



**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. 16/08

Date to Members: 18/04/08

Member's Deadline: 25/04/08

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

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

Having considered the reports, those applications that Councillors feel should be referred to an appropriate Area Development Control Committee must be notified to the Development Control section **within five working days of the publication of the schedule (by 12 noon)**. If there has been no member request for referral within the time period, the decision notices will be issued in line with the recommendation in this schedule. **Before referring an item to the Committee, Members may wish to speak to an officer about the issue, in order that any problems can perhaps be resolved without the need for referral to a Committee.**

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

- a) Any application submitted by or on behalf of the Council.
- b) Any application requiring either new or a modification to an existing planning agreement, provided that the application is not required to be determined by Committee.
- c) Any footpath diversion required to implement an approved scheme.
- d) Applications, except those where approval is deemed to be granted upon the expiry of a defined period, where a representation contrary to the Officers recommendation are received.
- e) Applications for Certificates of Appropriate Alternative Development where a representation contrary to the Officer's recommendation is received.
- f) Applications for Certificates of Lawful Use of Development
- g) Applications for the following major development:
 - (a) Residential development the number of dwellings provided is 10 or more, or the development is to be carried out on a site having an area of 0.5 ha or more and the number of dwellings is not known.
 - (b) Other development(s) involving the provision of a building or buildings where the floor space to be created is 1000 sq. m or more or where the site has an area of 1 ha or more.

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

- Before referring an application always speak to the case officer or Area Team Leader first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) to see what their views are, before referring the application.
- Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. Do not leave it to the last minute
- Always make your referral request in writing, either by letter, e-mail or fax, preferably using the proforma provided. Make sure the request is sent to the Development Control Support Team (East or West as appropriate), not the case officer who may not be around to act on the request, or email planningapplications@southglos.gov.uk. Please do not phone your requests, as messages can be lost or misquoted.
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised

CIRCULATED SCHEDULE

DATE:18/04/08

SCHEDULE NO. 16/08

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

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

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

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

Please note: - Reason for Referral

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

SIGNATURE

DATE

**Dates and Deadlines for Circulated Schedule
over the May Bank Holiday periods 2008**

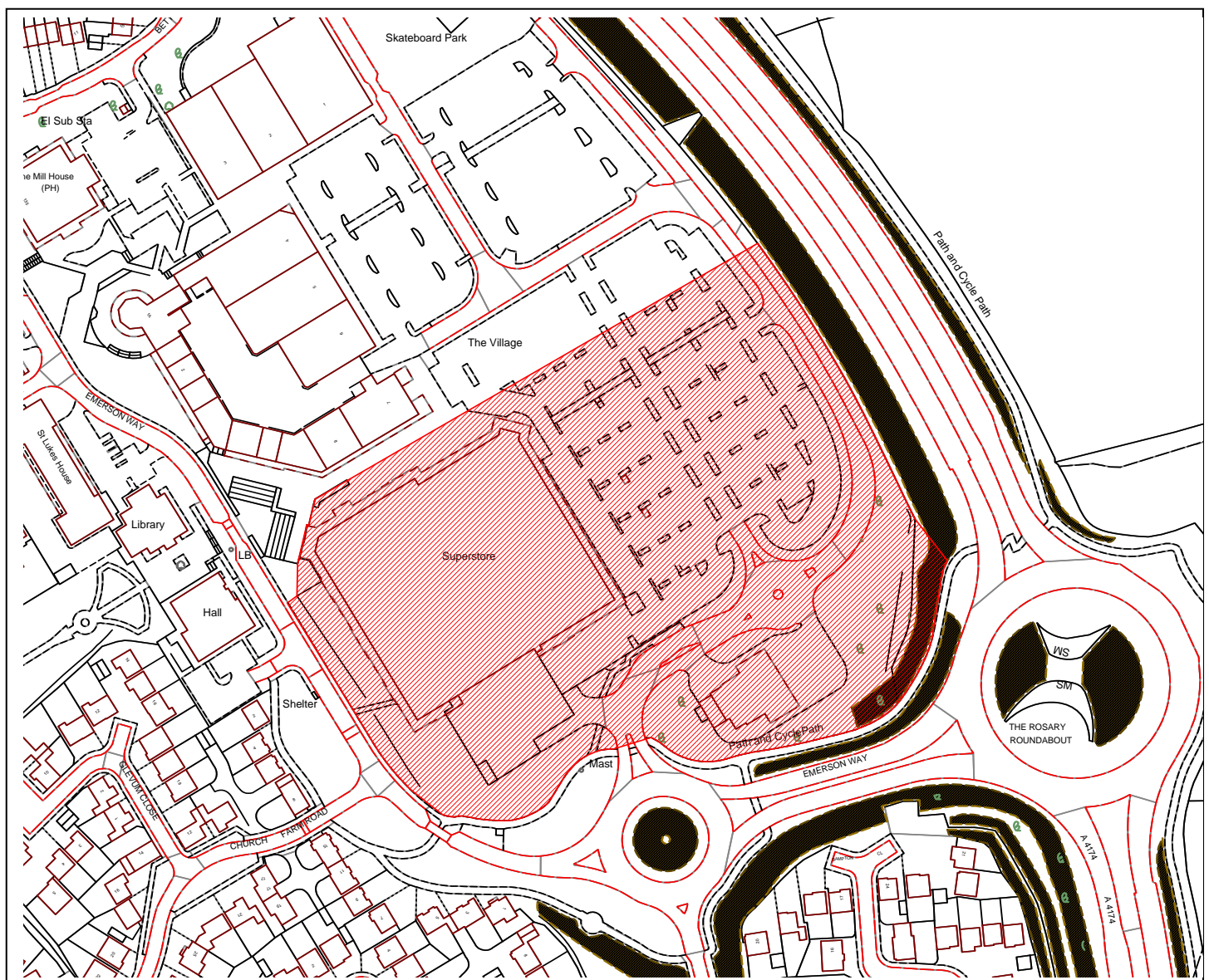
Schedule Number	Date to Members 12 noon on	Members Deadline 12 noon on
18/08	Thursday 1 May 2008	Friday 9 May 2008
21/08	Thursday 22 May 2008	Friday 30 May 2008

Circulated Schedule 18 April 2008

ITEM NO.	APPLICATION NO	RECOMMENDATIO	LOCATION	WARD	PARISH
1	PK07/3381/F	Approved subject to Section 106	J Sainsbury Plc The Village Emerson Way Emersons Green South Gloucestershire BS16 7AE	Emersons Green	Mangotsfield Rural Parish Council
2	PK08/0404/F	Approved subject to Section 106	Morrisons Supermarkets Plc, Station Road, Yate, South Gloucestershire,	Yate North	Yate Town Council
3	PK08/0508/F	Approved subject to Section 106	50 Salisbury Road, Downend, South Gloucestershire, BS16 5RJ	Downend	Downend and Bromley Heath
4	PK08/0638/ADV	Split decision see See D/N	Lawns Inn, Church Road, Yate, South Gloucestershire, BS37 5BG	Yate Central	Yate Town Council
5	PT07/3637/O	Approved subject to Section 106	66 North Road, Winterbourne, South Gloucestershire, BS36 1PX	Winterbourne	Winterbourne Parish Council
6	PT08/0660/F	Approve with conditions	Falfield Garage, Bristol Road, Falfield, South Gloucestershire, GL12 8DF	Charfield	Falfield Parish Council
7	PT08/0754/F	Approve with conditions	84 Mackie Road, Filton, South Gloucestershire, BS34 7NA	Filton	Filton Town Council

CIRCULATED SCHEDULE NO. 16/08 – 18 APRIL 2008

App No.: PK07/3381/F

Applicant: Sainsburys
Supermarkets Ltd
Date Reg: 14th November
2007Site: J Sainsbury Plc The Village Emerson
Way Emersons Green BRISTOL South
Gloucestershire BS16 7AEParish: Mangotsfield Rural
Parish CouncilProposal: Erection of extension to existing
supermarket. Reconfiguration of car
park and internal roads and works to
Petrol Filling Station with associated
landscaping. Enlargement of bus lay-
by. Erection of 2 x 20 metre high wind
turbines.Map Ref: 67282 77140
Application Major
Category:Ward: Emersons Green
Target
Date: 8th February 2008

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100023410, 2008.

1. **PROPOSAL**

- 1.1 Permission is sought for the erection of a single storey extension to a class A1 retail store to form 2,100m² of additional gross floorspace. The existing store provides 7,612m² gross floorspace and therefore the proposed extension constitutes a 28% increase in gross floorspace.
- 1.2 The extension would predominantly adjoin the full length of the eastern and northern elevations of the existing store – i.e. facing the car park and the 'mall area'. It would also adjoin the length of the western elevation. The external appearance would be of a more contemporary appearance than currently.
- 1.3 The proposal also includes a new entrance to the store, and alterations to the existing car park, and a new bus shelter. The internal access roads would be significantly changed to enable a single point of entry to the car park. This entails the construction of a new roundabout, to the east of the existing one.
- 1.4 The proposal also includes the erection of two 20 metre high wind turbines within the car park and alterations to the existing petrol filling station.
- 1.5 Included within the proposal is a relocated customer café with outside seating area.
- 1.6 The car park, which currently contains 422 parking spaces, will be reduced in size to provide 415 parking spaces.
- 1.7 During the course of the application, the proposal has been amended to provide the following:
 - Reduction in depth of extension to northern elevation
 - Reduction in loss of trees
 - Public Art Strategy
 - Increase in size of bus lay-by
 - Section 106 contributions
 - Increase in active frontage to northern elevation
- 1.8 **Applicant's supporting information**

The following documents have been provided:

- Transport Assessment
- Retail Assessment
- Flood Risk Assessment
- Landscape Design Statement

These will be discussed in the analysis section below.

2. **POLICY CONTEXT**

- 2.1 **National**
PPS6: Planning for Town Centres
PPG13: Transport

PPS1: Delivering Sustainable Development
and supplement:: Planning & Climate Change

2.2 Joint Replacement Structure Plan

- 38 Retail Development and hierarchy of centres
- 40 New retail development

South Gloucestershire Local Plan (Adopted) January 2006

- D1 Design
- RT1 Development in Town Centres
- L1 Landscape protection enhancement
- EP5 Renewable energy installations
- T8 Parking
- T12 Transportation for DC
- LC13 Public Art

3. HISTORY

- 3.1 K84040 Erection of retail foodstore (Reserved matters).
Granted permission 13.2.96.
- 3.2 P99/4933 Erection of extension to existing store.
Granted permission 20.9.01.
- 3.3 PK01/3302/F Erection of extension to provide additional retail space.
Granted permission 11.2.03.

