage is provided, and to accord with Policies L18 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 measures in respect of the protection of the TPO Oak tree to the front of the application site. Thereafter, the development shall proceed in accordance with these agreed details.

Reason(s):

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

**CIRCULATED SCHEDULE NO. 11/07 – 16 MARCH 2007**

**App No.:** PT07/0327/CLE  
**Site:** Glenwood Winterbourne Road Bradley Stoke BRISTOL South Gloucestershire BS34 8PT

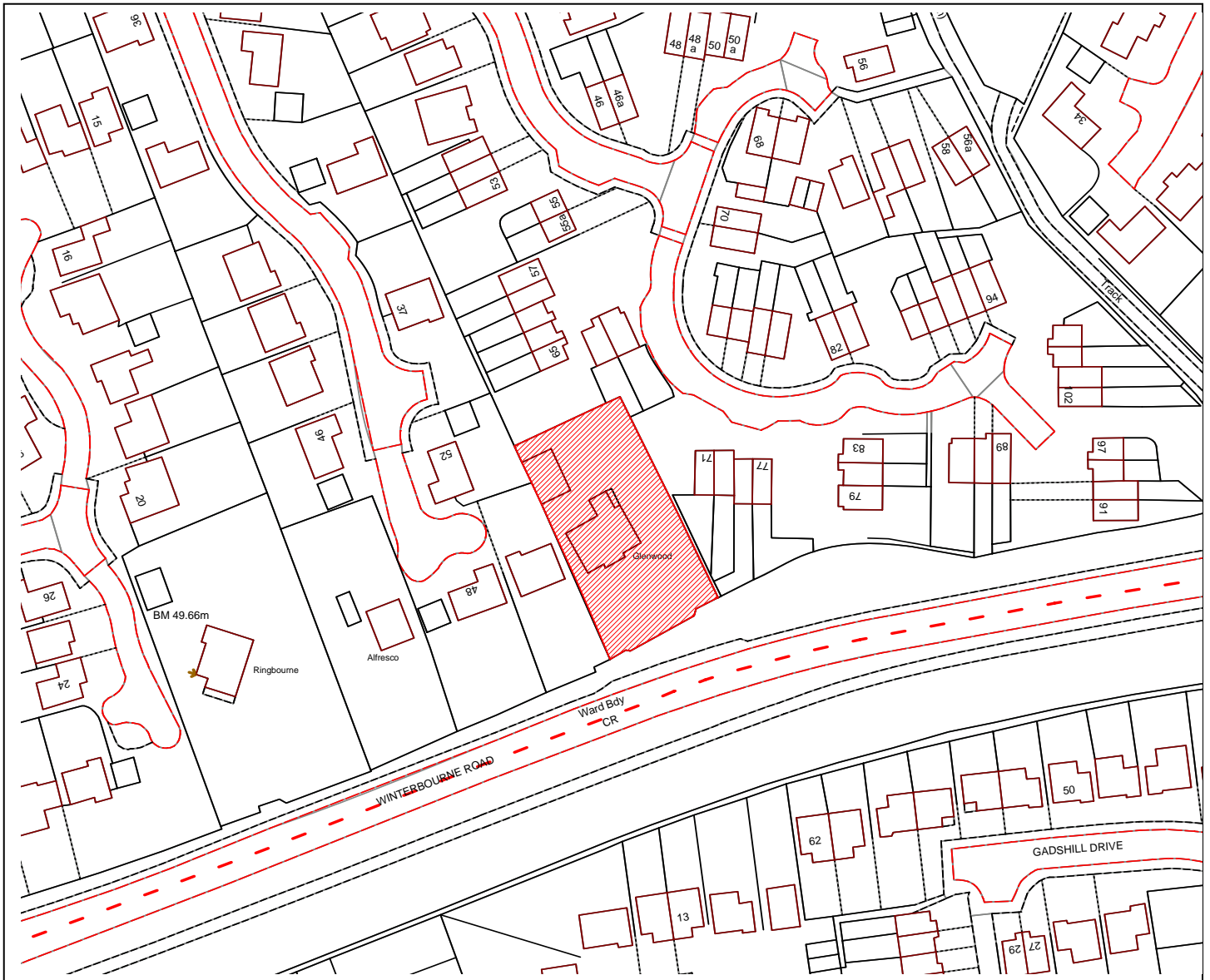
**Applicant:** Feltham & Sons Ltd  
**Date Reg:** 5th February 2007

**Proposal:** Application for Certificate of Lawfulness for existing use of site for storage of goods, materials and associated equipment associated with Heating and Ventilation Business (Class B8 Town and Country Planning (Use Classes) Order 1987) as amended. (resubmission of PT06/3685/CLE).

**Parish:** Bradley Stoke Town Council

**Map Ref:** 62278 80611

**Ward:** Bradley Sto Baileys Court



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100023410, 2006.

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This application is for a Certificate of Lawfulness, and as such, under the current scheme of delegation, falls to be considered under the circulated schedule procedure.

## **1. THE PROPOSAL**

- 1.1 The application is for a Certificate of Lawfulness for the use of a residential property for the storage of goods, materials and associated equipment in connection with the Heating and Ventilation Company (Feltham and Sons Limited)
- 1.2 The site consists of a dwelling with outbuildings to the rear (North). The area to the North of the dwelling made up of a concrete and the outbuilding. This takes up approximately 1/3 of the total site area. The remainder of the site is occupied by the dwelling and large area laid out to the south of the dwelling. The main access drive serving the site is also located here.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

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

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PT06/3685/CLE Withdrawn by Applicant

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

- 4.1 The applicant has submitted a site location plan which includes the whole site, the dwelling and ancillary buildings together with signed letters written by various supply and trade companies and the associated business accountant. Also submitted are various receipts dating back as far as December 2007. There are no 'Sworn Declarations' submitted with this evidence.

## **5. SUMMARY OF CONTRARY EVIDENCE**

- 5.1 None Received

## **6. OTHER REPRESENTATIONS RECEIVED**

- 6.1 Bradley Stoke Town Council  
No Objection

## **7. EVALUATION**

- 7.1 The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such the applicant needs to prove precise and unambiguous evidence.
- 7.2 In this instance it must be proven that the land subject to this application has been utilised as storage of goods, materials and associated equipment for a period in excess of 10 years.

- 7.3 The applicant has shown the application site to include an area of land measuring approximately 0.11 hectares. This is the whole site including the dwelling, outbuildings, curtilage and access.
- 7.4 The applicants claim that, for a 10 year period, they have been using the 'rear yard' for the storage of received goods, materials and associated equipment in association with the Heating and Ventilation Business that is being operated from the Property; with the yard being used for the parking of 6 business vehicles and a trailer together with staff parking during the business day. It is also claimed that the previous owner of the site kept refrigerated vehicles on the site and also received goods in association with that business. However, there is no submitted evidence in support of that claim, and it cannot be proven that this use transferred to the claimed use without a break.
- 7.5 It is clear from the site visit and from published overhead photographs that the yard to the rear of the dwelling and the associated outbuilding are not currently being used in a way that is ancillary to the residential unit on this site. Clearly, there is storage of materials and the parking of commercial and private vehicles as is claimed by the applicants. The submitted written evidence in the form of letters from business associates and receipts/invoices for goods received is substantial, but does not show a continued use on the site for a full period of ten years. The applicant has not submitted a sworn declaration in support of the claim.
- 7.6 In addition, the site location plan submitted with this application shows the whole site outlined as being the site under consideration. Clearly, the area to the south (front) of the dwelling is retained in domestic ancillary use associated with the dwelling on site and cannot form part of the business use claimed by this certificate application. Indeed, if the submitted evidence were complete, this area should be excluded from any certified use.
- 7.7 Having regard to the above, it is considered that the evidence presented by the applicant fails to prove that, on the balance of probability, the land subject to this application has been used for storage of goods, materials and associated equipment for a period in excess of 10 years.

## **8. RECOMMENDATION**

- 8.1 A Certificate of Existing Lawful Use be refused for the use of building for storage of goods, materials and associated equipment.

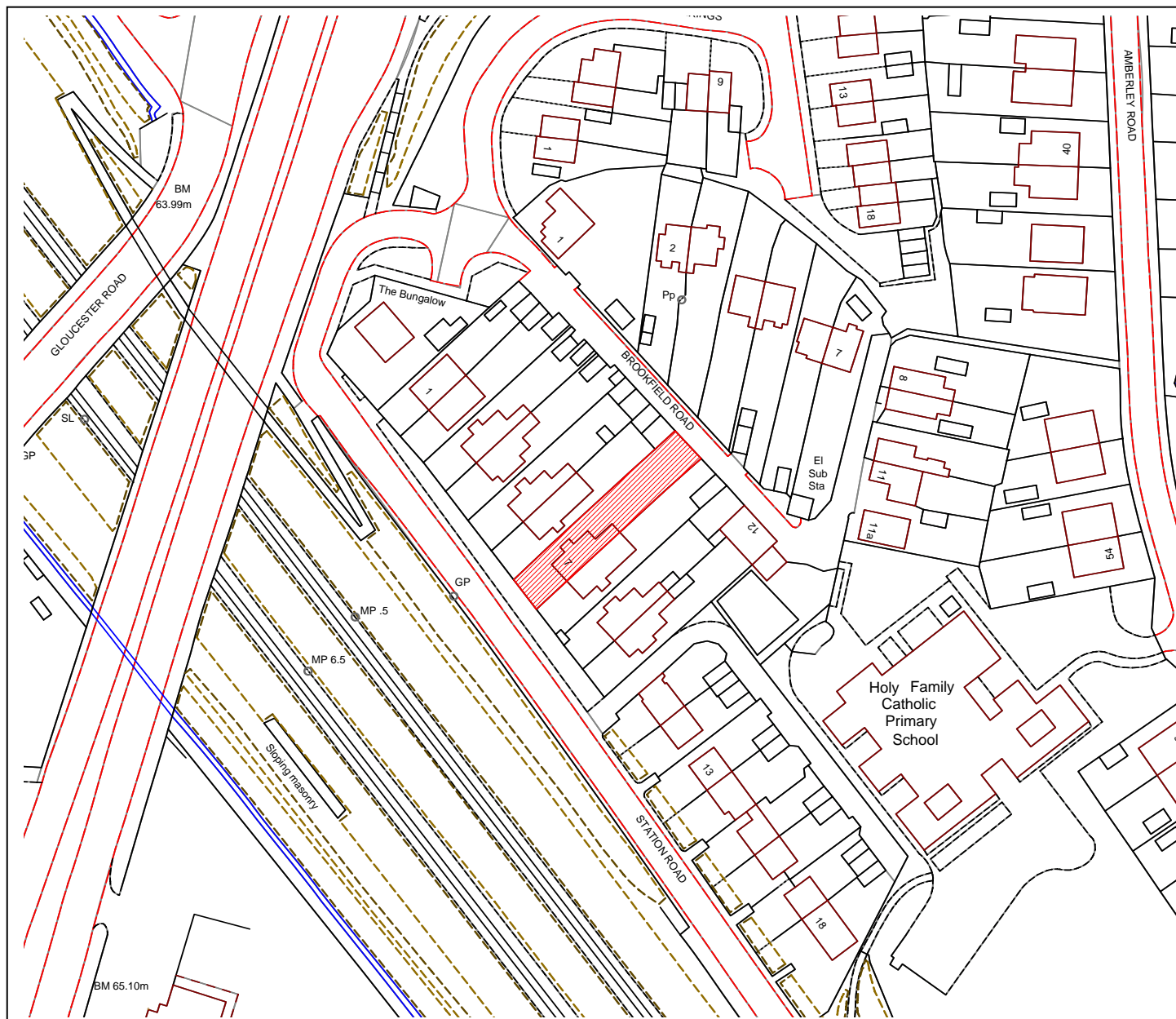
### **Background Papers      PT07/0327/CLE**

**Contact Officer:      Simon Penketh**  
**Tel. No.                      01454 863433**



## CIRCULATED SCHEDULE NO. 11/07 – 16 MARCH 2007

<b>App No.:</b>	PT07/0335/F	<b>Applicant:</b>	Mr & Mrs D Lloyd
<b>Site:</b>	7 Station Road Patchway BRISTOL South Gloucestershire BS34 6LP	<b>Date Reg:</b>	5th February 2007
<b>Proposal:</b>	Erection of second storey side extension to provide bathroom. Erection of detached garage with office space.	<b>Parish:</b>	Patchway Town Council
<b>Map Ref:</b>	60737 81683	<b>Ward:</b>	Patchway



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100023410, 2006.