PK07/1673 Erection of extension to provide additional retail space.
Reconfiguration of car park and internal works and works to PFS. Withdrawn
due to case officer concerns regarding urban design, landscaping and highway
issues.

4. CONSULTATION RESPONSES

4.1 Mangotsfield Rural Parish Council

- Concern over trolleys being taken off site, which will increase due to the encouragement of use of sustainable travel modes promoted by the applicant.
- Concern over increased traffic on surrounding roads: around Blackhorse Road.
- Concern over restricted access into the site which could result in traffic backing up.
- Other parking areas will be used more: Emersons Way, Betts Green and other public car park outside Sainsbury's control.
- Bus lay-by at present is too small.

4.2 Other Consultees

4.3 Environment Agency

No objection subject a condition relating to foul drainage.

4.4 Wessex Water

It is recommended that the developer should agree with Wessex Water, prior to the commencement, a point of connection onto Wessex systems.

4.5 South Gloucestershire Technical Services: Drainage

Originally objected to the application, but this can now be considered withdrawn due to the acceptance by the Environment Agency of the submitted Flood Risk Assessment.

South Gloucestershire Environmental Protection

Would request that full details of the wind turbines indicate what the noise associated with them will be in the interests of local residents. Construction site conditions.

Other Representations

4.3 Local Residents

Eight letters of objection have been received from local households. The comments are summarised as follows:

- Relocation of parent/child spaces.
- Dangerous footpath crossing to the east of the external roundabout.
- Visual impact of turbines.
- Turbines should not be illuminated.
- Potential noise levels for turbines should be submitted.
- Elevational drawings of wind turbines required.
- Walkways will encourage youths to gather.
- Noise during construction last time until midnight.
- Noise from evening use of PA at PFS.
- Deliveries into main store at night.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

In the hierarchy of existing centres, Emersons Green District Centre is defined in the Joint Replacement Structure Plan as a 'Major' District Centre.

5.2 In terms of National guidance, PPS6: Planning for Town Centres, the Government's key objective is to promote the vitality and viability of town centres for planning for the growth and development of existing centres and promoting and enhancing existing centres. PPS6 also states that the scale of new retail development should relate to the role and function of the centre and the wider hierarchy. Further, that development should be of an appropriate type and scale to complement the role and function of the existing centre in which it is located.

5.3 PPS6 states that it is not necessary to demonstrate need for retail proposals located within defined centres.

5.4 There is no requirement therefore for the application to demonstrate either a quantitative or qualitative need for the development.

- 5.5 In terms of the local plan policy – RT1, this is in support of the proposal for retail development in a town centre subject to satisfying the criteria of the policy.
- A. IT WOULD NOT DETRACT FROM THE OVERALL VITALITY AND VIABILITY OF THE CENTRE OR ANY PART OF IT; AND
 - B. IT WOULD BE CONSISTENT WITH THE SCALE AND FUNCTION OF THE CENTRE AND COMPATIBLE WITH THE RELEVANT TOWN CENTRE STRATEGY; AND
 - C. IT WOULD BE ACCESSIBLE TO PUBLIC TRANSPORT USERS, PEDESTRIANS, CYCLISTS AND THOSE WITH SPECIAL MOBILITY NEEDS; AND
 - D. IT WOULD NOT HAVE UNACCEPTABLE ENVIRONMENTAL OR TRANSPORTATION EFFECTS, AND WOULD NOT PREJUDICE RESIDENTIAL AMENITY; AND
 - E. IT WOULD, WHERE REASONABLE AND APPROPRIATE, INCLUDE RESIDENTIAL ACCOMMODATION OR OTHER NON-RETAIL USES APPROPRIATE TO A TOWN CENTRE ON UPPER FLOORS.
- 5.6 Supporting text for this policy clarifies the role of Emersons Green centre. The aim is to achieve a diverse range of locally accessible facilities. Such facilities, particularly shopping facilities, should be commensurate in the scale and function with the nature of the development proposed for the Emersons Green area. In particular, the Council is concerned that any further proposals for retail development at the centre should not have an adverse impact on the vitality and viability of any of the established town/district local or village centres in the area, nor increase overall travel and car use.
- 5.7 The main issues that officers consider relevant to the determination of the principle of the proposed extension are as follows:
- Would there be a detrimental impact on the vitality and viability of existing traditional town centres such as Downend, Staple Hill and Kingswood?
 - Would the extension be commensurate with the scale and character of Emersons Green District Centre?
- 5.8 What is the scale and function of Emersons Green District Centre?
- It has been taken into account that since 1999 there have been two previous approvals for extensions to the store, which was originally 5,842m². The current proposal would take the current gross floorspace of 7,612 to 9,712m².
- 5.9 The applicant has referred to the increasing size of the store relative to its role and as with the previous extension, the underlying claim is that the extension is relatively modest and it will only serve to enhance, Emerson Green's role as a centre anchored by a foodstore. The key point however is, providing there are no harmful effects on other established shopping centres, which would involve the need to travel, there will be no reason to restrict the amount of convenience retail in Emerson Green Centre (this point was accepted for Lidl at the centre).
- 5.10 It is considered that the vitality of the Emersons Green Centre is underpinned by the attraction of Sainsbury's store. It therefore appears that the proposal would be likely to assist in the realising of the centre's potential.

- 5.11 The Joint Replacement Structure Plan identifies Emersons Green as a Major District Centre. It would be difficult therefore to object to a 28% increase to an existing store, albeit it is acknowledged that the increase over the original size of the store is 66%.
- 5.12 In addition, it is intended the District Centre would be the focus for any new residential community in Emersons Green East, as well as the existing residential development and its hinterland. The SGLP states "The Council's aim for Emersons Green Centre is to achieve a diverse range of local accessible facilities." In addition the adopted Emersons Green Development Brief states that the primary purpose of the centre is to serve the needs of the proposed development in terms of shopping and other services which residents need close at hand. The position is complex with overlapping catchment areas. In order to service this area it is reasonable to expect the Emersons Green District Centre to cater for main food shopping, day to day non food shopping and day to day services.
- 5.13 The other existing stores in the Centre are now almost all national retailers. It is considered that customers patronising these stores are unlikely to change their shopping habits due to the increased goods on offer at Sainsbury's.
- 5.14 Taking all of the above factors into account, and the impending build out of EGE it is considered that the proposal would not significantly change the composition of Emersons Green and therefore its vitality and viability would not be affected by the proposal.
- 5.15 *Will there be an adverse impact on Kingswood, Downend or Staple Hill Town Centres?*
- The overall retail floorspace in Emersons Green is in the order of 10,000m² and the proposal seeks permission for 2,134m². It is not considered that this relatively modest increase in floorspace would materially alter the function/role of the centre. The increased range of non-food good, as proposed, will be unlikely in itself to generate significant specific comparison trips to the store.
- 5.16 It is considered that those who shop in the existing traditional town centres such as Kingswood and Staple Hill are unlikely to change their shopping habits by nature of the proposal. Downend, as a small centre functions more to meet day to day needs. It is likely that a large number of residents who live in the 'catchment' of Downend already frequent EG to meet their shopping needs and utilise Downend to meet top-up and specialist requirements.
- 5.17 *Are the South Glos Local Plan Policy RT1 criteria met?*
- Having regard to the above comments, which relate to the applicant's Retail Assessment as well as the consideration of these issues on previous applications at the store, it is considered that the vitality and viability of the centre would be protected and enhanced, and the retail facilities of the centre would remain consistent within the scale and function of the centre. The other criteria within this policy are discussed below.
- 5.18 It is considered that the principle of the proposed extension in this District Centre location is acceptable.

5.19 Transportation

Access

The existing road serving the District Centre includes a four arm roundabout to the Sainsbury's parking area and petrol station as well as a perimeter route round Sainsbury's car park. It is proposed that the existing car park access roundabout is relocated with no direct access to the car park from the roundabout but instead, access to the car park would be from the eastern (i.e. perimeter) road.

The new roundabout would be constructed approximately 25m (measuring centre to centre) east of the existing one. The new roundabout is the same size as the existing one and it has been auto-track tested to ensure it can accommodate the movements of the large vehicles including the buses turning at this location. The capacity test of the new roundabout also indicates that the new roundabout has adequate capacity to accommodate that traffic likely to use it.

The new access to the Sainsbury's car park would be via six individual links from the perimeter road and that also provide access to the remaining District Centre car park.

5.20 Parking

The existing customer car park serving the Sainsbury's store (within Sainsbury's ownership) contains 422 spaces and that is part of a larger car parking having 532 spaces. There is further car parking available outside other stores.

The proposed store extension encroaches into the car park, but through alteration of the access and reconstruction of the car park, the loss of parking spaces would be minimised.

As part of the proposed store extension, a total of 7 parking spaces would be lost thereby leaving a total of 415 parking spaces within the ownership of Sainsbury's store. The new parking layout would incorporate 20 disabled parking spaces (an increase of 7 over the existing situation) and 16 parent and child spaces. It is considered that the new customer car parking arrangements will interrelate better with the store and without the central road in the middle of the car park, the search patterns within the car park will be easier.

Site observations indicate the existing car park is operating close to capacity. For this reason, there has been discussions with the applicant with the view to provide mitigating measures to improve none car borne journeys to the site. The following measures have been put forward:

- 5.21 *Proposed improvements to public transport facilities:-* The Council has aspirations to improve and upgrade the existing bus lay-by which is located outside the Sainsbury superstore (as also noted by the Parish Council). The existing bus lay-by at this location is too small and that at times causes operational difficulties and restricts access for the passing traffic. The applicant has agreed to improve the existing bus lay-by in line with the Council's request. Additionally, the developer would be installing necessary measures such as raised kerbs for disabled users bus shelters as well as provisions for "real-time-information" technology at all these bus stops in line with the Council's requirements. These measures are considered to be significant improvements.

5.22 *Improving footway/cycleway in the area:-* The Council is currently looking at improving pedestrian and cycle link from Bishop Road to the District Centre. This pedestrian/cycle link, if constructed, will provide a more direct route into the Shopping Centre and as such it would improve permeability to the site from the nearby residential development. The applicant has agreed to make financial contribution of £30,000 towards this scheme and that would also be secured under an appropriate legal agreement. Additionally, the applicant has agreed to make part financial contribution to sum of £50,000 towards the construction of a new footbridge across the Ring Road to Emersons Green East. All financial contributions would be secured under an appropriate legal agreement.