N.T.S

PT07/0335/F

This application is being circulated as 2 letters of objection have been received from local residents.

## **1. THE PROPOSAL**

- 1.1 The applications seeks planning permission to erect a small second storey side extension to this three storey house and for the erection of a garage in the rear garden with access from Brookfield Road.
- 1.2 The extension would be finished in render and double roman tiles and the garage would be finished in facing brick, also with double roman tiles over.

## **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  
H4 Development within existing residential cartilages, including extensions and new dwellings.
- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist (SPD) Draft for Public Consultation. September 2006

## **3. RELEVANT PLANNING HISTORY**

- 3.1 P88/1107 erection of single storey side extension to form study, bathroom and hallway Approved 2/6/1988

## **4. CONSULTATION RESPONSES**

- 4.1 Patchway Town Council  
No comment received
- 4.2 Transportation  
No objection subject to the garage being set back 6m from the far carriageway edge.
- 4.4 Local Residents  
Two letters of objection have been received which include the following comments of the proposal.
  - a) Understand that the application is for a garage with offices above.
  - b) Oppose use of the property as business premises.
  - c) Station Road properties have vehicular access on Station Road too. Brookfield Road residents only have one access.
  - d) The traffic situation is bad enough due to Nursery School and other residents garages being built.
  - e) The area is not suitable for a business park.
  - f) There is very little parking space in Brookfield Road and what there is is used by residents. This alone can cause obstruction to deliveries and emergency services.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The two elements of this proposal are for domestic use only and in this respect policies H4 (extensions) and D1 (design) are directly relevant to the application. Policy D1 seeks to ensure that the design of the proposals are appropriate to the character, distinctiveness and amenity of the area, that access and landscape are considered as appropriate. Policy H4 seeks to ensure that the scale and materials of the proposal are appropriate, do not detrimentally affect the character of the street scene, and surrounding area, affect nearby occupiers or be detrimental to highways safety.

### 5.2 Design and Residential Amenity

In this case the side extension is identical to those already constructed on other similar houses in the road. There is a small window in the neighbour's house opposite the proposed extension but this would not be detrimentally affected by the proposal.

5.3 The garage is a similar form to others in the road and represents no material harm to the residential amenity of surrounding houses. The use of the roof space for a domestic office or other ancillary use related to the dwelling is acceptable in principle. The garage elevations have been amended since first submission in order to remove the dormer window from the southwest elevation.

In terms of concerns about 'business' use, a domestic office would allow for ancillary use – such as working from home. However planning permission would be required to obtain a separate B1 (Office) consent – this is not what has been applied for here.

### 5.4 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).

### 5.5 Transportation

There is no transportation objection, the plans show a 6 metre set back for the garages as required by the transportation office.

### 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.
- 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 is granted subject to the following conditions

### Background Papers      **PT07/0335/F**

**Contact Officer:**    **Karen Hayes**  
**Tel. No.**                **01454 863472**

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

3. The garage development shall not take place until samples of the roofing and external facing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

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

4. 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 (Classe E) , other than such development or operations indicated on

the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason(s):

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

5. No windows other than those shown on the plans hereby approved shall be inserted at any time in the elevations of the extension or within the roof slope of the garage hereby permitted.

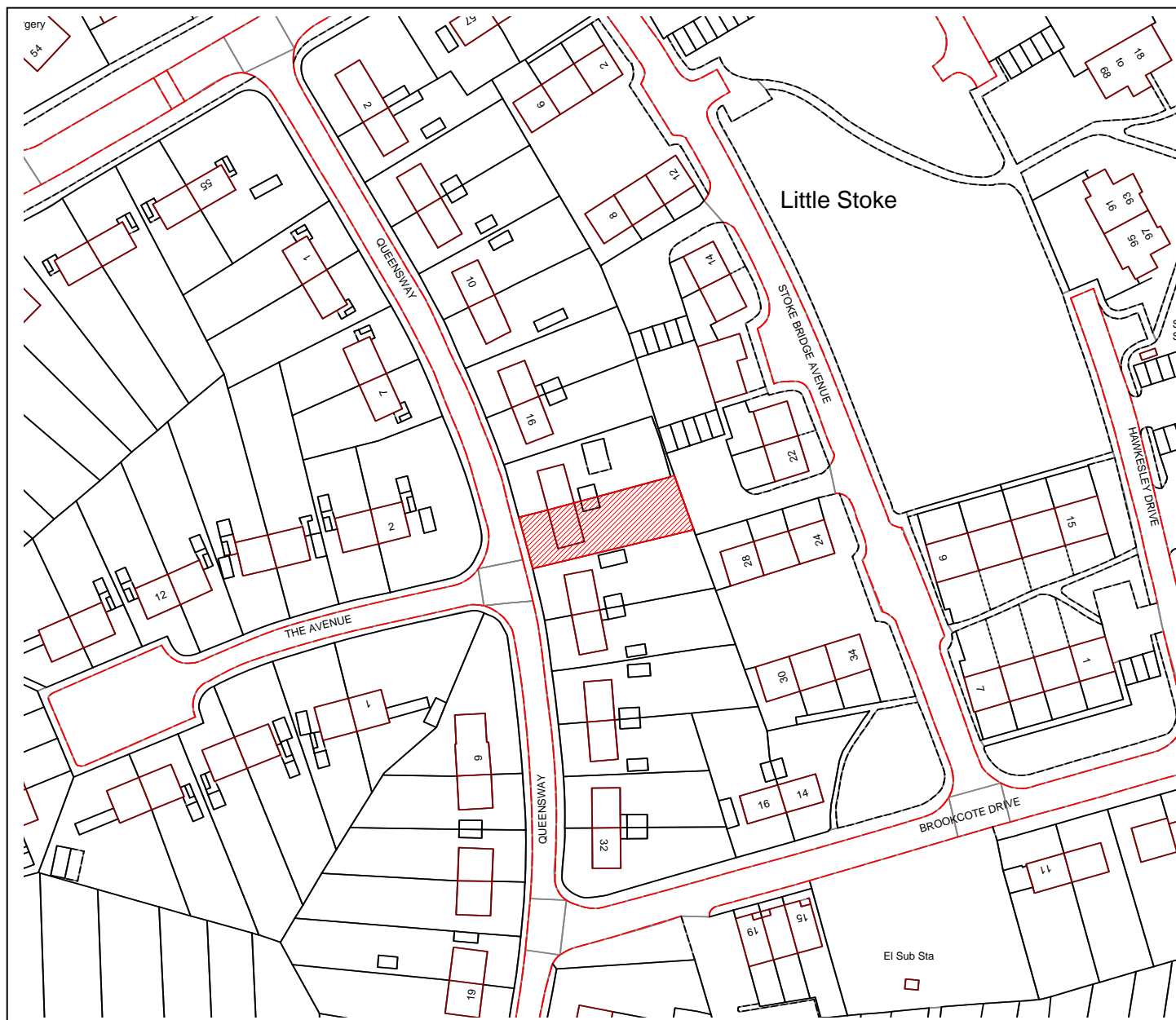
Reason(s):

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



## CIRCULATED SCHEDULE NO. 11/07 – 16 MARCH 2007

<b>App No.:</b>	PT07/0357/F	<b>Applicant:</b>	Mr Weaver
<b>Site:</b>	20 Queensway Little Stoke BRISTOL South Gloucestershire BS34 6LH	<b>Date Reg:</b>	6th February 2007
<b>Proposal:</b>	Erection of single storey and two storey rear extensions to form additional living space. (Resubmission of PT06/3173/F)	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	61521 80713	<b>Ward:</b>	Stoke Gifford



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**N.T.S**

**PT07/0357/F**

One letter of support has been received in response to this proposal thus this application appears on the Circulated Schedule.

## **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for a part two-storey and part single-storey rear extension.
- 1.2 The application site comprises a semi-detached two-storey dwelling on the east side of Queensway, Little Stoke.
- 1.3 The application has been received following approval of PT06/3173/F late last year. This permission allowed a part two and part single-storey rear addition although followed extensive alterations as part of the planning application. The applicants have decided that they are unhappy with these changes and thus this further submission has been received.
- 1.4 Further, this last application originally also proposed the erection of a garage and carport. However, these proved contentious and thus were omitted from the previous scheme. Similarly, this application does not make provision for these structures and includes some of the design changes suggested as part of the previous application.

## **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  
H4: House Extensions
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Advice Note 2: House Extensions

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PT06/3173/F: Erection of part two-storey and part single-storey rear extension.  
Permitted: 21<sup>st</sup> December 2006

## **4. CONSULTATION RESPONSES**

- 4.1 Stoke Gifford Parish Council  
No comment
- 4.2 Other Consultees  
No comments received

### **Other Representations**

- 4.3 Summary of Local Residents Comments:  
One letter received in support of the proposal:
  - No objection- the development should be allowed in the same way that permission was given to the owners of no. 18. It is understood that the plans would replicate this extension.

- 4.4 Two letters (same household) objecting to the proposal has also been received:
- The proposal is too near to the adjoining property;
  - It will deny natural sunshine, air and light that have been enjoyed over the years;
  - The proposal would cause discomfort to these residents;
  - The works will negatively impact upon the property price of this adjoining unit;
  - The approval previously granted has been hastily and ill-conceived;
  - Some confusion is expressed regarding the previously approved plans;
  - Approval will complicate matters for all parties concerned.

## 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.

### 5.2 Design/ Visual Amenity

The application site comprises a semi-detached two-storey dwelling on the east side of Queensway. The proposal seeks planning permission for a two-storey rear extension to provide a kitchen and shower room at ground level with a bedroom and enlarged bathroom above.

5.3 In response, it is noted that this would replicate the rear extension behind the neighbouring property. As such, it would project 5.6m at ground floor and 3.5m above. Further, it would measure 4.25m in width with the two-storey element encompassed by a pitched roof culminating in a rear gable. A lean-to would cover the single-storey element.

5.4 Having regard to the above, the proposal is considered to be acceptable and in keeping with the general character of the area.

### 5.5 Residential Amenity

With regard to rear extension behind the adjoining property, this includes a side facing bathroom window that overlooks the host site. Accordingly, the proposal would build directly in front of this window with little space retained between this and the proposal.

5.6 In the light of the above, at the time of the last application, amendments were made allowing the resiting of the originally proposed two-storey side extension to the far side of the host property allowing an appreciable distance between the extension and this window. In so doing, it was noted that this window was shown on the approved plans for this existing extension (PT06/3173/F).

5.7 However, for the purposes of this application, the proposal must be considered as submitted with the applicant now unhappy with the changes previously negotiated. Accordingly, it is acknowledged that this is a secondary window, serving the bathroom and thus contains obscured glazing.

5.8 Nonetheless, it is considered that the proximity of the addition to this bathroom window would have an unreasonable adverse impact on the residential amenity of these neighbouring occupants. Consequently, it is considered that planning permission must be withheld on this basis.

5.9 All other neighbouring dwellings are positioned at an appreciable distance from the site of the proposal and thus no further planning objection is raised.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

7.1 Planning Permission be **REFUSED** for the following reason:

**Background Papers**      **PT07/0357/F**

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

## REFUSAL REASONS

1. The erection of a two-storey rear extension as proposed, would build directly across the neighbours side facing bathroom window and thus if allowed, would have a detrimental impact on the residential amenities of this adjoining dwellinghouse. The proposal is therefore considered contrary to Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 11/07 – 16 MARCH 2007**

**App No.:** PT07/0358/RM  
**Site:** Unit 100 North Bristol Park Northway  
 Filton BRISTOL South Gloucestershire  
 BS34 7QH

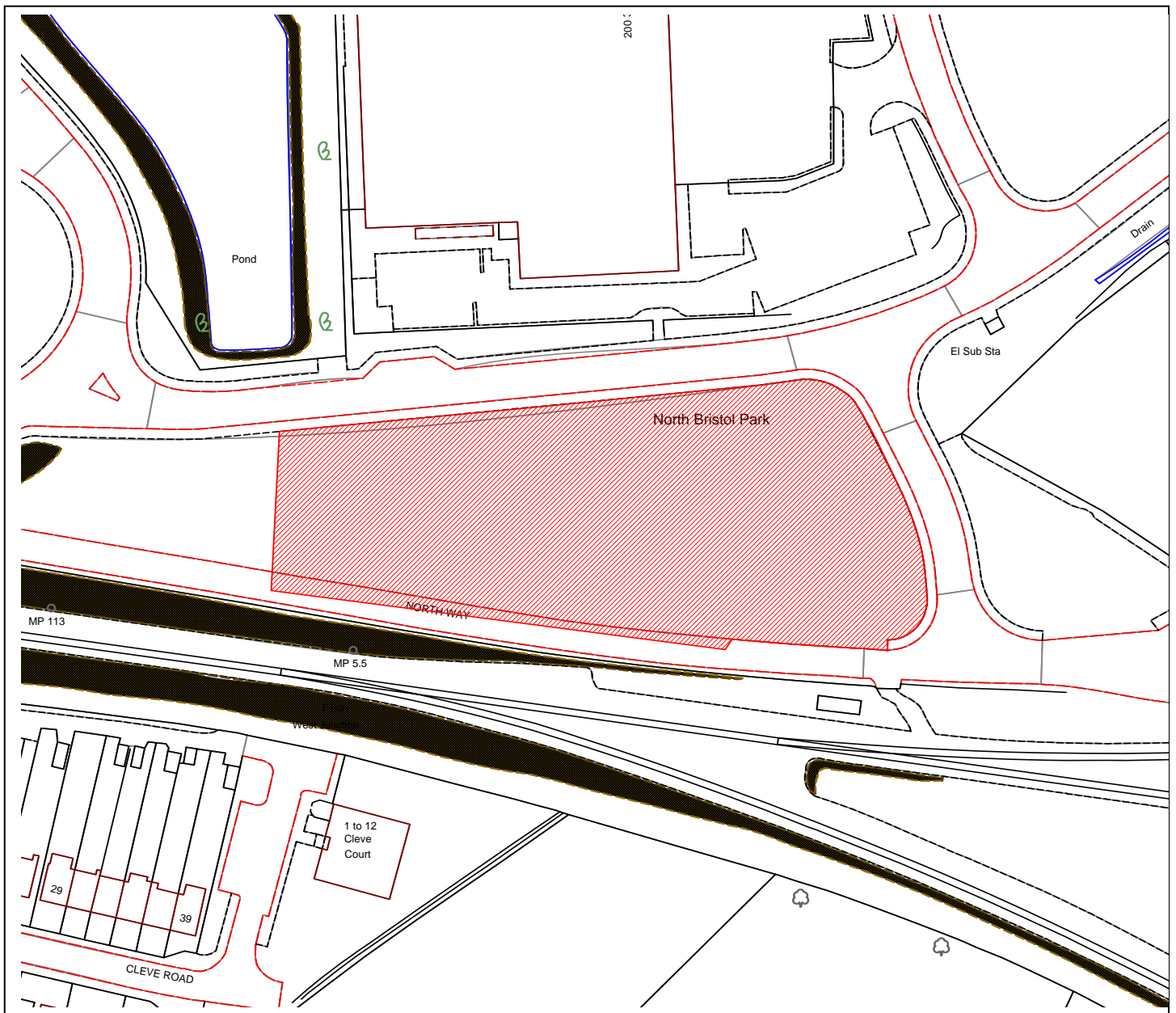
**Applicant:** Terramond Ltd  
**Date Reg:** 6th February 2007

**Proposal:** Erection of warehouse for storage use (Class B8) on 0.54 ha of land, to include new vehicular and pedestrian access and associated parking. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission P97/2267 dated 16 March 2004.

**Parish:** Filton Town Council

**Map Ref:** 60640 79935

**Ward:** Filton



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100023410, 2006.

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## **INTRODUCTION**

The application is on the circulated schedule as the application is classed as one for major development.

### **1. THE PROPOSAL**

- 1.1 The application seeks reserved matters consent for the development of a warehouse (self-store) (Class B8) with parking, turning, access and landscaping. The proposed warehouse comprises 1,858sq.m.
- 1.2 The application site forms part of Combination Ground that comprises approximately 12 hectares of former playing fields to the south and west of Rolls Royce and to the east of Gloucester Road, being re-developed as North Bristol Park. The application site is situated on the southern boundary of Combination Ground. The northern boundary is adjacent to the new access road, the construction of which is now complete. The eastern boundary is with an internal access road.
- 1.3 The application relates to outline planning permission ref.P97/2267, the details of which are outlined below.
- 1.4 The application site is situated within the established urban area.

### **2. POLICY CONTEXT**

- 2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG4	Industrial and Commercial Development
PPG13	Transport
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
E3	Criteria for Assessing Proposals for Employment Development within the Urban Areas and Defined Settlement Boundaries
T7	Cycle Parking Standards
T8	Parking Standards
T12	Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Document  
Draft Design Checklist

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

- 3.1 P97/2267 Development of 11.72 hectares of land for warehouse and distribution uses including the laying of 2.02 hectares of land for playing fields (two rugby pitches) and associated facilities.  
Approved subject to conditions and section 106 legal agreement.
- 3.2 The Section 106 legal agreement includes highway improvements (including the reconfiguration of the existing access onto Gloucester Road), contribution towards public art, the provision of replacement sports facilities on the land, and a financial contribution towards public open space and recreational facilities on the land.

- 3.3 PT06/3341/RM Erection of warehouse.  
Withdrawn.

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

- 4.1 Filton Town Council  
No objection.
- 4.2 Wessex Water  
No comment.
- 4.3 Police Architectural Liaison Officer  
Comments on crime prevention.
- 4.4 Environment Agency  
No objection subject to conditions.

#### **Other Representations**

- 4.5 Local Residents  
No reps received.

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

- 5.1 Principle of Development  
The principle of development on this site has been established by reason of outline planning permission ref.P97/2267. The assessment of this reserved matters application is limited to whether the siting, design and external appearance of the warehouse proposed is acceptable. In this respect, the main issues are design/visual impact and transportation issues (comprising internal layout and access). Landscaping is not a specific reserved matter under P97/2267. Landscaping details have previously been approved in accordance with condition 3 of P97/2267. However, minor alterations to the approved landscaping scheme are indicated as part of this application.
- 5.2 Design/Visual Impact  
The proposed building has a curved roof structure of maximum height 12.5m and dimensions 65m x 30m. Elevations will be finished in silver and graphite cladding with the roof finished in a shade of green that should match the nearby buildings. Parking, turning and landscaping will comprise the remainder of the site. The entire site subject to the outline consent is subject to the implementation of a comprehensive and structured landscape scheme and management plan that has already been agreed. Very minor alterations to the approved landscaping scheme indicated as part of this application are entirely acceptable. Ecological matters were approved as part of consent ref. PT04/1438/RM.
- 5.3 The design of the building, with finishing colours as specified on the submitted plans, is appropriate for the context. A condition to agree the nature of specific materials is recommended. The height of the building favourably compares with the nearby warehouse buildings and the reserved matters consent for the National Blood Centre on the remaining plot. Prior approval of any external lighting is required by reason of condition 8 of the outline planning permission. Having regard to the comments of the Police Architectural Liaison Officer, the

proposal is in accordance with landscaping already approved as part of the outline planning permission, and the proposed siting and layout represents the only real option on this site. Details in respect of lighting is subject to a specific condition on the outline planning permission.

5.4 Transportation

The access and internal layout of parking and turning is acceptable. A travel plan is already required by reason of condition 6 of the outline planning permission to which the application relates.

5.5 The outline planning permission and associated section 106 legal agreement ensures the provision of an appropriate access arrangement onto Gloucester Road, and this has now been undertaken. In addition, the section 106 agreement ensures a financial contribution towards bus lane provision and traffic management.

5.6 Drainage

Conditions 10 and 11 of the outline planning permission relate to drainage matters and these have now been agreed, as such the conditions recommended by the Environment Agency were attached to the outline consent.

5.7 Section 106 Requirements

In relation to the issues raised by this application for reserved matters consent, 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 obligations under Section 106 of the Town and 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, planning conditions are the most appropriate, and a further Section 106 Agreement is unnecessary. The existing section 106 agreement already deals with all pertinent matters that include highway improvements (including the reconfiguration of the existing access onto Gloucester Road), contribution towards public art, the provision of replacement sports facilities on the land, financial contribution towards bus lane provision and traffic management, and a financial contribution towards public open space and recreational facilities on the land.

5.8 Design and Access Statement

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

## 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 permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006



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

## **7. RECOMMENDATION**

- 7.1 That the Reserved Matters submitted in accordance with condition 1 and 7 associated with Outline Planning Permission P97/2267 dated 16<sup>th</sup> March 2004 be APPROVED subject to the following conditions.

### **Background Papers      PT07/0358/RM**

**Contact Officer:    Michael Simmons**  
**Tel. No.                01454 863643**

### **CONDITIONS**

1. Building operations shall not be commenced until details of the roofing and external facing materials proposed to be used have been submitted to and approved by the Council and all such materials used in construction of the building(s) hereby authorised shall conform to the details so approved.

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.

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

Reason(s):

To ensure the satisfactory provision of parking facilities and access, 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. 11/07 – 16 MARCH 2007**

**App No.:** PT07/0369/PNS  
**Site:** Stanley Farm Footbridge at Abbey Wood  
 Filton BRISTOL South Gloucestershire  
**Proposal:** Prior approval of plans and specifications (under Part 11 of the GPDO) in connection with provision of protection cages to Stanley Farm footbridge at 4m 19c BSW.  
**Map Ref:** 60825 78211

**Applicant:** Network Rail  
**Date Reg:** 6th February 2007  
**Parish:** Filton Town Council  
**Ward:** Filton



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**N.T.S**

**PT07/0369/PNS**

This application appears on the Circulated Schedule after the receipt of three objection comments from local residents.

## **1. THE PROPOSAL**

- 1.1 The applicant seeks Prior Approval for the provision of protection cages to the Stanley Farm Footbridge located near Abbey Wood, Filton to prevent further vandalism on the railway.
- 1.2 The application site relates to railway footbridge sited between the well-established residential area of Filton and car park for the Ministry of Defence offices at Abbey Wood, Filton.
- 1.3 This is an application is for Prior Approval of the above development under the terms of Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 and is not a planning application.

## **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

## **3. RELEVANT PLANNING HISTORY**

- 3.1 None

## **4. CONSULTATION RESPONSES**

- 4.1 Filton Town Council  
The Council agree to the proposal in principle however they were concerned with the proposed design due to its oppressive and intrusive nature.
- 4.2 Sustainable Transport  
No objection

### **Other Representations**

- 4.4 Local Residents  
Three letters have been received from Local Residents that have objected to the proposal on the following grounds:
  - The proposal would make pedestrians feel threatened because the bridge would be enclosed and could increase the risk of crime (e.g. mugging, rape etc.).
  - The caging would become a target for graffiti vandals.
  - The proposed structure would be ugly.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 permits developments that have been authorised by local or private Acts. In this instance the proposal has been authorised by Section 16 of Railway Clauses Consolidation Act 1845 that granted the then Railway Company and its successors in title the right to construct such bridges as they thought fit and from time to time alter, repair or discontinue.

Part 11 of the GPDO (paragraph A.2) states that prior approval is not to be refused by the Local Planning Authority nor are conditions to be imposed unless they are satisfied that

- (a) the development ought to be, and could reasonably be, carried out elsewhere on the land;
- (b) the design or external appearance of any building would injure the amenities of the neighbourhood and is reasonably capable of modification to avoid such injury.

This application will therefore consider only the position and visual merits of the proposed alterations to the footbridge which are works authorised by the above Private Act; as required by the above terms.

### 5.2 Analysis

It is proposed that steel frames and a 50mm x 50mm mesh cladding would be attached to existing footbridge to reduce vandalism to the railway. The Town Council and a local resident have raised concerns with the proposed design. Further design solutions were explored by the Officer with the applicant, however the size and detail of the mesh is controlled by Her Majesties Railway Inspectorate and Railway Group standards and therefore cannot be larger than proposed. The only alternatives would be solid panels or smaller mesh. These options are not considered to be an improvement to the proposed equipment in visual terms and have not therefore been pursued as a valid alternative. Further, given that the above legislation is in place, it is considered that the design of the equipment is not reasonably capable of modification; nor that there is any reasonable alternative location for this equipment. It is considered that the proposed design of the equipment is acceptable and therefore does not constitute a reason to refuse this prior approval application.