5.23 *Travel Plan:-* The applicant is also required to implement a "Travel Plan" to encourage staff to make work based journeys by sustainable modes of transport. In addition the replacement of the existing cycle stands will be required.

5.24 Summary

In view of all the above therefore, there are no highway objections to the proposal subject to the applicant first entering into a S106 Agreement to provide the following:

- 1) Construct a new roundabout to replace the existing one (as indicated in principal on the plan) together with all associated works and to full and final satisfaction of the highway department.
- 2) Provide the new bus lay-by to replace the existing one (as indicated on the plan) together with all associated works including a contribution of £13,500 towards provision of "real-time information" at each bus stop within the lay-by to full and final satisfaction of the highway department.
- 3) Financial contribution of £30,000 towards pedestrian/cycle link improvements between Bishop Road and the local shops.
- 4) Financial contribution of £50,000 towards the construction of a new pedestrian/cycle footbridge across the Ring Road.

5.5 With regard to the resident's concerns over the Parent & Child spaces, these will be located immediately adjacent to the store entrance and linked to the store via a segregated footway and pedestrian crossing.

5.6 As well as complying with Transport policies T12 and T7, the proposal is considered to comply with RT1 which requires (under criterion C) proposals to be accessible to public transport users, pedestrians, cyclists and those with special mobility needs.

5.7 Urban Design

Since the previous application last year, which was withdrawn, officers have negotiated improvements to the urban design quality of the store. The proposed extension into the mall area has been reduced in depth and a more active frontage provided. It is considered that the open nature of this mall does not function well at present and the proposal will represent an improvement. There is still a pedestrian route that runs east/west, however this route is now more enclosed. The store façade would have internal/external spaces and has been redesigned to provide a café and 'spill out space'. There is also an

- 'Explore Learning' concession that opens out onto the mall area. It is now considered to provide adequate enclosure, active frontage and depth of façade.
- 5.8 The north south pedestrian route from the bus shop would still pass a blank façade on the eastern elevation of the building, however the Public Art Strategy (see below) has been tailored to address this.
- 5.9 With regard to sustainable construction, the applicant has agreed to a condition requiring a BREEAM standard of 'very good' for the extension. In addition it has been agreed to add a condition requiring a scheme for a reduction in CO₂ emissions by 10% from energy use from the extension has been approved.
- 5.10 Finally, the proposed use of contemporary materials for the extension is considered acceptable.
- 5.11 Assessment of wind turbines
- Policy EP5 of the SGLP states that proposals for renewable energy installations will be permitted provided the development would not have unacceptable environmental or transportation effects and would not prejudice residential amenity.
- 5.12 Officers have noted that there are a number of objections to the two turbines on the grounds of visual impact.
- 5.13 The turbines are a relatively new type, the manufacturer's specifications state that they are "designed to work in the urban environment where wind directions change frequently and quiet, vibration free operation is critical." Hence it does not need to change its orientation to track the wind as it does not just have a horizontal axis, it has a helical blade that is designed for a smoother operation.
- 5.14 With regard to any noise that would be generated, it is considered that given the high levels of background noise resulting from the town centre location, adjacent to the Ring Road, and the distance to the nearest residential property- 140 metres- that this would not be significant to warrant refusal. Nevertheless, a noise condition can be imposed to require the submission of an acoustic report and the maintenance of an agreed noise level if required.
- 5.15 With regard to their visual impact, at 20 metres they would be significantly taller than the existing adjacent structures and buildings. It has been taken into account that the turbines would be located in the centre of a car park, in a town centre location, with no street scene in the traditional sense to consider. Moreover, they would be viewed in the context of a petrol filling station and a freestanding totem sign. Their slim design and height would be akin to a telecommunications mast, which it would not be unusual to see in a car park location. Officers have gone to lengths to ensure that the mature and semi-mature trees under Sainsbury's control have been retained as far as possible, and these will provide a softening effect. These above factors, taken together with the policy drivers – emerging RSS policy which requires larger scale developments to provide renewable energy installations, the PPS1 supplement: Planning & Climate Change, and the government guidance: The Code for Sustainable Homes, it is not considered that a refusal on visual impact could be substantiated.

5.16 Landscaping

The proposal includes a tree survey, landscape design statement and fully detailed landscaping drawings. On the eastern side of the building parking spaces and 6 trees would be lost through the extended store. Four further trees would be removed from the parking area.

5.17 The mall area to the north of the store would be repaved and new lighting columns replacing the existing with the loss of the existing trees. In addition, a substantial area of native tree and shrub planting would be lost adjacent to the petrol filling station entrance.

5.18 The originally submitted proposal entailed the loss of a pair of substantial plane trees at the western side of the existing car park entrance. Through negotiation, these trees are now to be retained. In addition there is significant replacement planting proposed throughout the site, including a large area of new planting along the entrance road that includes a number of large trees. Subject to conditions requiring submission of additional details, the proposal is considered a significant improvement on the original submission and is now considered to satisfactorily comply with Policy L1 of the SGLP.

5.19 Public Art

The originally submitted scheme included indicative locations for public art structures at the entrance to the store and within the mall area. These have now been omitted, and a Public Art Statement submitted by the applicant. Although not describing specific proposals for artworks, this Statement suggests a focus for appropriate artistic interventions. It is intended as the basis for commissioning an artist. At the Council's request, it is proposed that the artworks will evolve as architectural enhancement to materials and surface treatments already specified within the application, for example cladding or/and lighting.

5.20 The potential focus for the public artworks commission will be –

- a) Enhancements to the facades, particularly along the eastern store elevation and the proposed Prodema cladding system.
- b) Integrated LED lighting.
- c) Enhancement of the interface between the building and the external hard landscape.

5.21 As Members will be aware, Sainsbury's have not honoured their original Section 106 Agreement regarding the spending of £30,000 towards public art on the site. They have now agreed to a contribution of £50,000 in total which includes an additional sum of money for the current application, as well as the outstanding balance. In addition, the Council's Public Art Officer is happy with the Public Art Statement provided that the Section 106 Agreement requires a Public Art Strategy (PAS) to be approved by the Council, prior to the commencement of works on site, and the owner shall implement the PAS prior to the occupation of the extension. The applicant has agreed to this. The proposal is now considered satisfactory in this respect and in compliance with Policy LC13 of the SGLP.

5.22 Design and Access Statement

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

5.23 Section 106 Requirements

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

6. CONCLUSION

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

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

1. That authority be delegated to the Director of Planning, Transportation & Strategic Environment to grant planning permission subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town & Country Planning Act 1990 (As Amended) to secure the following:
 - (i) A contribution of £30,000 towards the provision of a footway/cycleway between Bishop Road and Sainsbury's store.
 - (ii) A contribution of £50,000 towards the construction of the footbridge over the Avon Ring Road into EGE, associated with the grant of outline planning permission for the development of the allocated M2 site at EGE.
 - (iii) Contribution of £13,500 towards the installation of 'Real Time' information technology at the modified bus lay-by.
 - (iv) Construction of a new roundabout to replace the existing one, together with all associated works.
 - (v) Construction of an enlarged bus lay-by to replace the existing one, together with all associated works.

- (vi) Contribution of £50,000 towards the preparation and implementation of a Public Art Strategy for the site.

The reasons for this agreement are:

- (i) To improve access to the store for non-car users and encourage modes of transport other than the car, in the interests of sustainable development.
 - (ii) To improve access to the store for non-car users and encourage modes of transport other than the car, in the interests of sustainable development.
 - (iii) To improve access to the store for non-car users and encourage modes of transport other than the car, in the interests of sustainable development.
 - (iv) In the interests of highway safety.
 - (v) To improve access to the store for non-car users and encourage modes of transport other than the car, in the interests of sustainable development.
 - (vi) In accordance with Policy LC13 of the South Gloucestershire Local Plan (Adopted) January 2006.
2. That the Head of Legal & Democratic Services be authorised to prepare and seal the Agreement.
 3. In the event that the Agreement is not signed within 6 months of the date of this report, the application is treated as 'finally disposed of'.

Background Papers PK07/3381/F

Contact Officer: Helen Ainsley
Tel. No. 01454 863788

CONDITIONS

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

Reason:

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

2. No development shall take place until samples of all 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.

3. The wind turbines to be erected on site shall only be those as approved : 'Quietrevolution' QR5, and shall not exceed a maximum overall height of 20 metres from natural ground level. In addition, there shall be no illumination of the turbines hereby approved.

Reason:

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

4. Unless otherwise agreed in writing by the Council, the hours of working on site during the period of construction shall be restricted to 0700 hours to 1900 hours and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason:

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

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

Reason:

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

6. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have the effect until the expiration of 5 years from the date of the occupation of the extension for its permitted use.

- a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)].
- b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the same place and that tree shall be of such size, species and shall be planted at such times, as may be specified in writing by the Local Planning Authority.

The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, material and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

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

7. No development of the petrol filling station shall take place until a scheme for the provision and implementation of foul drainage works (including contaminated drainage from the forecourt area) has been approved by the Council and implemented in accordance with the approved details.

Reason:

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

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

Reason:

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

9. Within 6 months of the occupation of the extension hereby approved an updated commuter plan shall have been submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented at all times thereafter.

Reason:

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

10. Construction work shall not begin on the wind turbines hereby approved until details of the noise generated by the wind turbines has been submitted to and approved by the Council. Such details, together with any necessary measures to protect residents from excessive noise levels over and above the existing background noise levels shall be fully implemented at all times.

Reason:

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

11. The following additional landscape details shall be submitted and approved by the Local Planning Authority:

Details of the retaining structure to the north east of the petrol filling station, together with root protection measures to protect the TPO'd oak trees to be submitted before any works commencing on the new roundabout or in the vicinity of this area.

Details of forest scale trees instead of fastigate hornbeam in the vicinity of the new roundabout as appropriate to be submitted before the commencement of any new landscaping works.

Full construction details of the mall paving area, to be submitted before the commencement of paving works in this area.

Such details as approved shall be fully implemented.

Reason:

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

12. The development hereby approved shall be carried out only in accordance with the approved plans. Only those trees and vegetation shown to be removed on approved drawing 619- 04 REV C shall be removed. All other trees and vegetation shall be retained.

Reason:

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

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

Reason:

To ensure that the development minimises the use of energy and natural resources as required by PPS1 and its supplement: ' Planning and Climate Change', SGLP Policy D1, the adopted South Gloucestershire Design Checklist, and the Draft Regional Spatial Strategy for the South West.

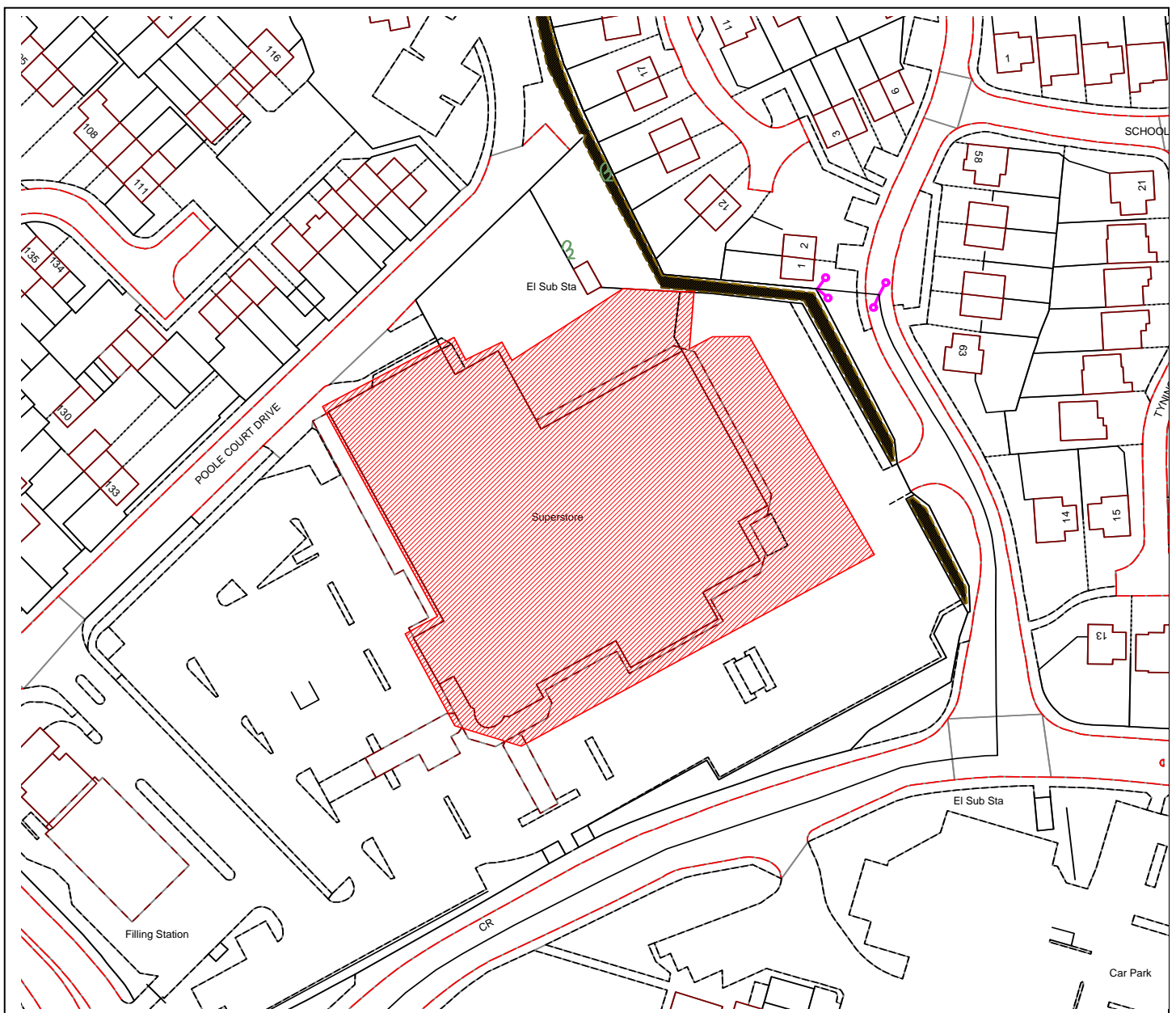
14. The development hereby approved shall not be occupied until a scheme for renewable energy that will reduce regulated Carbon Dioxide emissions from energy use by the users of the building by a minimum of 10% has been approved in writing by the LPA.

Reason:

To reduce Carbon Dioxide emissions and to maintain reliable and competitive energy supplies in accordance with PPS1, the supplement to PPS1 : Climate Change, the adopted SGC Design Checklist and the Draft Regional Spatial Strategy for the South West of England.

CIRCULATED SCHEDULE NO. 16/08 – 18 APRIL 2008

App No.:	PK08/0404/F	Applicant:	Wm Morrison Supermarkets Plc
Site:	Morrisons Supermarkets Plc, Station Road, Yate, South Gloucestershire, BS37 5PW	Date Reg:	12th February 2008
Proposal:	Erection of extensions to existing store to provide new enlarged cafe, new staff facilities and enlarged sales floor. Erection of 2.4m high palisade fence and gates.	Parish:	Yate Town Council
Map Ref:	71151 82650	Ward:	Yate North
Application Category:	Major	Target Date:	8th May 2008



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100023410, 2008.

INTRODUCTION

This application appears on the Circulated Schedule due to the receipt of four letters of objection from Local Residents and also in accordance with the Councils procedure for the determination of Major applications.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of several small extensions to the existing Morrisons store in Yate. The extensions will be to the front (south) side (east) and rear (north) of the existing store. The purpose of the extensions are to allow for an increased café area to the front of the store, additional sales floor space internally, and the creation of a new warehouse and staff facilities to the rear. A pair of new 2.3 metre high palisade gates are also proposed where the public car park joins the rear service area.
- 1.2 The works will include alterations to existing glazed feature to the front elevation and the removal of some temporary structures in the rear service area. The works will also necessitate some alterations to the existing car park and the loss of some parking spaces.
- 1.3 During the course of the application amended plans have been requested from the agent to alter the external arrangement of the front of the store and also to seek additional information relating to the condenser fans. Additional information and amended plans have been received as requested. The design and access statement has also been update to ensure correct photographs are included. Negotiations have also been entered into regarding the loss of 10 parking spaces.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS6	Planning for Town Centres

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
EP1	Environmental Pollution
T7	Cycle Parking Standards
T8	Car Parking Standards
T12	Transportation Development Control Policy for New Development
RT1	Development within Town/District Centres

3. RELEVANT PLANNING HISTORY

There is extensive history to the site. Many applications have been submitted for advertisement consent and other minor works such as the installation of ATM machines. The last approved application to actually extend the supermarket was:

- 3.1 P98/1582 Erection of rear extension to provide additional warehouse storage space.

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
No objections.

Other Representations

- 4.2 Local Residents

Four letters of objection have been received from Local Residents. A summary of the points of concern is as follows:

- The extension will be closer to the houses along The Glen
- There will be additional noise from pallets etc for neighbours
- Will devalue neighbouring properties
- Noise from the freezer units will be moved closer to neighbouring gardens
- Lorries will be manoeuvring closer to residential properties
- The extension will overshadow neighbouring dwellings
- There are already enough supermarkets in the area – the existing café in Morrisons is big enough
- It would result in a reduced size car-park resulting in on street parking

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development

Policy RT1 states that retail and other development appropriate to a town centre location will be permitted within the town centre of Yate, provided that:

- A. It would not detract from the overall vitality and viability of the centre;
- B. It would be consistent with the scale and function of the centre; and
- C. It would be accessible to public transport users, pedestrians, cyclists and those with mobility needs; and
- D. It would not have unacceptable environmental or transportation effects and would not prejudice residential amenity; and
- E. It would, include residential accommodation or other non-retail uses appropriate to a town centre on upper floors.

In addition to the requirements of Policy RT1, the requirements of Policy D1 must also be taken into consideration which seeks to ensure that any development respects and enhances the character and distinctiveness of the site. Policy T12 advises that new development will only be permitted providing it will not have any adverse highway implications – for pedestrians, cyclists or vehicle users. The final policy that must also be taken into consideration is Policy EP1 which notes that development will not be permitted which would unacceptably harm the environment, or the health safety and amenity of users of the site or surrounding land.

- 5.2 Design/Visual Amenity

As noted in section 1.1 above, the application seeks permission for a series of smaller extensions on three sides of the store. Whilst the largest extensions in terms of additional floor space will be to the side and rear, the extensions that will have the greatest impact on the visual amenity of the site are those of the front elevation.

The front of the store is currently dominated by a large glazed structure in which the café is currently housed. The glazed structure has an 'orangery' style roof and is visually prominent from the highway and surrounding land. Following the submission of revised plans, this prominent feature will now be retained, although it will be slightly reduced in length.

The roof of the existing store is unusual in appearance. The main roof is flat but has been given hipped parapet edges so the flat roof is not visible from the street. The store then has a number of what can only be described as pyramids on most of the corners on the roof slope adding further visual interest. The proposed extensions to the front and side of the store will follow this design feature. The hipped parapet roof will be continued around the edges of the extension and an additional pyramid structure will be added over part of the café extension.

The staff facilities and warehouse extension to the rear elevation is to have a simple flat roof and will not have a hipped parapet screen. However, as this is not a principle elevation and it is tucked around the rear of the site and will be well screened by the existing boundary walls, this is considered to be acceptable. Consideration must also be given to the fact that this rear extension is to replace some existing temporary buildings in the same location. The removal of these temporary buildings is encouraged and it is the opinion of your officer that the new rear extension will actually represent a visual improvement.

The new palisade gates are to replace some existing gates that will be lost because of the extension. Whilst palisade is not particularly attractive, the new gates are just to replace larger palisade gates already in existence. Because of their relatively small width and their location tucked away at the back of the site, the gates are considered to be acceptable in design terms.

Subject to the attachment of a condition to ensure that all materials used match those of the existing, there is no objection to the works in terms of design or visual amenity and the scheme complies with the requirements of Policies D1 and RT1 of the South Gloucestershire Local Plan.

5.3 Residential Amenity

It is noted by the Officer that there appears to be two main concerns raised by the local residents – the possibility of increased noise, and the possibility of overshadowing. The issue of noise will be discussed in section 5.4 below.

It is not considered that the rear extension as proposed would result in any additional issues of overshadowing for the occupiers of the neighbouring properties. It is of course correct that the rear extension will be closer to the neighbours than the existing building – at its closest point the rear extension will sit approximately 6 metres from the bottom of the garden of No. 12 The Glen. There are however currently temporary structures on the site that sit in a very similar position to the extension as proposed. It is important to note also that there is already a 2.3 metre high wall running around the rear of the site that will help to significantly screen views of the extension.

The extension at its highest point will still be 1m lower than the ridge of the hipped parapet roof around the edge of the building. The pyramid features on the corners of the building are significantly taller than this again. It is highly

unlikely therefore that the rear extension would result in any significantly greater levels of overshadowing than currently exist.