- 5.3 Although it is not within the remit of the Authority to consider in this instance, a number of local residents have raised concerns that the design would increase crime and would prejudice the personal safety and security of the pedestrians using the footbridge. Notwithstanding these comments, the proposal would not create any new "black spots" where people could hide. This is because the view from one side of the footbridge to the other would be maintained allowing pedestrian's full visibility before choosing to use the bridge. The proposed mesh also would allow light onto the bridge and would therefore prevent the sense of enclosure. It is therefore considered that the proposed design would have no adverse impact on the security of the pedestrians using the bridge.

5.4 In conclusion, it is considered that the proposal would not injure the amenities of the neighbourhood and therefore under the terms of the Part 11 of GDPO Council have no objection to proposal and grant prior approval.

**6. RECOMMENDATION**

6.1 That the prior approval application be approved.

**Background Papers      PT07/0369/PNS**

**Contact Officer:    Simon Penketh**  
**Tel. No.              01454 863433**

**CONDITIONS**

No data found

**REFUSAL REASONS**

No data found

**DESCRIPTION OF PROPOSAL**

No data found

## CIRCULATED SCHEDULE NO. 11/07 – 16 MARCH 2007

<b>App No.:</b>	PT07/0412/F	<b>Applicant:</b>	Mr K Bray
<b>Site:</b>	25 Flaxpits Lane Winterbourne BRISTOL South Gloucestershire BS36 1LA	<b>Date Reg:</b>	8th February 2007
<b>Proposal:</b>	Erection of 1 no. dwelling with construction of new access and off-road parking and associated works.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	64925 80549	<b>Ward:</b>	Winterbourne



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N.T.S

PT07/0412/F

This application appears on the Circulated Schedule with one letter of objection having been received from a neighbouring resident.

## **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of an attached two-storey dwelling.
- 1.2 The application site forms an existing end of terrace property and associated garden land on the north side of Flaxpits Lane, Winterbourne.
- 1.3 The application follows a previous outline permission for the erection of a detached dwelling on this site. This approval dealt with all matters with only landscaping reserved for future consideration. This submission is similar to this previously approved scheme although now comprises a full application.
- 1.4 An amended plan allows a larger window to the ground floor front elevation to match that above and of the adjoining unit. Correspondingly, the size of side patio door has been reduced.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1: Delivering Sustainable Development  
PPS3: Housing
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1: Achieving Good Quality Design in New Development  
H2: Proposals for Residential Development  
H4: Development within Residential Curtilages  
T7: Cycle Parking  
T8: Parking Standards  
T12: Transportation Development Control Policy for New Development  
L18: The Water Environment
- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist (Draft for Public Consultation):  
September 2006

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PT04/3361/F: Erection of one detached dwelling. Refused: 3 November 2006
- 3.2 PT06/2524/O: Erection of one detached dwelling with means of access, external appearance, siting & design to be considered; matters of landscaping to be reserved.

## **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
No objection



4.2 Other Consultees  
Technical Services (drainage): no objection in principle  
Environmental Services: no objection in principle

4.3 Sustainable Transport  
No objection subject to conditions relating to:

- Maintenance of existing garage and parking space for new dwelling;
- Provision and retention of one parking space for new dwelling;
- Bound surfacing to driveways;
- Any entrance gates to open inwards;
- Undercover and secure cycle storage for both units.

### **Other Representations**

4.4 Summary of Local Residents Concerns:  
Two letters received expressing the following concerns:

- The applicants are trying to squeeze a unit into room that is not there;
- There are already traffic problems along Flaxpits Lane and within the turning area of Holmwood Close;
- Parking restrictions in the area are not enforced;
- Inadequate parking is to be provided as part of the proposal;
- It is not a good idea to erect a further dwelling on this site;
- The existing drainage pipe from no. 25 is part of a private sewer, which is deteriorating. Residents who join this system are unwilling for further properties to connect into this system.

## **5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development  
Policy H2 of the South Gloucestershire Local Plan allows for the principle of residential development provided the maximum density compatible with the site, its location, accessibility and surroundings is achieved. Further, the works should not have an unacceptable environmental or transportation effect and should not have an adverse impact on residential amenity.

5.2 Planning policy H4 echoes these above requirements and further requires that proposals do not prejudice the retention of adequate private amenity space and provide sufficient amenity space for any additional dwelling.

5.3 Design/ Visual Amenity  
The application seeks full planning permission for the erection of one attached dwelling (to adjoin an existing semi-detached unit). In this regard, it is noted that the existing attached property (to the far side) benefits from a two-storey side addition (thus unbalancing these units) whilst the majority of dwellings within the locality comprise two-storey terraced units.

5.4 Having regard to this proposal, the new unit would be of near identical size to that previously approved replicating the size of the existing semi-detached unit. It would though also benefit from a rear single-storey lean-to (as per the past permission) allowing a lounge and diner/kitchen at ground floor with a bathroom and three bedrooms above.

- 5.5 Externally, the proposal would replicate many features of the existing but would introduce a number of changes to the previously approved scheme. This would mainly involve changes to the fenestration with the main outlook to the dwelling to the front/ rear thus no longer requiring three side facing bedroom windows.
- 5.6 In the light of the above, and having regard to the previous planning permission granted, the proposal is considered acceptable and in keeping with the general character of the area.
- 5.7 Density  
The proposal would allow a density of development equivalent to 40 dwellings per hectare. This is above the expectation of planning policy H2, which advises that in all new residential development, a minimum of 30 dwellings per hectare will be anticipated. Further, it not considered that a higher density could be achieved having regard to the characteristics and planning history of the site.
- 5.8 Residential Amenity  
All properties stand away from the site of the proposal with the exception of the adjoining unit. In this regard, this would lose its side facing landing window although a replacement roof light would be provided. Meanwhile, the proposed single-storey rear lean-to would project in line with the utility room behind this existing dwelling. As such, and with it noted that adequate garden space would be retained for the existing unit, it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.9 Concerning the dwelling to the rear of the application site, this faces north west and is devoid of any on looking first floor windows. Further, it sits away from its flank boundary whilst no objection was raised to this proposed relationship at the time of the previous application. Accordingly, it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.10 Highway Safety  
Flaxpits Lane forms a classified highway that has been traffic calmed. Having regard to the proposal, the reuse of the garage and access is considered to be acceptable although no new access should be formed given its proximity to the adjacent road junction. Meanwhile, at least one off road parking space should be provided for the existing unit.
- 5.11 Having regard to the above and with the aforementioned conditions attached, there is no highway objection to the proposal.
- 5.12 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).
- 5.13 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 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**      **PT07/0412/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 dwelling hereby permitted shall match those used in the adjoining property (25 Flaxpits Lane).

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.

3. 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, C and E), 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(s):

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

4. The off-street parking facilities (for both the existing and proposed dwelling) shown on the plan hereby approved shall be provided before the new dwelling is first occupied, and thereafter retained for that purpose.

Reason(s):

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.

5. No gates shall be hung so as to open over or across the public highway/footway.

Reason(s):

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

6. 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(s):

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

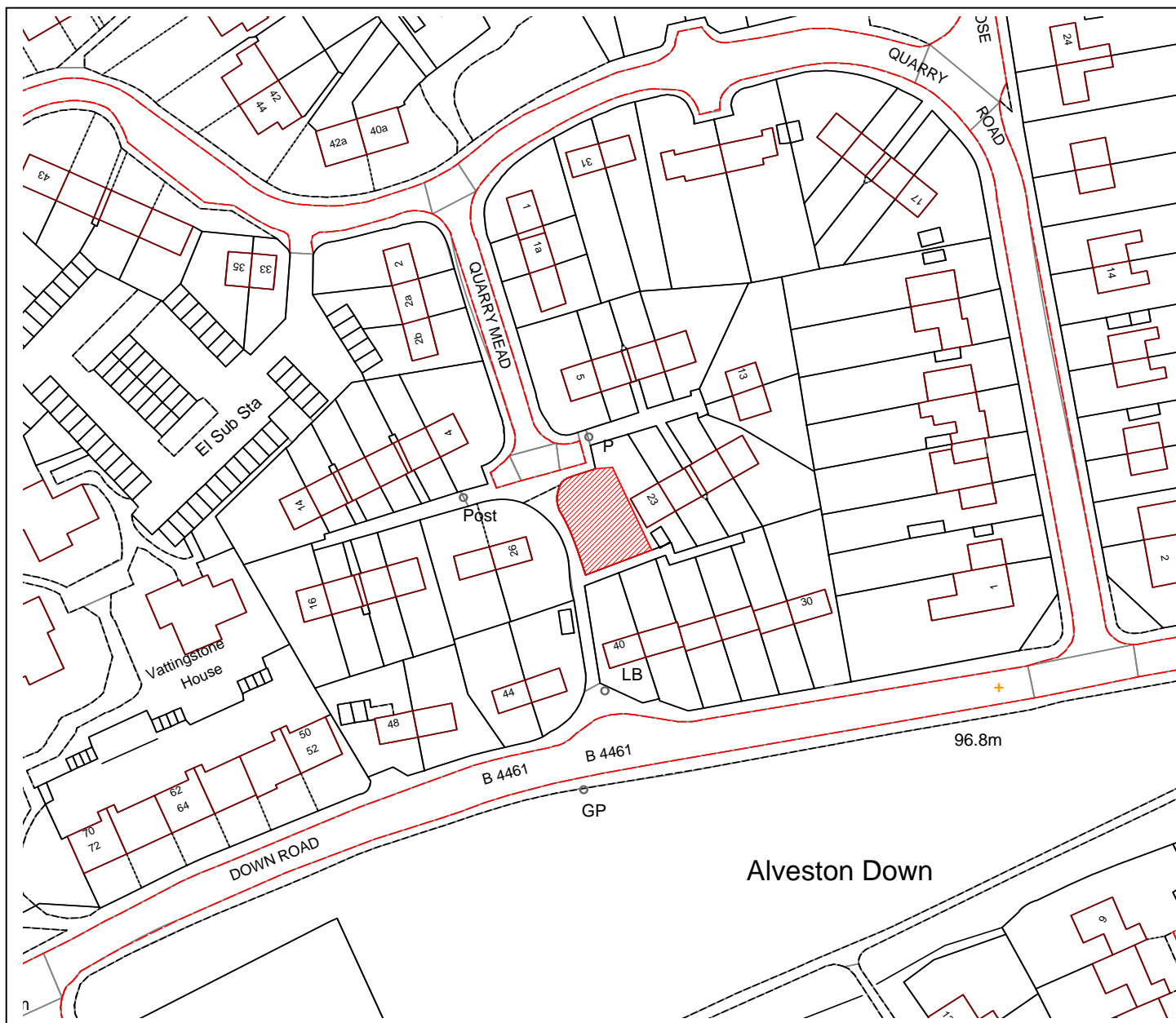
7. The proposed dwelling shall not be occupied until space has been laid out within the site for one bicycle (for each dwelling) to be parked in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority.

Reason(s):

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.

**CIRCULATED SCHEDULE NO. 11/07 – 16 MARCH 2007**

<b>App No.:</b> PT07/0413/F	<b>Applicant:</b> Village Green Design & Build Ltd
<b>Site:</b> 23 Quarry Mead Alveston BRISTOL South Gloucestershire BS35 3JN	<b>Date Reg:</b> 8th February 2007
<b>Proposal:</b> Erection 2no. dwellings (semi detached) on 0.03 hectares of land, to include two new vehicular accesses.	<b>Parish:</b> Alveston Parish Council
<b>Map Ref:</b> 63011 88290	<b>Ward:</b> Alveston



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**N.T.S**

**PT07/0413/F**

## **INTRODUCTION**

This application is placed on the Circulated Schedule, given objections that have been raised

### **1. THE PROPOSAL**

- 1.1 The application relates to an area of garden land to the flank of the dwelling house at no.23 Quarry Mead. An access to this land via a pavement cross over currently is in existence.
- 1.2 The application is a full planning application for a single dwelling house.. The site is located within the settlement boundary of Alveston within the Bristol/Bath Green Belt.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPG2	Green Belt
PPS3	Housing

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

D1	Achieving Good Design
GB1	Green Belts
H2	Residential Development including renewals
T12	Transportation Development Control Criteria

#### **2.3 Supplementary Planning Document**

South Gloucestershire Design Checklist (SPD) Draft for Public Consultation: September 2006

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

N969/3 Erection of dwelling (outline). Construction of access (approved)  
P84/1871 Erection of detached dwelling and construction of new access (approved)  
P87/1739 Renewal of above (approved)  
P90/1608 Renewal of above (approved)  
P93/1233 Renewal of above (approved)  
P96/1398 Renewal of above (approved)  
P99/1433 Renewal of outline consent (approved)  
PT02/1539/REP – Erection of detached dwelling. Construction of vehicular and pedestrian access. (Renewal of outline planning consent) Approved - 10 June 2002

### **4. CONSULTATION RESPONSES**

#### **4.1 Alveston Parish Council**

Object to the proposed development on the grounds that the proposal will make an existing parking problem and access difficulty worse.