Because of their location away from the boundaries with the neighbouring properties, it is not considered that the side or front extensions will have any impact on existing levels of residential amenity. Impact of residential amenity is therefore considered to be acceptable.

Other issues of possible devaluation of neighbouring properties are not valid planning concerns and are outside the remit of planning control. The proposed works will have a very limited impact on the amenities of the neighbouring dwellings in terms of overshadowing or loss of privacy. The development thus complies with the requirements of Policy RT1 of the South Gloucestershire Local Plan.

5.4 Environmental Issues

The application includes an extension in the north eastern corner taking the building closer to the properties on The Glen/Pool Court. The building in this corner includes a freezer extension but no details were submitted with the original application in the form of an acoustic report to ensure compliance with BS4142 to ensure that noise levels are not detrimental to occupiers of neighbouring properties.

Additional information has been requested to show the location and technical specification for the units. Revised plans have been submitted to show the location for the new units but has not provided a noise assessment with rating levels in accordance with BS4142.

The new chiller units are not in addition to the existing chiller units but instead are to replace older chillers already on the rear of the building. By the applicants own admission, the existing chiller units are old (from the Safeway era) and can be quite noisy. The applicant is confident that the new units will represent an improvement over and above the existing system.

There is the potential to actually slightly reduce the current levels of noise emanating from the site. Whilst there are no objections to the principle of installing replacement chiller units, a condition will be attached to ensure that full details are submitted and agreed prior to their installation.

Other noise issued raised by local residents relate to vehicles manoeuvring and pallets etc being banged around in the service yard. This will not be exacerbated by the application as there will be no alteration to the way the service yard will be used. It is hoped that noise levels may be slightly reduced by creating a larger internal warehouse.

5.5 Transportation Issues

As a result of the proposed development, 14 car parking spaces will be lost. There will be other alterations to the car park, such as the narrowing of some lanes and the introduction of a one way system through part of the site but all other spaces will remain useable. The proposed development would not impact upon the existing vehicular access into the Morrisons site – the entrance will still be via Pool Court Drive adjacent to the petrol filling station.

Currently there are a total of 307 car parking spaces on the site (this includes disabled and parent and child parking). As a result of the development, a total of 293 car parking spaces will be provided (including disabled and parent and child parking). The applicant has submitted no evidence to justify the reduction in parking facilities on site and neither is there any information to suggest that there is surplus parking on the site. In light of this, and in accordance with criterion F of Policy T12, it is therefore considered appropriate that the developer provides funding towards improving public transport facilities. By improving public transport facilities around the site, visitors to the store may be more likely to use public transport thus removing the need to replace the lost parking spaces.

Bus Routes serving the westbound and east bound bus stops on Station Road outside the store are included in the Greater Bristol Bus Network. In light of all the above, a financial contribution of £22,000 is sought from the developer towards improvements towards two bus stops in Station Road in order to promote the use of public transport facilities in the area in line with both national and local policies. The improved facilities are to include the provision of the following;

- i) Provision of a bus shelter at the eastbound stop; and
- ii) Provision of a new shelter at the westbound stop; and
- iii) Funding towards installing electrical connections are 'Real Time Information' at both bus top shelters.

The developer has agreed to pay these contributions and a S106 Unilateral Undertaking agreement will be secured to ensure the payment of the money prior to the commencement of development on the site. Subject to the securing of the agreement, the loss of the parking spaces is appropriately mitigated against and the application is in accordance with the requirements of Policy T12 of the South Gloucestershire Local Plan (Adopted).

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.

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, having regard to the above advice, the provision of contribution towards improvements to public transport facilities in the vicinity of the site are appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005. Relevant conditions will also be attached.

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 7.1 That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the signing of a Unilateral Section 106 Agreement, to secure the following:

- (i) The contribution of £22,000 towards improvements to public transport facilities on Station Road, Yate. More specifically;
 - i) Provision of a bus shelter on the eastbound stop; and
 - ii) Provision of a new shelter at the westbound stop; and
 - iii) Funding towards installing electrical connections and 'Real Time Information' at both bus stop shelters.

The reason for this Agreement is:

- (i) To mitigate against the loss of parking spaces as a result of the proposed development.

Background Papers **PK08/0404/F**

Contact Officer: **Marie Bath**
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 Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No developemnt shall take place until details of the plant, condensers, fans etc associated with the freezer extension have been submitted to the Council. The submitted details should include acoustic details and any proposed noise mitigation measures in accordance with BS4142. If acceptable, the Council will give written approval to the details submitted and all development must be carried out exactly in accordance with the details so agreed.

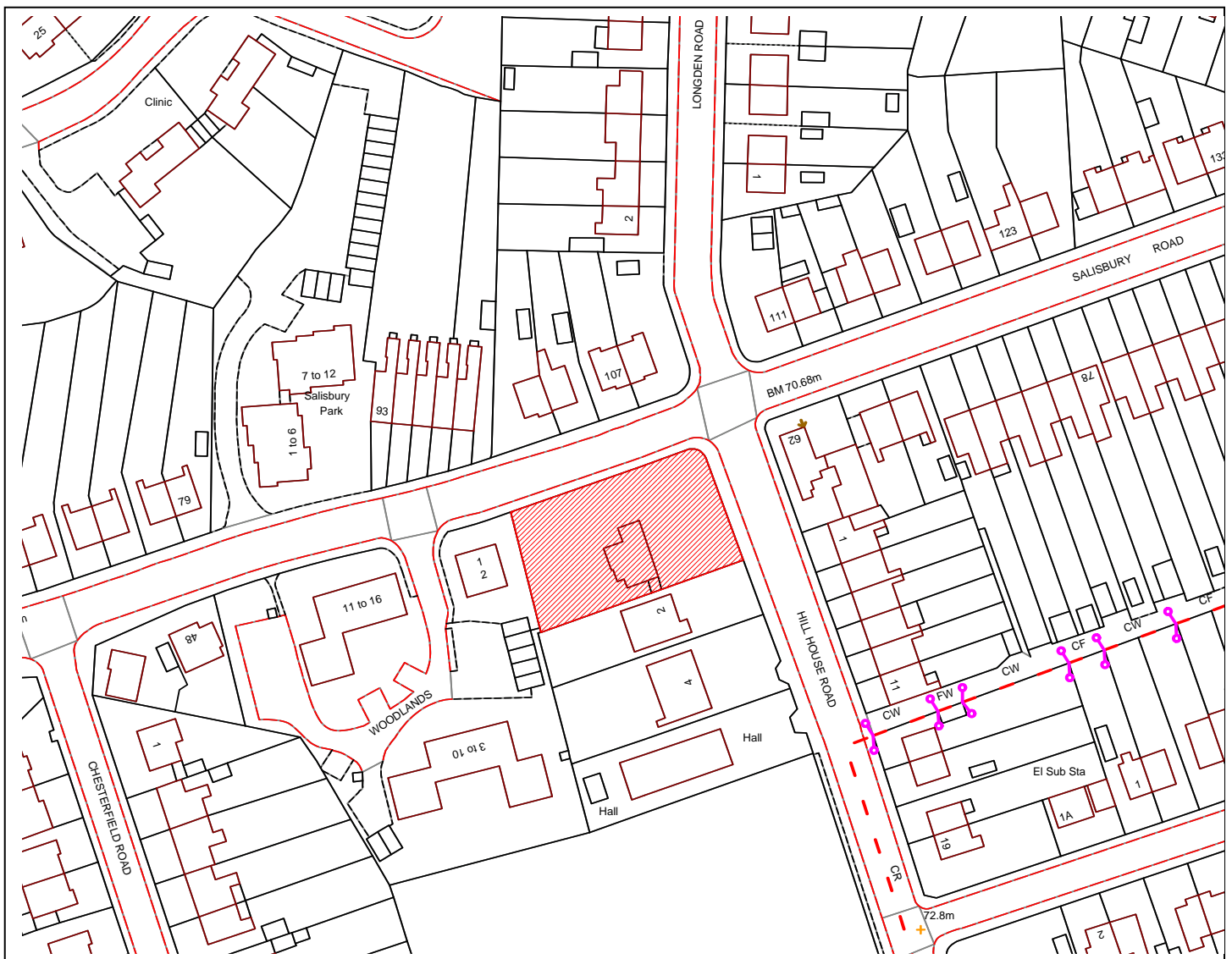
Reason:

To minimise disturbance to occupiers of properties along The Glen/Pool Court Drive and to accord with Policies EP1and RT1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 16/08 – 18 APRIL 2008

App No.: PK08/0508/F
Site: 50 Salisbury Road, Downend, South Gloucestershire, BS16 5RJ
Proposal: Demolition of existing dwelling and erection of 9 no. two bed apartments with associated parking (13 spaces), amenity space and bin and bicycle stores. Construction of new access from Salisbury Road. (Amendment to previously approved scheme PK07/3418/F).
Map Ref: 65497 76594
Application Category: Minor

Applicant: The Geometric Group Ltd
Date Reg: 21st February 2008
Parish: Downend and Bromley Heath
Ward: Downend
Target Date: 11th April 2008



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 100023410, 2008.

INTRODUCTION

This application is reported on the Circulated Schedule due to the receipt of neighbour objections and because a Section 106 Agreement is required.

1. THE PROPOSAL

- 1.1 The previously approved application on this site granted full planning permission for the demolition of a two storey house on the corner of Hill House Road and Salisbury Road in Downend and its replacement with a three storey block of flats to contain eight dwellings, 2 one bed units and 6 two beds, two of which would have their own private gardens. This application seeks to amend that scheme, within the approved shell of the building, by creating 9 two bedroom flats. Communal gardens are proposed to be provided for the other flats in an area which is currently the front garden, abutting Hill House Road. As with the previously approved scheme, 13 parking spaces are proposed to serve the development, to be situated at the western end of the site.
- 1.2 The proposed design is for a flat roofed building with a balcony around part of the second floor, making this floor smaller than the ground and first floors, whilst providing some additional space which would be accessed by the top floor flats. Cycle and bin stores are proposed for the Salisbury Road frontage, the former attached to the building and the latter next to the existing boundary wall of the site. It is proposed to retain the existing conifer hedgerow within the site which separates it from its two frontages, except where the entrance and bin store would be located.
- 1.3 In the surrounding area there are other three storey and flat roofed buildings, as well as flat developments. The immediate vicinity is characterised by straight roads connecting at the crossroads of which the site stands at the corner. These roads are residential and are either two storey terraces or semi detached dwellings, with generally generous front gardens. The exception to this pattern is the flat development bordering the west of the site.
- 1.4 This site is considered to be something of a landmark location, standing on higher ground than that to the east and north and due to its corner location. However, the mature trees along the east and northern boundaries at present, tend to obscure the existing house, which stands in an expansive garden.
- 1.5 There is at present a common strong, regular building line formed on this side of Hill House Road, which opens up past the hall, where the playing field starts.
- 1.6 The applicant has provided a Unilateral Section 106 Agreement in order to mitigate the effects of the proposed development on Education Provision in the area.

2. POLICY CONTEXT

- 2.1 National Guidance
- | | |
|-------|------------------------------------|
| PPS1 | Delivering Sustainable Development |
| PPS3 | Housing |
| PPG13 | Transport |
| PPS25 | Drainage |

- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
 D1 Design
 H2 Residential Development
 L1 Landscape
 T7 Cycle parking
 T8 Parking standards
 T12 Transportation policy
 EP1 Environmental pollution
 EP2 Flood risk
 L17 The water environment
 L18 The water environment
- 2.3 Supplementary Planning Guidance
Design checklist adopted 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK07/2015/F Demolition of dwelling and erection of building for 11 flats
 Withdrawn
- 3.2 PK07/2885/F Demolition of dwelling and erection of building for 10 flats
 Withdrawn
- 3.3 PK07/3418/F Demolition of dwelling and erection of building for 8 flats
 Approved, subject to the signing of a Section 278 Agreement for £5,000 to provide better access for the disabled and encourage the use of non-car transport. This sum has been paid to the Council.

4. CONSULTATION RESPONSES

- 4.1 Downend & Bromley Heath Parish Council
 No objection

- 4.2 Other Consultees
Wessex Water

In response to the previous application, Wessex replied: It will be necessary for the developer to agree a point of connection with Wessex for the disposal of foul flows. There may be a sewer crossing the site, which could be deemed a public sewer. If this is the case, an easement of 3 metres will be required. NB No reply was received to this proposal.

Technical Services

No objection in principle, subject to a condition requiring Sustainable Drainage for the site.

Transportation

Planning permission has previously been granted for the demolition of the existing dwelling and the erection of eight flats with thirteen parking spaces on this site (PK07/3418/F). This current proposal is an amendment to the previously approved scheme which now seeks to erect nine two-bed flats on the site.

There is no change to the access arrangements and the amount vehicular parking will remain the same as the previously approved scheme. As this level of parking is within the maximum standards set out in Policy T8 of the SGLP,

this is considered acceptable. On that basis, there is no transportation objection to this proposal. Subject to the above and the following conditions, there is no transportation objection to this proposal.

CONDITIONS

1. No gates to be erected on the entrance to the site at any time without the prior permission of the Council.
2. All parking bays, access and driveway to have a bound surface and be satisfactorily maintained as such.

In regard to the previous approval on the site, to provide better access for the disabled and to encourage the future occupiers of these dwellings to use alternative modes of transport to the car, the applicant was requested to make a financial contribution of £5000. This contribution was to be secured via an appropriate legal agreement.

Community Services

The proposal falls below the threshold for their consideration.

Education

On the basis of 4 primary school primary school pupils per 100 one or two bedroom flats, current DCSF cost calculators give a figure of £10,747 per additional primary school place, indexed at Q4 2008 prices.

At Primary level there is a projected deficit of places in the local area. The proposed development of 9 two bedroom flats will generate one additional primary school pupil based on the pupil number calculator. Therefore a contribution of £10,747 will be required for additional primary provision.

There is a projected shortfall of capacity of secondary schools within the area of the proposed development but we would not currently seek a contribution for secondary school places from development comprising flats.

Environmental Protection

No objection in principle.

Other Representations

4.3 Local Residents

6 letters of objection were received to this proposal within the consultation period, citing the following concerns:

- * Close proximity to a busy road junction
- * The appearance of the building would not be in keeping with the appearance of the neighbourhood
- * There is not excellent visibility from the site access
- * Insufficient parking provision, including only two spaces for visitors will lead to on-street parking
- * Development would put a strain on water and sewerage provision in the area
- * Design of building would be monolithic
- * A different application was refused on design grounds in the vicinity
- * Demolishing an existing house will not minimise the use of energy and natural resources
- * Density of development would be too high

- * Design of building would be out of character
- * Visibility problems at the access and through on-street parking and topography
- * Loss of a family dwelling

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The most significant material consideration in the determination of this application is that planning permission has been approved for the building itself, with it containing one flat less and a mixture of one and two bedroom properties. The changes to this current application can be summarised as upgrading 2 of the flats from one bedroom to two and the creation of an additional two bedroom flat. A further material consideration is the very recent appeal decision relating to Cleeve Hill, Downend, where the Inspector found that there was no need to provide amenity space on site, if public open space is within easy walking distance. The Inspector also ruled that on site amenity space did not necessarily have to be private, as front gardens also counted.

The site lies within the urban area of South Gloucestershire and as such, policy H2 allows residential development as long as the site has not been safeguarded for other uses, which it has not. Furthermore, the site is residential and therefore no change of use of the land is required. The application needs to be assessed solely on its merits, as follows:

5.2 Density of Development

The site extends to .105 hectares. The proposed development would equate to 85 dwellings per hectare, which is above the minimum target set in government guidance of 30 dwellings per hectare. The density figure itself is however less significant than the implications of proposed density, which are analysed below. It is acknowledged that the site has proximity to Downend shopping centre, Page Park, local schools, doctors and the library, for instance, by foot or cycle and that therefore there is a choice of means of transport available to future occupiers, other than the motor car.

5.3 Residential Amenity for Existing occupiers

Due to the corner location of the site, the occupiers most likely to directly experience the effects of this proposal are the occupiers of the adjoining properties, in Hill House Road and the flats in Salisbury Road. With regard to the former, the adjacent house presents a blank side elevation to the site. There is therefore considered to be no overbearing impact from the proposed building on any habitable room in the adjacent dwelling. With regard to the effect of the proposal on rooms in the rear of that house, the proposed rear building line would virtually match that of No. 2 Hill House Road. The front building line would be no more than 3 metres in advance of the frontage of the house next door and largely within the footprint of the existing dwelling on site. In both cases it is considered that the footprint of the proposed building has taken into account that of the adjacent dwelling and that residential amenity would not be compromised as a result. With regard to overlooking of the rear garden of the adjoining house, the present building has oblique views over this garden, as is normally the case in residential roads with common rear building lines. Although the proposed building would be one storey taller than the

current one, it is considered that it would not lead to any significant change to the residential amenity enjoyed by that rear garden at present. The proposed balconies are shown on the plans to have 1.8 metre side screens and this has been required to be provided before the first occupation of the relevant flats.

With regard to the flats to the west of the site, a separation distance of 20 metres at the nearest point is proposed, across the proposed car park area and this is considered to be adequate to remove the possibility of any unacceptable effect on residential amenity arising through overbearing impact or loss of privacy. It is therefore considered that in relation to all the surrounding dwellings, the proposal would not harm existing levels of residential amenity and complies with policy.

5.4 Residential Amenity for Future Occupiers

As described above, three of the ground floor flats would have their own dedicated gardens. These private gardens would generally be about 2.8 metres deep and one would be 11 metres long and the other 20 metres from front to back. With these dimensions, Flat 1 at 37m², Flat 2 at 56m² and Flat 3 at 27m², two of these gardens would therefore be considered to amount to courtyard gardens, to provide for essential outdoor activities for a two bedroom flat in each case. It is considered therefore that the three proposed ground floor flats are catered for in the proposed design in terms of amenity space. This leaves the proposed other six 2 bedroom flats sharing the remaining 262 square metres communally. It should be noted that private amenity space is available to the two second floor flats on their balconies/ roof terraces, measuring 18 square metres each. The first floor flats would have a negligible 3.5 square metres of private amenity space each. Given the Inspector's decision letter for the Cleeve Hill development, it can be seen that, in terms of private amenity space, this proposal supplies an adequate amount to all but the first floor flats. In addition, the quality of the amenity space to be shared among the first and second floor flats is considered to be higher than the Cleeve Hill scheme, as it is made private by the hedge which bounds the site.

However, when assessing available amenity space in the existing garden area, it should be recognised, that since the boundary hedges on each side of this garden are proposed to be retained, this figure of 262 square metres reduces. It is practically reduced again by a clump of semi-mature trees in the garden and that paths and the pedestrian entrance to the site both also need to be subtracted from the available amenity space. Even when this has been done, there are issues over the usability of some of the space to the north of the proposed building, next to bin and cycle stores, where access will have to be gained to these facilities. When these factors are taken into consideration, the usable area of amenity space is considered to extend to 6 metres wide and 16 metres long, totalling 96 square metres. 96 square metres is considered to be adequate to allow for the reasonable outside enjoyment for four flats and the occasional use of the two top floor flats. This judgement is made primarily with the recent appeal decision at Cleeve Hill in mind, as this proposal would represent a greater amount and better quality of amenity space. In fact, all amenity space provided within this proposal is considered to be adequately private and the overall amount is considered to be appropriate for a development of this size.

5.5 Demolition of Existing Dwelling

This is an issue which has been raised particularly through the consultation process. It should be noted that the house in question is not a Listed Building, it does not stand within a Conservation Area and it is not locally listed. It therefore benefits from no statutory protection and is not specifically protected under the Local Plan. There are therefore no appropriate tests for the merits of retaining it. The proposal for the replacement building however does warrant assessment:

5.6 Design of proposed building

While the footprint of the building is not considered to have any impact upon residential amenity, its location within the site can have a major impact upon the street scene, particularly for a landmark site, such as this one is considered to be. In this location it is considered that the building can acceptably step forward slightly from the strong frontage on Hill House Road, but this has to be tempered by how far it is set away from the adjacent property. In this case, the distance between the existing house and the proposed building is considered to be adequate to provide the required setting for a three storey building on a corner plot. At 2.5 metres between the proposed building and the edge of the site, it will read as significantly more than the 1 metre gap at next to the adjoining property and this additional space is considered to be appropriate for the setting of a taller and more substantial building. Achieving this distance is considered to be crucial to avoiding a cramped appearance. A more prominent building in this street scene needs to respect its site and its setting.