#### **4.2 Sustainable Transport**

The principle of residential development has been accepted in this location, however in order to alleviate any potential for blockage of the turning head it is considered that a third parking space be added for visitors etc to the two new dwellings. This would equate to the maximum

allowed under T8 of the SGLP. There is space to provide this within one of the new plots.

All parking areas should have a bound surface and any gates must open in only. Subject to the submission and approval of a revised plan showing a third space, there is no basis for a transportation objection to this proposal

## **Other Representations**

### **4.3 Local Residents**

There has been one letter of objection received. The grounds of objection can be summarised as follows:

- The proposed development will make worse parking and access difficulties

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The principle of residential development within this site has been accepted and renewed since 1981. These applications have related to the erection of a single dwelling.

The site is located within the settlement boundary of Alveston within the Bristol/Bath Green Belt. Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for limited infill development within settlement boundaries and the proposed development would satisfy this criteria.

Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 also allows development within the village boundaries. Among other criteria there is an expectation that development should reach a minimum density of 30 dwellings per hectare with higher densities where appropriate. It is considered that a density of 66 dwellings per hectare is appropriate in this location and is compatible with the character of the area. Subject to a consideration of the Environmental impact, impact upon residential amenity and highways network, it is considered that the proposal is acceptable in principle.

### **5.2 Design**

Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 considers the design of new development in support of Policy H2. It is considered that the orientation, layout and scale of the development is appropriate. In particular it should be noted that the development of a gable-ended building mirrors the overall appearance of No.24 and 26 located on the opposite site of the intervening footway that runs along the side of the site. The proposed facing materials of painted render and brown double roman tiles are also considered appropriate.

The proposed development is acceptable in design terms.

### **5.3 Drainage**

There is no objection to the proposal from the Council Drainage Engineer. A condition will be attached to the decision notice requiring the use of best drainage practice.

#### 5.4 Residential Amenity

Given the scale and the location of the proposed development in relation to neighbouring properties it is not considered that there will be any adverse impact upon the amenity of neighbouring occupiers

#### 5.5 Transportation

Policy T12 considers the impact of development upon the highway network surrounding a site with Policy T8 considering the maximum parking standards. Concern has been raised that the proposal would exacerbate existing parking and access difficulties within this road.

The principle of residential development has been accepted in this location albeit for a single dwelling while the current proposal is for two dwellings. In order to alleviate any potential for blockage of the turning head, a third parking space, which can be accommodated within the site has been agreed with the applicant to cater for any visitors to the two new dwellings. A Condition is recommended to ensure that details of the proposed parking spaces to include a visitor space are submitted prior to the commencement of works and retained as such thereafter. This would equate to the maximum allowed under T8 of the South Gloucestershire Local Plan (Adopted) January 2006.

Subject to conditions to ensure that all parking areas have a bound surface, gates do not open outwards and all parking spaces are in place prior to the first occupation of the dwelling it is considered that the proposal is acceptable in transportation terms and would be in accord with the aims and objectives of Local Plan Policy.

#### 5.6 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).

#### 5.7 Section 106 Requirements

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

## **7.0 RECOMMENDATION**

Planning Permission be granted subject to the following conditions

### **Background Papers      PT07/0413/F**

**Contact Officer:    David Stockdale**  
**Tel. No.                01454 863131**

### **CONDITIONS**

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

Reason(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 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(s):

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

3. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the building is first occupied, this shall include 1 space per dwelling and a shared visitor space and these spaces shall thereafter be retained for that purpose.

Reason(s):

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.

4. 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 Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the commencement of works details of the boundary treatments between the new dwellings and between the new dwellings and adjoining properties shall be submitted and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the dwellings.

Reason(s):

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

6. All parking spaces shall have a bound surface and shall be maintained as such thereafter.

Reason(s):

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

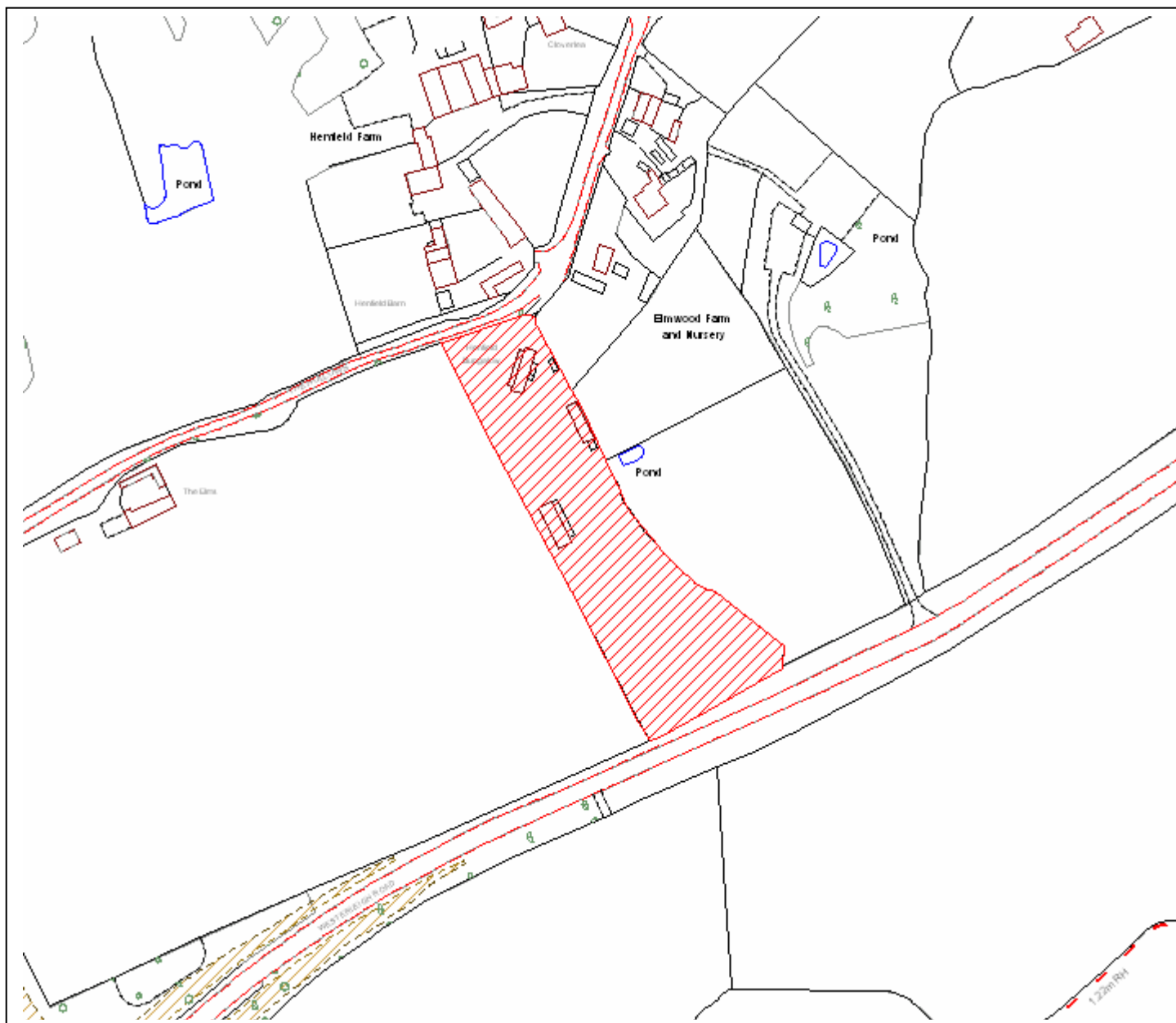
7. No gates installed to the front of the property shall open outwards at anytime following the grant of planning permission.

Reason(s):

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

## CIRCULATED SCHEDULE NO. 11/07 – 16 MARCH 2007

<b>App No.:</b>	PT07/0433/F	<b>Applicant:</b>	Mr D Iles
<b>Site:</b>	Henfield Bungalow Westerleigh Road Henfield BRISTOL South Gloucestershire	<b>Date Reg:</b>	9th February 2007
<b>Proposal:</b>	Demolition of existing bungalow. Erection of detached two storey dwelling.	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	67522 78801	<b>Ward:</b>	Westerleigh



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**N.T.S**

**PT07/0433/F**

## **INTRODUCTION**

This application appears on the Circulated Schedule in the light of one letter of support for the proposal.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for a five bedroom two-storey detached dwelling. This would replace an existing single-storey dwelling in a similar position (already demolished at the time of the site visit).
- 1.2 The application site comprises some 0.68 hectares of land on the south side of The Hollows. The site lies within the Green Belt beyond any settlement boundary.
- 1.3 This application follows two previous submissions for a replacement dwelling. Having regard to the first application received, this also sought permission for a two-storey detached dwelling and was refused for the following reasons:
  - a) 'The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden....'
  - b) 'The proposed development by reason of its size, fully expressed two-storey nature of the dwelling and scale would be significantly more visually intrusive than the dwelling it is to replace and would impinge upon the openness of the Green Belt....'
- 1.4 The subsequent application sought to address these concerns with planning permission granted for a detached chalet style dwelling.
- 1.5 This submission follows further discussions with it advised that on the basis of the plans submitted, planning refusal would be likely.

### **2. POLICY CONTEXT**

- 2.1 National Guidance
  - PPS1 Delivering Sustainable Development
  - PPG2 Green Belts
  - PPS7 Sustainable Development in Rural Areas
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
  - D1 Achieving Good Quality Design in New Development
  - GB1 Development within the Green Belt
  - H4 Development within Residential Curtilages
  - H11 Replacement Dwellings in the Countryside
  - T12 Transportation Development Control Policy for New Development

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

- 3.1 PT05/2041/F: Demolition of existing dwelling to facilitate replacement dwelling and detached garage block. Refused: 26 August 2005
- 3.2 PT05/2899/F: Demolition of existing dwelling to facilitate replacement dwelling. Permitted: 3 November 2005

### **4. CONSULTATION RESPONSES**

- 4.1 Westerleigh Parish Council  
Objection- on the grounds that it is overdevelopment of a site within the green belt. The proposed replacement dwelling bears no relation to the footprint of the dwelling being demolished in terms of overall size.
- 4.2 Drainage comments  
No objections in principle
- 4.3 Summary of Local Residents Comments  
One letter received stating that the writer is in support of the proposal with it considered to enhance the area. 'Two storey buildings already stand in and around the area so I see no reason to object... It will not encroach on surrounding properties and I give my full support for the development'.

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

- 5.1 Principle of Development  
The application site lies within the Green Belt beyond any defined settlement boundary. Advice contained within PPG2 states that replacement dwellings are not considered to be inappropriate development within the Green Belt provided that the new dwelling is not materially larger than the dwelling it replaces.
- 5.2 In accordance with the above, policy H11 of the South Gloucestershire Local Plan advises that proposals for the replacement of a single dwelling outside of the urban areas and defined settlement boundaries will be permitted provided:
  - a) The residential use has not been abandoned;
  - b) The existing dwelling is incapable of retention in its current state;
  - c) The replacement dwelling is of a similar size and scale to the existing, within the same curtilage, and of a design that is in keeping with the locality and which minimises intrusion in the countryside.
- 5.3 Finally, whilst policy GB1 allows for the principle of a replacement dwelling, this policy advises that any replacement unit should not result in a disproportionate increase over and above the size of the original building.
- 5.4 Abandonment  
The previous owner of the application site remained within the former dwelling at the time of the previous applications. Further, it would appear that this unit has only recently been demolished whilst there is a valid planning permission for its replacement. Accordingly, it is considered that the residential use of the site has not been abandoned. Further, it is noted that this did not comprise a refusal reason at the time of the previous submission.

5.5 Condition of the Former Dwelling

The previous unit comprised a single-storey dwelling built in part brick, part timber with two attached glasshouses. Part of the property was encompassed by a low profile corrugated pitched roof with the flat roof utilised as a balcony.

5.6 Having regard to the above, the supporting text to policy H11 states that where the dwelling is in a poor state, where it would be financially unreasonable to improve it, or where it is unsightly/ out of character with its surroundings, the Council may permit a replacement. In this case, it was previously considered that the former dwelling might have been capable of retention. However, it was accepted that its physical condition was poor whilst a new build could appear more in keeping with the character of the surroundings. Further, the applicant had stated that it would not be viable financially to retain the dwelling.

5.7 In the light of the above, this policy criterion did not comprise a planning refusal reason at the time of the previous submission. Nonetheless, in this instance, this dwelling has now been demolished. However, having regard to the history of the site and the outstanding planning permission, there is considered to be no objection to the current proposal on this basis.

5.8 Size and Scale of the Replacement Dwelling

The proposal would allow the erection of two-storey five bed detached dwelling to be sited in a near identical position to that of the former bungalow. The build would provide a lounge, study, family room, dining room and kitchen at ground level with five bedrooms above; three of which would be ensuite. The proposal would be of gable design with prominent front and rear gables to the west side. Materials would comprise natural rubble stone walling with reconstituted stone surrounds. Clay pantiles are proposed for the roof tiling.

5.9 The build would measure some 15m in length and 9m in depth. In so doing, it would be of a similar footprint to both previous submissions. Nonetheless, in contrast to the approved application, as detailed, the proposal would comprise a fully expressed two-storey dwelling with a ridge height of 7.5m. This is in contrast to the 6m ridge height of the approved chalet bungalow (albeit slightly lower than that of the refused two-storey dwelling).

5.10 In the light of the above, and as noted at the time of the first application, it is in no way considered that the provision of a fully expressed two-storey dwelling in lieu of a small single-storey unit satisfies criterion 'c' of policy H11. Refusal is therefore recommended on this basis.

5.11 Impact on the Openness of the Green Belt

Having regard to policy GB1 of the Local Plan, this cites that the replacement of an existing dwelling is acceptable in principle provided that this does not result in a disproportionate addition over and above the size of the original building. Further, within the supporting text, it is advised that the most important attribute of Green Belts is their openness; therefore, there is a general presumption against development that would be harmful to the openness of the Green Belt.

5.12 In the light of the above, it is noted that the proposal would almost double the floor area of the property increasing this from some 165m<sup>2</sup> associated with the existing (including attached glasshouses) to the 286m<sup>2</sup> proposed. This is well beyond what might be considered to be acceptable and thus is considered to comprise a disproportionate increase to the size of the property.

5.13 Further, it is noted that in attempt to offset the physical impact of the proposal, the build would be set down into the site some 1.1m below ground level. This would reduce the ridge height to 0.3m above that of the approved ridge of the chalet bungalow. As such, the agent cites that the proposal would have a minimal visual impact over and above that of the approved scheme.

5.14 Nonetheless, it is considered that the physical excavations involved, and the increased mass and bulk of the property proposed would have a materially greater impact on the openness of the Green Belt. Accordingly, this design approach is considered incompatible with the aims and objectives of Green Belt policy (i.e. safeguarding its openness) thus refusal is also advised on this basis.

5.15 Residential Amenity

All neighbouring properties are positioned at an appreciable distance from the site of the proposal. It is not therefore considered that any significant adverse impact in residential amenity would be caused.

5.16 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).

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

## 7. RECOMMENDATION

7.1 Planning Permission be **REFUSED** for the following reasons:

**Background Papers**      **PT07/0433/F**

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

### **REFUSAL REASONS**

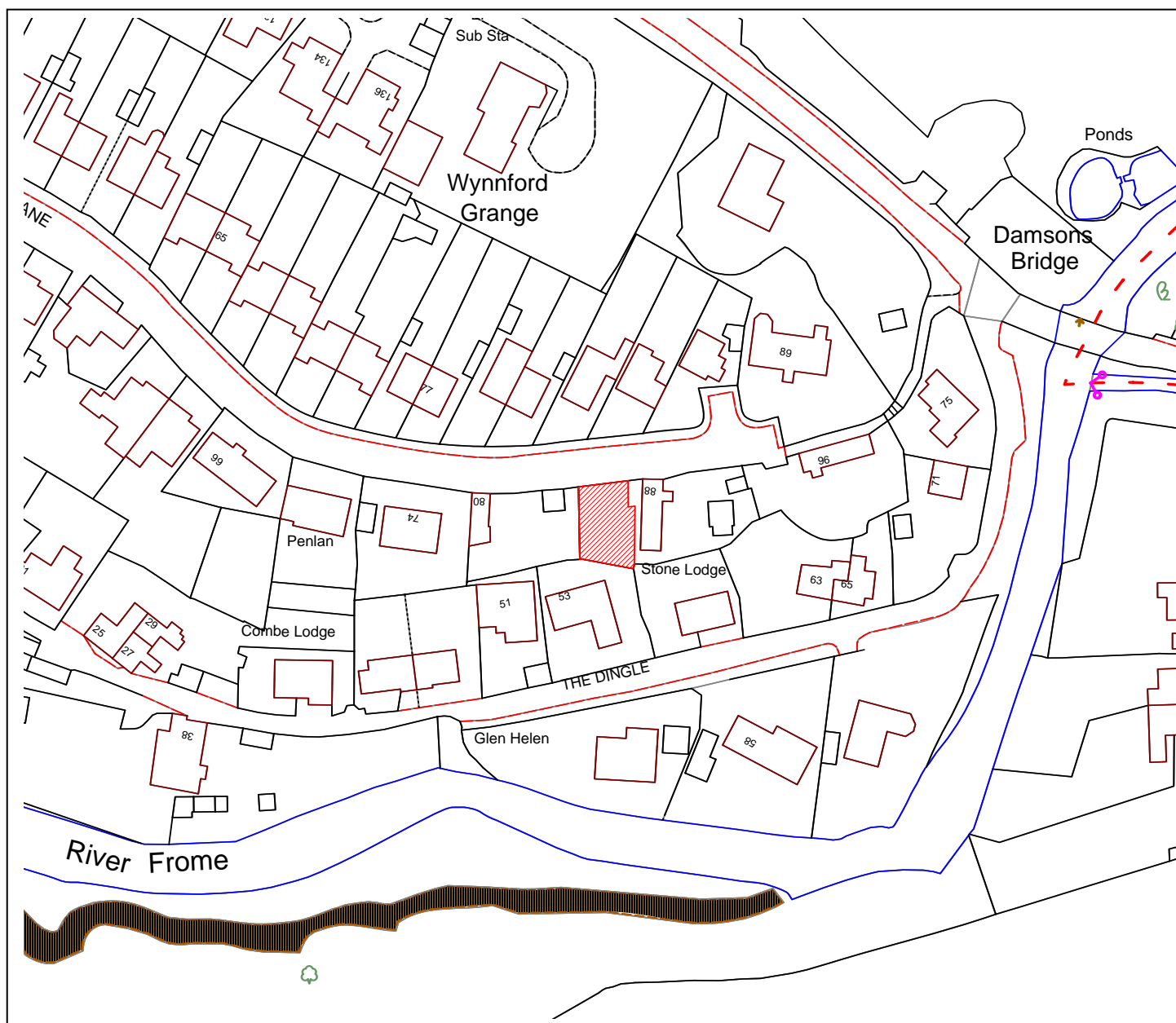
1. The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of PPG2, Policy 16 of the Joint Replacement Structure Plan and Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The proposed development by reason of its size, scale, fully expressed two-storey nature and excavations required, would be significantly more visually intrusive than the dwelling it is to replace and would impinge upon the openness of the Green Belt. As such, the application falls contrary to the advice contained within PPG2, Policy 16 of the adopted Joint Replacement Structure Plan and Policies H10 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.



## CIRCULATED SCHEDULE NO. 11/07 – 16 MARCH 2007

<b>App No.:</b>	PT07/0451/RM	<b>Applicant:</b>	R & W Developments
<b>Site:</b>	88 Stone Lane Winterbourne Down BRISTOL South Gloucestershire BS36 1DJ	<b>Date Reg:</b>	12th February 2007
<b>Proposal:</b>	Erection of 1no. dwelling and garage (Approval of reserved matters to be read in conjunction with Outline planning permission PT06/2328/O)	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	65658 79419	<b>Ward:</b>	Winterbourne



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100023410, 2006.

This application appears on the Circulated Schedule following the receipt of one letter from local residents expressing concerns in relation to the proposed scheme.

## **1. THE PROPOSAL**

- 1.1 The application forms a reserved matters submission in relation to the erection of one dwelling. The application deals with the issues of scale, appearance and landscaping with siting (layout) and means of access addressed at the time of the previous submission.
- 1.2 The application site comprises the rear garden of a detached dwelling on the south side of Stone Lane, Winterbourne. This existing property sits tangential to the highway with its rear garden (the subject of this application) adjoining the road. Stone Lane drops steeply at this end in an easterly direction whilst its rear boundary denotes the cliff edge with properties behind at a lower level.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1: Delivering Sustainable Development  
PPG3: Housing  
PPG14: Development on Unstable Land
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1: Achieving Good Quality Design in New Development  
H2: Proposals for Residential Development  
H4: Development within Existing Residential Curtilages  
T8: Parking Standards  
T12: Transportation Development Control Policy for New Development  
L18: The Water Environment

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PT06/0760/O: Demolition of existing dwelling house and garage. Replacement with two detached dwellings. Permitted: 12 May 2006
- 3.2 PT062328/O: Erection of one detached dwelling (outline) with siting and means of access to be determined. Permitted: 20 September 2006

## **4. CONSULTATION RESPONSES**

- 4.1 Town/ Parish Council  
No objection
- 4.2 Other Consultees  
Environmental Services: no objections in principle  
Technical Services (drainage): to comply with details on outline approval
- 4.3 Sustainable Transport  
No transportation objection

### **Other Representations**

4.4 Summary of Local Residents Concerns:

One letter received expressing concern that the proposal has parking provision for only two cars although is a four bedroom dwelling. 'It is common place for 4 bed detached houses to need off road parking for 4 cars. Other than that we find the position and appearance to be acceptable, and have no further comments to make.'

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy H2 of the South Gloucestershire Local Plan allows for the principle of residential development provided that the maximum density comparable with the site, its location, accessibility and surroundings is achieved. Further, the works should not have an unacceptable environmental or transportation effect and should not have an adverse impact on residential amenity.

5.2 Planning Policy H4 echoes these above requirements and further requires that proposals do not prejudice the retention of adequate private amenity space and provide sufficient amenity space for any additional dwellings.

5.3 Site History

Outline planning permission was originally granted for the erection of two units on land at 88 Stone Lane in May 2006 (PT06/0760/O). However, this scheme would have involved the destruction of the existing dwelling thus a further proposal was submitted. This was approved in September last year (PT062328/O) and allows the erection of one new dwelling within the existing rear garden area of the host property.

5.4 This current application comprises a reserved matters submission in respect of this most recent planning approval.

5.5 Scale/ Appearance

The proposal would appear a two-storey four bed detached dwelling (albeit with a garage under part of the build). It would occupy an 'L' shaped footprint with a front gable projecting forward (adjacent to the west flank boundary) and a recessed hipped roof element to the side (with garage beneath). By virtue of the topography of the site (steeply sloping down to the east), the garage would not require extensive excavation whilst with the lower eaves level above to this side, it is considered that this part would remain of two-storey appearance.

5.6 In response to the above, it is noted that the proposal would reflect the design of those dwellings opposite which comprise detached two-storey gable fronted units (all of similar design). Further, the front gable would also replicate the flank gables of those cottages either side of the application site. Meanwhile, its stepped ridge would account for the topography of the site and would also sit above the existing dwelling to the east (on lower ground) but below that to the west (on higher ground). Accordingly, the appearance of the proposal is considered acceptable and in keeping with the general character of the area.