The proportions of the building ensure that its mass does not compete unfavourably with the house closest to it. While being a storey taller, the flat roofed, corniced design echoes, rather than imitates that of the taller buildings in the locality and ensures that this stands out in its immediate context. The corner position is considered to allow it to do so. The extent to which it stands out is considered to be appropriate. Its mass is certainly greater than that of the two storey housing around it, but more due to its width than its height. Given the slight horizontal emphasis suggested by its bulk, the elevations have been designed to counter this effect: with its separation of the two rendered elements by the rising entrance feature drawing the eye up towards the roof. The window arrangement is considered to be well balanced and regular, indeed the building is symmetrical and well-balanced in all respects in each elevation, bar the undercroft car parking on the western elevation. Another crucial element in the design is that second floor of the building is resolved through the use of different materials to give it a lighter appearance and its degree of set back from the main elevations of the building. In order for it to be successful, it is considered that this floor needs to stand in its own space in much the same way as the building should. It is considered that the design has achieved this.

The southern elevation is considered to be least important as it faces the blank side elevation of the first house in Hill House Road. Even so, with little opportunity to see it, it is balanced and avoids being featureless though the provision of obscure glazed windows.

The materials selected are render for the walls at ground and first floor level and wood cladding for the recessed second floor. The combination of the recessing of the second floor and the change in materials is considered to give this floor a lightweight appearance.

In terms of the impact of this proposal on the street scene, it should also be borne in mind that there is existing landscaping provided by the hedge around the site, which is intended to be retained and performs an important screening function for the northern and eastern elevations.

Overall, the design of the proposed building is considered to be successful and appropriate to the corner location, complying with policy D1 and the recently adopted design checklist.

5.7 Transportation

The transportation comments appear above. Subject to the conditions recommended, the level of parking provided under the proposal is considered acceptable to meet the Local Plan maximum standards. It is considered that the proposal would not compromise highway safety, as the proposed access is considered to be adequate to meet the current visibility standards. The proportions of the parking and turning area are also considered to be suitable for their purpose. Three of the parking spaces are wider and longer than the current minimum standards. Overall it is considered that the proposal meets the concerns of the policies listed above. Since this proposal is not substantially different from the approved scheme, it is not considered that any additional sum above that already secured by the Council towards improving transportation for all users in the locality, under the Section 278 Agreement, will be required. The sum already paid will adequately mitigate the effects of the development, at 8 or 9 flats.

5.8 Design and Access Statement

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

5.9 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, having regard to the above advice, that the enhancement of education provision is appropriately the subject of a Section 106 Agreement. This sum has been agreed with the applicant's agent and has led to a Unilateral Agreement under Section 106 being drawn up and presented with this application.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the signing of a Unilateral Section 106 Agreement, to secure the following:

- (i) The contribution of £10,747 towards enhancing provision of primary schools in the local area.

The reason for this Agreement is:

- (i) To mitigate against the increase in primary school numbers brought about as a result of approving this development proposal.

Background Papers **PK08/0508/F**

Contact Officer: **Chris Gosling**

Tel. No. **01454 863787**

CONDITIONS

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

Reason:

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

2. The off-street parking facilities for all vehicles, including cycles shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose. The hardstanding for parking and turning shall be surfaced with a bound material and thereafter retained in such a state.

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.

3. The screens shown on the approved plans shall be erected at the ends of the balconies/ roof terraces prior to the first occupation of the dwellings which the balconies/ roof terraces serve and shall be retained thereafter.

Reason:

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

4. The existing wall and trees enclosing the northern and western boundaries of the site shall be retained, except where indicated on the plans hereby approved.

Reason:

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

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

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

Reason:

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

6. No development shall take place until a Waste Management Audit has been submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:
- (a) The volume and nature of the waste which will be generated through the demolition and/or excavation process.
 - (b) The volume of that waste which will be utilised within the site in establishing pre-construction levels, landscaping features, noise attenuation mounds etc.
 - (c) Proposals for recycling/recovering materials of value from the waste not used in schemes identified in (b), including as appropriate proposals for the production of secondary aggregates on the site using mobile screen plant.
 - (d) The volume of additional fill material which may be required to achieve, for example, permitted ground contours or the surcharging of land prior to construction.
 - (e) The probable destination of that waste which needs to be removed from the site and the steps that have been taken to identify a productive use for it as an alternative to landfill.

Development shall be carried out in accordance with the agreed details.

Reason:

To accord with the Local Planning Authority's adopted Waste Management Strategy, and to accord with Policies 37 and 43 of the adopted South Gloucestershire Minerals and Waste Local Plan (Adopted) May 2002; and Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

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

8. The residential units hereby approved shall not be occupied until a scheme for the management of the communal areas of the development (both internal and external) for the first 2 years of occupation has been submitted and agreed in writing by the Local Planning Authority. The scheme should include management responsibilities and maintenance schedules. The scheme for the management of communal areas shall be carried out as approved.

Reason:

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

9. The hours of working on site during the period of construction shall be restricted to 0800 to 1800 Mondays to Fridays, 0900 to 1300 on Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or

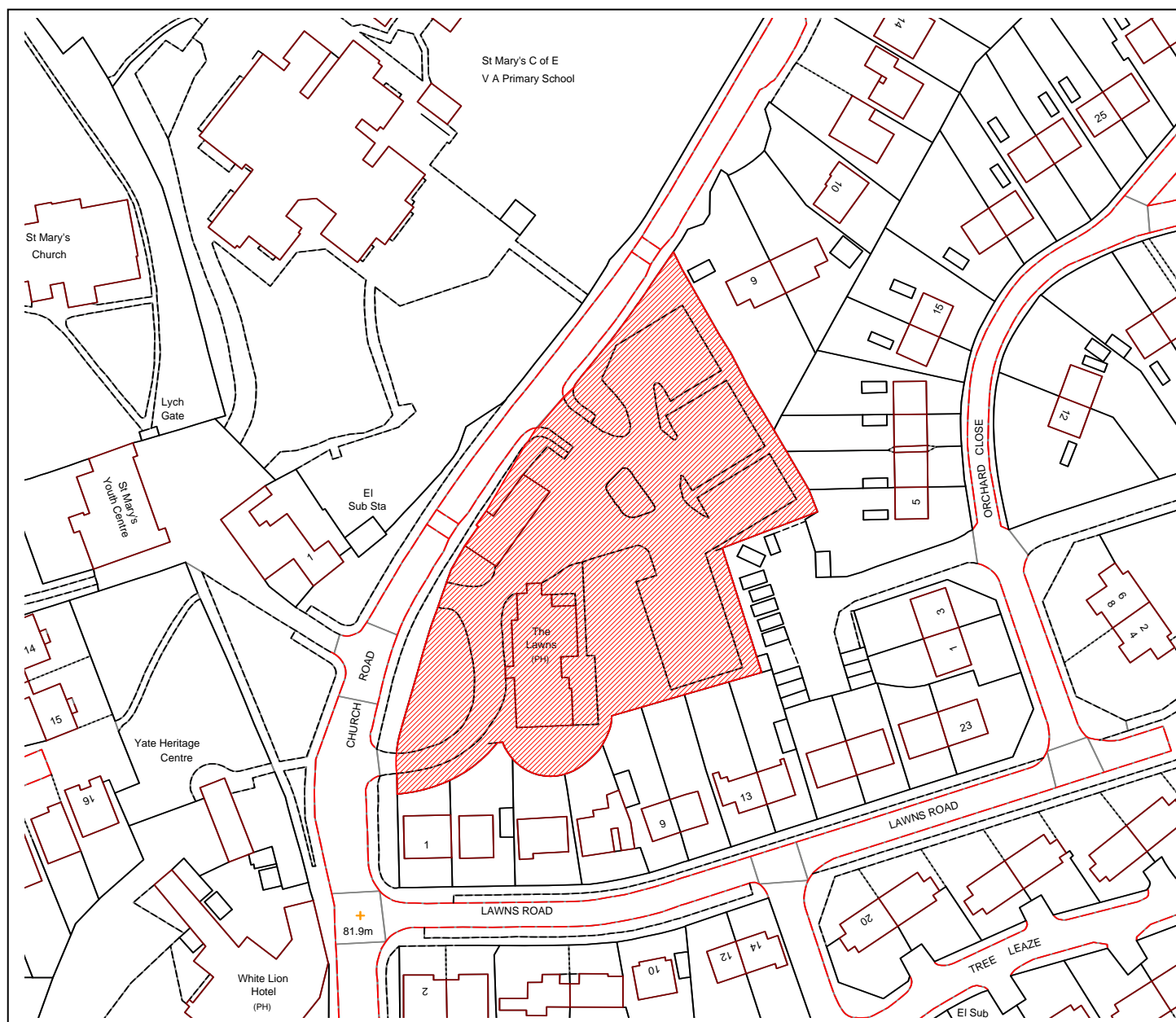
other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason:

To minimise disturbance to occupiers of nearby buildings and to accord with Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 16/08 – 18 APRIL 2008

App No.:	PK08/0638/ADV	Applicant:	Marstons Plc
Site:	Lawns Inn, Church Road, Yate, South Gloucestershire, BS37 5BG	Date Reg:	7th March 2008
Proposal:	Display of non illuminated, individual wall mounted gold lettering, 3 no. non illuminated wall mounted logo signs and 1 no. hanging sign with downlight illumination (retrospective).	Parish:	Yate Town Council
Map Ref:	71485 82760	Ward:	Yate Central
Application Category:	Minor	Target Date:	25th April 2008



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 100023410, 2008.

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The application seeks advertisement consent for the display of a number of signs on and within the grounds of a public house. A total of 9 signs are included in the application. Two signs already have the benefit of planning permission – sign F and sign A. These two elements are also included with this application in the interests of completeness.
- 1.2 The application site consists of a locally listed public house with an associated outbuilding which is also locally listed. The Lawns is a large building that has been used as a public house for many years. The main building is set some 20 metres back from the carriage way with the main front elevation of the building running parallel with the road. The main building is three storey in height with front gables and is finished in a cream render. The smaller outbuilding sits immediately adjacent to the road and is divided from the footpath by a narrow bank of grass. The outbuilding is finished with natural stone and is varies between two storey and single storey in height.
- 1.3 The car park to the pub sits to the north and east of the building and is finished with tarmac. A large area on the opposite side of the road is grade II listed Schoolmasters House and associated listed curtilage.
- 1.4 There is a rather complicated history to the signage on this building. A split decision was issued by the Council after a previous application (PK07/1692/ADV) appeared before the DC East Planning Committee. This decision has been appealed and the hearing date is set for 13th May 2008. Sections 3.1 and 5.2 of this report give further information on the previous advert application on the site.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG19 Control of Advertisements
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
L19 Control of Advertisements

3. RELEVANT PLANNING HISTORY

- 3.1 PK07/1692/ADV Display of various externally illuminated static fascia signs, wall mounted signs, and twin post signs, will non illuminated slip frame signs.
Split Decision November 2007

The signs approved as part of this application are as follows;

Display of one free standing Totem sign — sign 'A'

Display of one free standing Totem sign — sign 'B'

Display of one 'The Lawns' lettering on front on Main Building — sign 'C'

Display of one 'The Lawns' lettering on south western side of outbuilding — sign 'C'

Display of one wall mounted sign — sign 'E'

Display of one wall mounted clip frame sign — sign 'F' with associated lighting.