5.7 Residential Amenity

The existing dwelling at 88 Stone Lane faces east away from the application site whilst its rear wall contains one ground floor patio door: the applicant has previously explained that this was inserted at a later date with the dwelling built with no openings on this side. Accordingly, with the rear patio area to this

- property retained and with only two inset windows facing (serving the hall and landing), it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.8 The neighbouring property to the west sits at a higher level and to the far side of its plot boundary. Therefore, the garden area (some 19 metres) associated with this dwelling sits between this property and the proposal whilst it overlooks the application site. Accordingly, it is again not considered that any significant adverse impact in residential amenity would be caused.
- 5.9 Properties to the rear sit at the foot of the cliff face, which marks the boundary between these dwellings. Accordingly, with this property at a much lower level, it is not considered that any significant adverse impact in residential amenity would be caused. The same is true of the properties opposite, which sit on the far side of the highway.
- 5.10 Highway Safety  
Planning policy H8 of the Local Plan advises that a maximum of three parking spaces might be provided for a four bedroom detached property. Nonetheless, at the time of the outline application, no highways objection was raised subject to the provision of at least two car parking spaces.
- 5.11 In the light of the above, the proposal, which would provide one garage space and one driveway space which is considered to be acceptable. However, notwithstanding the details received, a planning condition is required in respect of the front boundary wall to allow facilitate pedestrian visibility.
- 5.12 Landscaping  
The site is restricted in size and allows limited opportunities for landscaping. Further, it is not considered that landscaping is required to mitigate any potential adverse impact of the proposal. Accordingly, no planning objection is raised to the proposal on this basis.
- 5.13 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).
- 5.14 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 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      **PT07/0451/RM**

**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. No development shall take place until samples of the roofing and external facing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
  
Reason(s):  
To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the east and west elevations of the property.  
  
Reason(s):  
To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.
4. No development shall take place until details of the proposed finished floor levels of the dwelling relative to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

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

5. The glazing in the bathroom window in the west elevation shall at all times be of obscured glass.

Reason(s):

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

6. 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(s):

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

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

Reason(s):

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.

8. Notwithstanding the details received, the dwelling hereby approved shall not be occupied until details of the front boundary wall and gates have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Reason(s):

In the interests of highway safety, and the visual amenity of the area, all to accord with Policy D1 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. The proposed driveway shall be provided with a bound surface and thereafter retained as such.

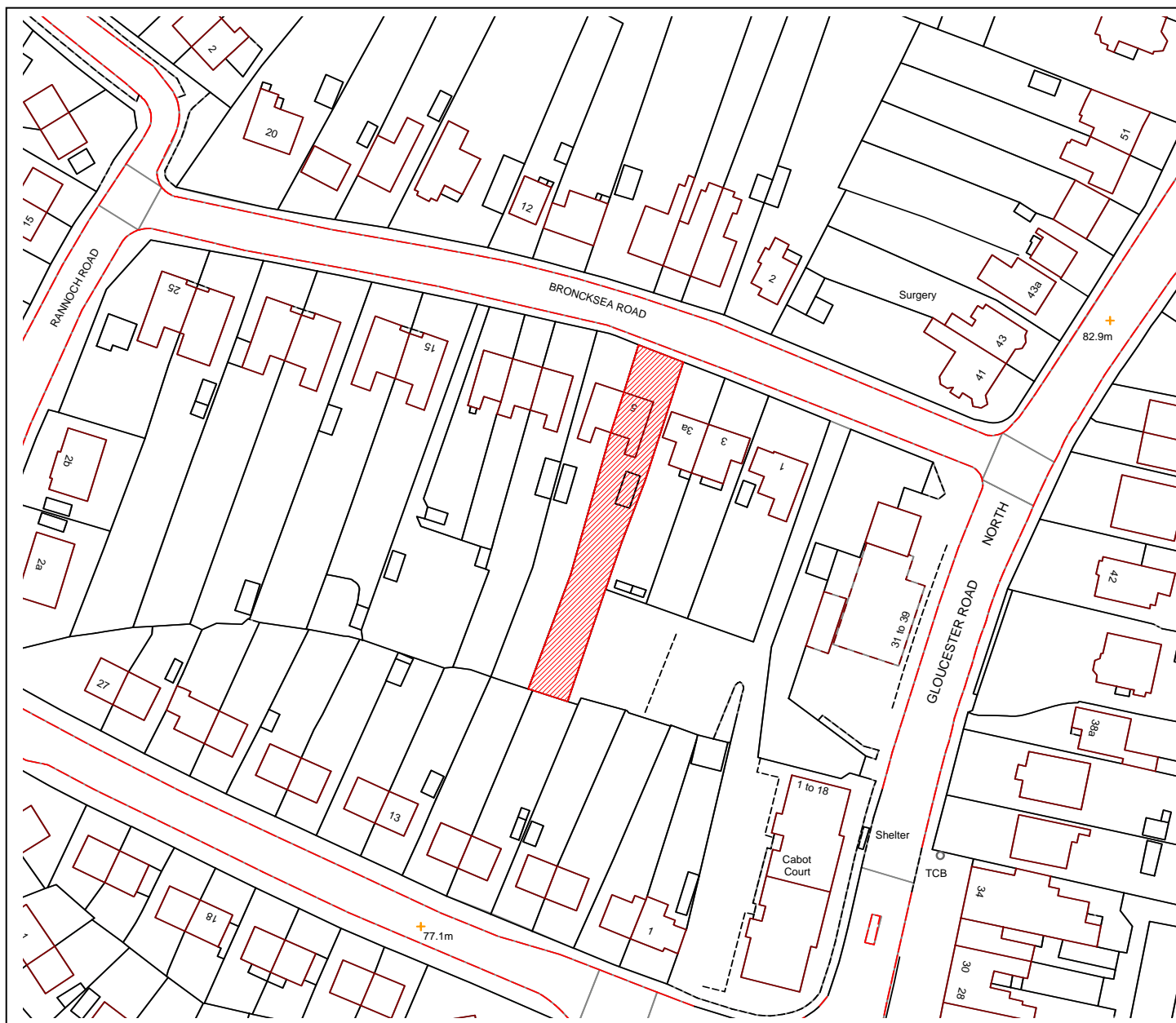
Reason(s):

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

**CIRCULATED SCHEDULE NO. 11/07 – 16 MARCH 2007**

**App No.:** PT07/0466/F  
**Site:** 5 Broncksea Road Filton BRISTOL  
 South Gloucestershire BS7 0SE  
**Proposal:** Erection of two storey side extension  
 and single storey rear extension to form  
 garage and additional living  
 accommodation  
**Map Ref:** 59830 78348

**Applicant:** Mr & Mrs Gwynne  
**Date Reg:** 13th February 2007  
**Parish:** Filton Town Council  
**Ward:** Filton



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**N.T.S**

**PT07/0466/F**

This application has been placed on the circulated schedule due to concerns over the proposal raised by Filton Town Council.

## **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a two-storey side and single storey rear extension to provide additional living accommodation. The property subject to the application is a 1920 semi-detached dwelling within the established residential area of Filton. The area comprises of a mixture of styles of property ranging from bungalows to large detached houses. Most of which have been extended in some form.

## **2. POLICY CONTEXT**

- 2.1 National Guidance:  
PPS1 Delivering Sustainable Communities
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
H4 Development within Residential cartilage
- 2.3 Supplementary Planning Document  
Design Checklist (Draft)

## **3. RELEVANT PLANNING HISTORY**

- 3.1 None

## **4. CONSULTATION RESPONSES**

- 4.1 Filton Town Council:  
No objection to the proposal but concerns raised on the following issues:
- No gap between the properties.
  - Lack of bin storage area.
- 4.2 Local Residents:  
No response received

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 specifically relates to residential development including extensions to dwellings. It states that any development should be in keeping with the character of the property and the area generally in terms of size, design and materials and that residential amenity should not be adversely affected by the proposal.
- 5.2 Design  
It is considered that this proposal in terms of its overall size, design and external appearance is in keeping with the existing property and those that surround it. Other properties in the area have had similar extensions, except some of these have flat roof two storey elements which would not be acceptable today, whereas this has an apex roof which integrates well with the original dwelling. The closing of the gap between this property and the



neighbours will not have a detrimental impact upon the street scene given, as stated above, that this has been done elsewhere in the area. The proposal will be constructed using materials that match those used in the construction of the main house. The issue of a lack of bin storage area has also been raised but given that this is a single property this is not a concern as the situation would not change from what presently happens. Therefore in terms of the design of the proposal it is acceptable.

### 5.3 Residential Amenity

It is considered that this proposal does not impact upon the amenities of any of the adjoining properties. Its size and design ensure that the proposal does not have an overbearing impact on the surrounding properties nor does it result in an impact on their privacy. No windows are proposed which directly over look adjacent properties. Therefore residential amenity is not affected.

### 5.4 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 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 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**      **PT07/0466/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).

## CIRCULATED SCHEDULE NO. 11/07 – 16 MARCH 2007

**App No.:** PT07/0516/F  
**Site:** Abbeywood Tots Day Nursery 97 Station Road Filton BRISTOL South Gloucestershire BS34 7JT

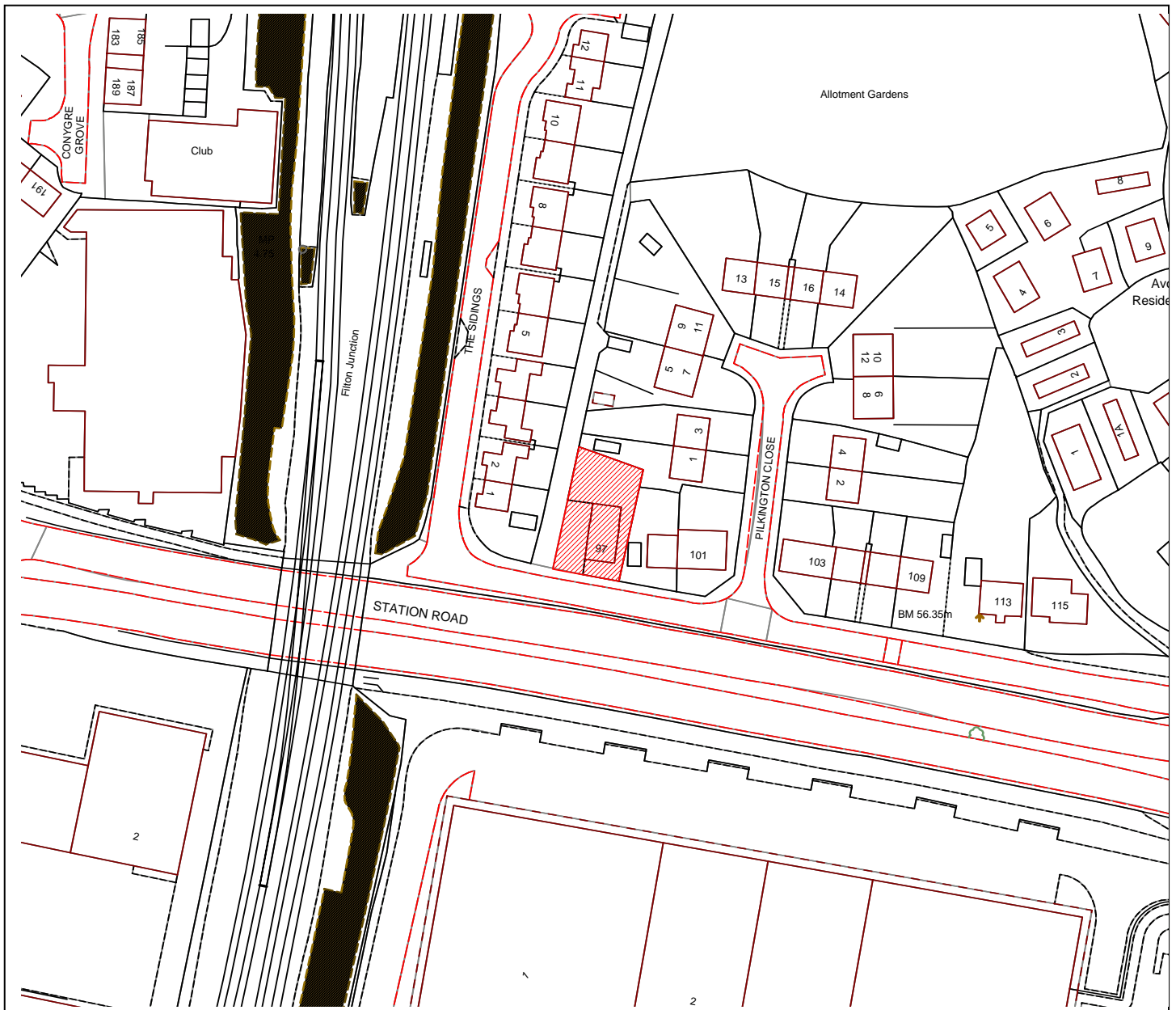
**Applicant:** c/o Agent  
**Date Reg:** 16th February 2007

**Proposal:** Erection of first floor rear extension to include 6 no. rooflights. Erection of timber framed canopy on rear elevation. Variation of condition 3 of PT00/1542/F to allow operation from 0700 hours (previously 0730 hours).

**Parish:** Filton Town Council

**Map Ref:** 61194 78907

**Ward:** Filton



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The application is submitted to the circulated schedule as a result of neighbour objections.

## **1. THE PROPOSAL**

- 1.1 The application seeks planning permission for the erection of a first floor extension to the rear of the building for use as additional play area and a 5m deep and 5.8m wide canopy in the outside play area. The resulting roof space is proposed to be used for ancillary office space.
- 1.2 The application does not anticipate an increase in the number of staff at the site and the application retains the existing area for parking six vehicles although this will be re-laid.
- 1.3 The hours of operation permitted under the current planning consents are 7.30-18.00hours and this is proposed to be increased by half an hour such that children can be dropped off at seven o'clock in the morning.
- 1.4 The proposed materials are rendered walling, painted yellow to match the existing with brown Redland Renown tiles over. The proposal is to tarmac the parking area and demarcate the six spaces.
- 1.5 This application differs from the previous scheme as no dormer windows are proposed and the roof space is illuminated by roof lights which have a cill level 1.8m above finished second floor level. The existing six parking spaces are retained at the side of the site.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPG24 Planning and noise
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving good quality design in new development  
LC4 Proposals for education and community facilities within the existing urban area and defined settlement boundaries.  
T10 Travels Plans  
T12 Transportation development control policy for new development  
EP4 Noise sensitive development

## **3. RELEVANT PLANNING HISTORY**

- 3.1 P96/2615 Change of use from residential to day nursery Approved 19/12/1996 with conditions for hours of operation 0730-1800 and a maximum of 24 children.
- 3.2 PT00/1542/F Erection of conservatory to side of house. Variation of condition four of P96/2615 to alter the number of children at any one time to 29. Alterations to existing parking area. Approved 24/8/2000.
- 3.3 PT04/0059/F Erection of front porch. Approved
- 3.4 PT06/3430/F Erection of first floor rear extension to include 2no. dormer windows to facilitate a loft conversion. Installation of 1no. front dormer window. Refused 9/1/2007 due to the size and location of the dormer windows.

## 4. CONSULTATION RESPONSES

4.1 Filton Town Council  
No comment received

4.3 Environmental protection  
No objection but should an application for the property to revert to residential then the team reserves the right to request a noise survey due to the close proximity of the overhead rail line and A38 being in close proximity.

4.4 Sustainable Transport  
There is no objection to the retention of existing parking spaces and the provision of cycle parking spaces. There is no proposed increase of children or staff from this proposal. The applicant has confirmed this extension is for enhanced facilities rather than additional capacity.

However in line with the 2000 permission a revised parking strategy should be provided and approved prior to the commencement of on site works, should permission be granted. As such there is no transportation objection to this proposal.

### Other Representations

- 4.5 Local Residents
- One letter of objection received with an attached petition, signed by residents of 13 nearby dwellings.
  - Object to the extension as there is enough activity in the property already.
  - The extension would allow the possibility of more children and more cars.
  - The new canopy would magnify the noise of children playing.
  - Concern that the children will now play outside all day and the residents will get no respite.
  - We are not grumpy old people all we ask for sometimes in the summer is to sit in our gardens

The neighbours and Parish Council have been reconsulted in order to ensure that they are aware about the proposed extension of hours of operation within the application. Issue of the recommended decision will be held until the expiry of this consultation. The description of development has been amended to highlight the change.

## 5. ANALYSIS OF PROPOSAL

5.1 Principle of Development  
Policy LC4 relates to the expansion of nursery provision within urban areas such as this application site and seeks to ensure that it is provided in a sustainable location, close to areas of demand but without unacceptable impact on residential neighbours or traffic.

5.2 The size of the facilities would be enlarged by the proposal due to the additional children's play area at first floor level and baby sleep room. The

office room at first floor level would be displaced and significantly enlarged in the loft space.

- 5.3 The application does not request variation of the numbers of children on site and as such the maximum number would remain at 29 in accordance with PT00/1542/F. Equally the number of staff is not anticipated to be increased. As such the parking and access facilities need no alteration or enlargement. The nursery is proposed to be open from 7am which will spread the distribution of drop-offs in the morning. Appropriate conditions are recommended to restrict the number of children and as parking strategy was never provided for the site under a previous consent, it is required by condition for this application.

5.4 Visual impact/amenity

The rear extension is located some 17m from the rear elevation of Nos. 1 and 2 The Sidings which directly face onto the west side of the extension. The immediate neighbour to the east of the site is located approximately 6m from the extension. As such the first floor extension would not detract from the residential amenity of the neighbours or detract from their privacy.

As such the extension works would not be detrimental to visual amenity or residential amenity of the neighbouring properties and as such comply with Policies D1 and LC4 of the Local Plan.

5.5 Other matters

The outdoor play space/garden is already for use by the nursery and there is no time restriction in place. It is not appropriate to limit the numbers of children using the outdoor play space or the times of use as a result of this application. This is a matter which may be regulated by OFSTEAD regulations.

5.6 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).

5.7 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable.

## 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 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 granted subject to the following conditions.

### **Background Papers**      **PT07/0516/F**

**Contact Officer:**    **Karen Hayes**  
**Tel. No.**                **01454 863472**

### **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 hours of operation shall be between 0700 hours and 1800 hours Mondays to Fridays, with no operation on Saturdays, Sundays or Bank Holidays.

Reason(s):

To minimise disturbance to occupiers of nearby dwellings and to accord with Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The number of children accommodated at any one time shall not exceed twenty nine.

Reason(s):

To minimise disturbance to occupiers of nearby dwellings and to accord with Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. 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.

5. Prior to the occupation of the development hereby permitted parking strategy for staff and parents shall be submitted to and agreed in writing with the Local Planning Authority. This shall include the location for an undercover cycle parking space for staff and two sheffield cycle stands for parents within the curtilage of the site. The agreed scheme shall be implemented before the development hereby permitted is brought into use; or otherwise as agreed in the parking strategy.

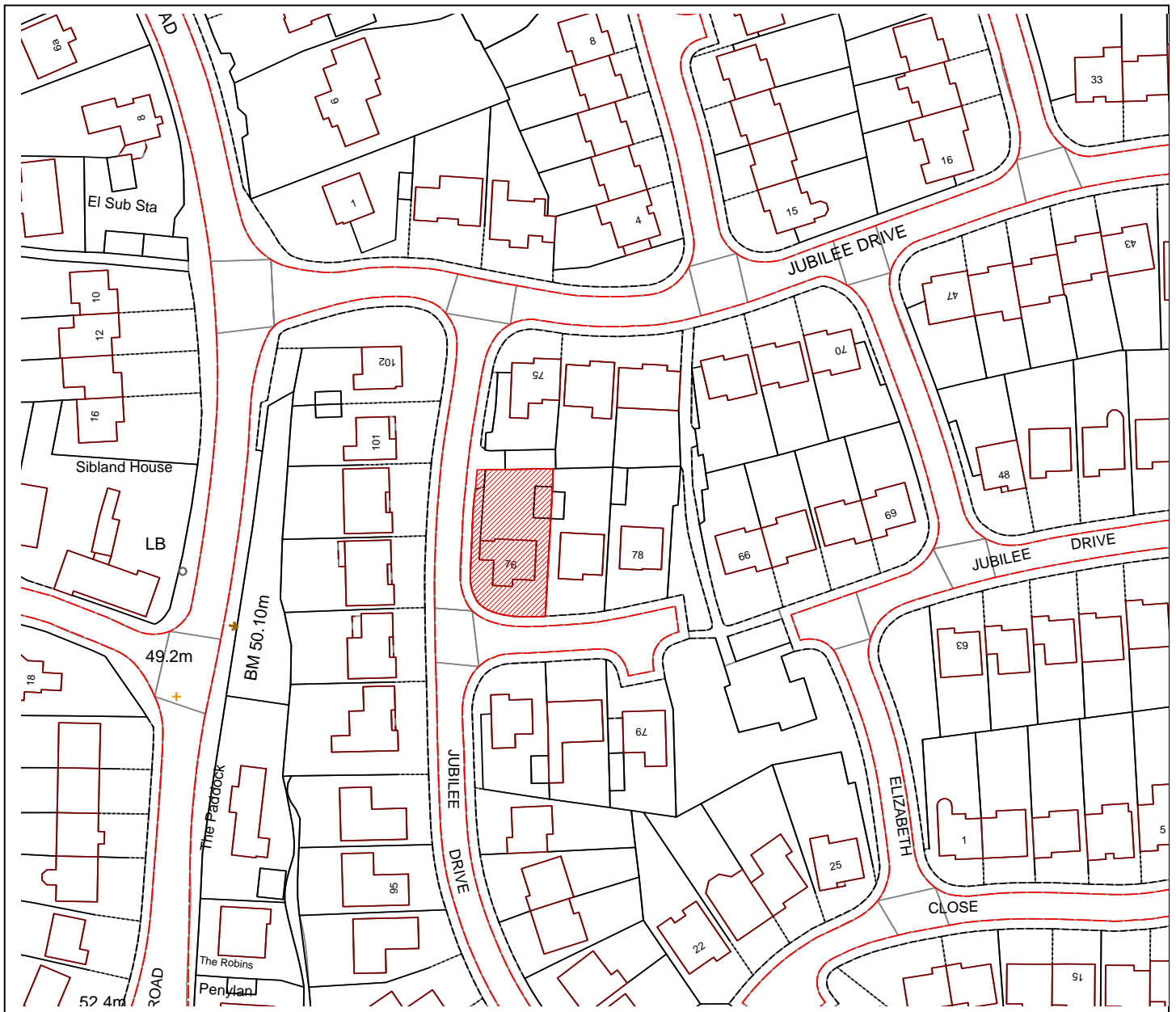
Reason(s):

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

**CIRCULATED SCHEDULE NO. 11/07 – 16 MARCH 2007**

**App No.:** PT07/0526/F  
**Site:** 76 Jubilee Drive Thornbury BRISTOL  
 South Gloucestershire BS35 2YJ  
**Proposal:** Erection of two storey side and rear  
 extension to provide additional living  
 accommodation.  
**Map Ref:** 64789 89970

**Applicant:** Mr & Mrs Bryant  
**Date Reg:** 16th February 2007  
**Parish:** Thornbury Town  
 Council  
**Ward:** Thornbury South



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**N.T.S**

**PT07/0526/F**



This application has been placed on the Circulated Schedule due to an objection received to the proposal by the neighbour.

## **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a two-storey side and rear extension to provide additional living accommodation. The property subject to the application is a modern detached dwelling within the established residential area of Thornbury.

## **2. POLICY CONTEXT**

- 2.1 National Guidance:  
PPS1 Delivering Sustainable Communities
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
H4 Development within Residential curtilage
- 2.3 Supplementary Planning Document  
Design Checklist (Draft)

## **3. RELEVANT PLANNING HISTORY**

None

## **4. CONSULTATION RESPONSES**

- 4.1 Thornbury Town Council:  
No response received
- 4.2 Local Residents:  
One letter of objection has been received and raises the following comments:
- a) The proposed development will result in a loss of privacy to 75 Jubilee Drive (which is to the rear of the application site).
  - b) The garden and house will be overlooked
  - c) The development will result in an overbearing impact upon 75 Jubilee Drive
  - d) The Visual Character of the Area will be affected
  - e) The feeling of loss of space in the area will be lost.

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 specifically relates to residential development including extensions to dwellings. It states that any development should be in keeping with the character of the property and the area generally in terms of size, design and materials and that residential amenity should not be adversely affected by the proposal.
- 5.2 Design  
It is considered that this proposal in terms of its overall size, design and external appearance is in keeping with the existing property and those that surround it. A number of properties in the area have benefited from similar size

extensions and these integrate well with the existing property and those which surround the property. The proposal will be constructed using materials that match those used in the construction of the main house. This further ensures that the proposed development blends in well with the original property.

### 5.3 Residential Amenity

It is considered that this proposal does not impact upon the amenities of any of the adjoining properties. Its size and design ensure that the proposal does not have an overbearing impact on the surrounding properties nor does it result in an impact on their privacy. The proposed extension will have no side windows which directly overlook adjacent properties, whilst the new windows in the rear elevation will be some 20 metres from the windows in the rear elevation of 75 Jubilee Drive. A detached garage is placed between the sets of windows so the view between them is obscured. It is also considered that due to this distance the proposal will not result in an overbearing effect upon the neighbouring property. Therefore it is considered residential amenity is not affected.

### 5.4 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 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 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**      **PT07/0526/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).