The signs refused as part of this application are as follows;

Display of 3 wall mounted logo signs — sign 'D'

Display of one 'The Lawns' lettering on north eastern side of outbuilding — sign 'C'

The refusal reasons for these refused elements read as follows'

1. The proposed Taverners Carvery picture logo signs (signs D) are considered to be detrimental to the character and appearance of the buildings upon which they are displayed and detrimental to the visual amenity of the area, contrary to Policy L19 of the South Gloucestershire Local Plan (adopted) January 2006.

2. The proposed 'The Lawns' lettering (Sign C) located on the north eastern elevation of the outbuilding is considered to be detrimental to the character and appearance of the buildings upon which they are displayed and detrimental to the visual amenity of the area, contrary to Policy L19 of the South Gloucestershire Local Plan (adopted) January 2006.

- 3.2 PK03/0766/ADV Display of 1 no. externally illuminated free standing sign. 2 No. flood lit wall mounted name signs. 1 double sided externally illuminated Free standing directional sign. 2 no. internally illuminated wall mounted signs. Approved July 2003
- 3.3 P94/1292/A Removal of existing attached signs and display of various attached and free-standing illuminated and non-illuminated signs. Approved September 1994
- 3.4 P93/2287/A Display of an advertisement. Refused December 1993.
- 3.5 P89/2111/A Various restaurant signs. Approved August 1989.
- 3.6 N31/ADV Erection of single sided, internally illuminated box sign. Approved January 1980
- 3.7 N3/ADV Display of internally illuminate pole mounted signs. Refused July 1974

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
Object to 1 of the 3 no. non illuminated wall mounted logo signs – the sign at the southern end of the building.

Other Representations

- 4.2 Local Residents
None Received

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 effect of the proposal on the visual amenity in the immediate neighbourhood has to be considered. With regard to *public safety*, Local Planning Authority’s must ensure any advertisement does not create a traffic hazard, especially in terms of causing a distraction. Policy L19 of the South Gloucestershire Local Plan (Adopted) incorporates advice contained within PPG19. Because the signs subject of this application would be attached to the locally listed building, the requirements of Policy L15 of the South Gloucestershire Local Plan (Adopted) must also be taken into consideration.

- 5.2 In order to allow for assessment of this application, one must first be able to understand the similarities and differences between this application and also the previous application reference PK07/1692/ADV. This section will go through each of the proposed signs in turn and explain how they are similar or different to the previous application. It will then discuss the sign as proposed and come up with an officer recommendation.

5.3 Proposed Post Sign on Grass Verge to the Front of the Site

This sign is to be located on the grass verge outside of the public house. In the previous application, consent was granted for a larger totem sign in the same place. This new post sign is to be a replacement for the totem sign previously approved. The agent has stated that the new sign is a result of negotiations with Yate Town Council (who own the strip of land on which the sign is to be placed). The post sign is slightly taller than the previously approved totem sign but is significantly narrower and ‘less bulky’. It is to consist of a single black pole onto which a Taverners logo sign will be hung. It is the opinion of your officer that the proposed post sign will have a lesser impact on the visual amenity of the area than the previously approved totem sign and it is thus considered to be acceptable.

5.4 Proposed Signs A & E on the front of the main building

Proposed Sign A is the name of the Pub ‘The Lawns’ in Black lettering. This lettering was already approved as part of the last application. No further discussion is therefore required of Sign A as it already has the benefit of advertisement approval.

Sign E is a wall mounted Logo sign. The same logo was also proposed as part of the last application but was refused. The logo sign is oval in shape and depicts a roast joint of meat. It is important to note that there have been no material changes in circumstance since the previous refusal of this local – the sign is still the same, the setting and location remain the same and there has been no change in central government or local government policy.

Para. 4 of PPG 19 states that ‘A good building can contribute to a sense of pride and place. The appearance of a good building can easily be spoiled by a poorly designed or insensitively placed sign or advertisement, or by a choice of

advertisement materials, colour, proportion, or illumination which is alien to the building's design or fabric. Too often, outdoor advertisements seem to have been added to a building as an afterthought, so that they appear brash, over-dominant or incongruous.' It is considered by the Council that the main building is a 'good building' and this is reflected in its Locally listed status.

It is considered that the Taverners Logo (Sign E) on the front elevation of the main building would have a detrimental impact on the character of the area and would be contrary to PPG19 and the requirements of Policy L19 of the South Gloucestershire Local Plan. The reasons for this being that the logo, because of its shape, size and colouration, fails to respect and enhance its locally listed setting. The logo appears over-dominant and very harsh compared to the traditional and sympathetic detailing of the main building.

5.5 Proposed Sign F next to the Entrance Door on Main Building

This sign already has the benefit of advert consent as it was approved as part of the last application. No further discussion is therefore required.

5.6 Proposed Signs C & E on South-western end of Outbuilding

Sign C is lettering spelling out the name of the pub 'The Laws'. The letters are to be gold in colour and installed high of the South-western end of the outbuilding. As part of the previous application, permission was granted for the same lettering but in the colour black rather than gold. It is not considered by the Council that the use of gold lettering would be any more visually prominent than black lettering and thus there is no objection to proposed Sign C on the South-western end of the outbuilding.

Prior to the installation of the signs subject of this appeal, the outbuilding was devoid of signage. The outbuilding sits close to the edge of the highway divided only by a narrow bank of grass. Because of its siting, the outbuilding is particularly visible from the public realm and does have a significant impact on the character of the area. The outbuilding is constructed from natural rubble stone and is considered by the Council to be of high visual merit (reflected in its locally listed status).

Sign E is a wall mounted Logo sign. The same logo was also proposed as part of the last application but was refused. The logo sign is oval in shape and depicts a roast joint of meat. It is important to note that there have been no material changes in circumstance since the previous refusal of this local – the sign is still the same, the setting and location remain the same and there has been no change in central government or local government policy.

In the previous application, the logo sign was to be situated above The Lawns lettering. In this application, the logo sign is to be situated below The Lawns lettering. The agent argues that because of the use of gold letters rather than black and also because of the repositioning of the sign at a lower level, the logo now sits comfortably on the elevation and appears less prominent. This argument is not accepted by your officer. It is considered that the relocation of the proposed logo sign more centrally on the south-western elevation of the outbuilding actually has an even greater impact on the visual amenity of the area than the logo sign previously refused. The previously refused logo sign was to be located towards the top of the building – this logo sign is to be located very centrally on the elevation. The logo will completely dominate the southern elevation and will very visually prominent. It is considered that the Taverners Logo (Sign E) on the South-western elevation of the outbuilding

would have a detrimental impact on the character of the area and would be contrary to PPG19 and the requirements of Policy L19 of the South Gloucestershire Local Plan. The reasons for this being that the logo, because of its shape, size and colouration, fails to respect and enhance its locally listed setting. The logo appears over-dominant and very harsh compared to the traditional and sympathetic detailing and natural stone of the outbuilding.

5.7 Proposed Signs B & E on North-eastern end of Outbuilding

Sign B is lettering spelling out the name of the pub 'The Laws'. The letters are to be gold in colour and installed centrally of the North-eastern end of the outbuilding. As part of the previous application, permission was also sought for similar lettering but in the colour black rather than gold. The lettering was refused.

Sign E is a wall mounted Logo sign. The same logo was also proposed as part of the last application but was refused. The logo sign is oval in shape and depicts a roast joint of meat. It is important to note that there have been no material changes in circumstance since the previous refusal of this local – the sign is still the same, the setting and location remain the same and there has been no change in central government or local government policy.

With the previous application the logo was to be situated above The Lawns lettering. With this current application, the logo is to be slotted in between the words The and Lawn. The agent states that this alteration overcomes the previous grounds for refusal. It is the opinion of the agent that the use of gold lettering and the careful repositioning of the signs has resulted in a sympathetic design which respects the character and appearance of the existing building.

This argument is not accepted by your officer. The Council do appreciate the need to display adverts and understand that they are necessary to generate trade. It is for this reason that the majority of the signs subject to the previous application were approved. Of particular concern however is the impact the proposed signage would have on the existing outbuilding. Prior to the installation of the signs subject of this appeal, the outbuilding was devoid of signage. The outbuilding sits close to the edge of the highway divided only by a narrow bank of grass. Because of its siting, the outbuilding is particularly visible from the public realm and does have a significant impact on the character of the area. The outbuilding is constructed from natural rubble stone and is considered by the Council to be of high visual merit (reflected in its locally listed status). The northern end of the outbuilding is very visually prominent from the highway 'Church Road' that runs along the front of the site. Already approved as part of the split decision of the previous application, is a free standing totem sign advertising the carvery function of the pub which will be located at the entrance to the car park. This application proposes to install a similar sign at the entrance to the car park (see section 5.8). This free standing totem sign also has the Taverners logo on it and will be situated almost immediately in front of the North eastern elevation of the outbuilding. Given this free standing sign already has approval, it is considered unnecessary to add further signage in such close proximity when to do so would have a detrimental impact on the visual amenity of the area.

It is considered that the Taverners Logo (Sign E) and Gold Lettering (Sign B) on the North-eastern elevation of the outbuilding would have a detrimental impact on the character and visual amenity of the area and would be contrary

to PPG19 and the requirements of Policy L19 of the South Gloucestershire Local Plan.

5.8 Proposed Sign D at entrance to Car Park

Proposed Sign D is a free standing sign that is to be located at the entrance to the car park. A free standing sign was also approved in this location as part of the previous application. The sign now for consideration is different from that already approved in that it is narrower and just includes the Taverners Logo and the words Car Park with an arrow. The previous sign was wider and included the Taverners Logo with Carvery prices.

It is considered by officers that the reduction in the size of the free standing sign along with its simplified design would have a positive effect on the visual amenity of the area. The sign, whilst still being clearly visible, would be simpler in design and smaller in size. The sign subject of this application would supersede that already approved. There are no objections to this element of the proposed signage.

5.9 Design and Access Statement

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

5.10 Section 106 Requirements

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

6. CONCLUSION

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

The recommendation to issue a split decision 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 a split decision be issued.

Background Papers **PK08/0638/ADV**

Contact Officer: **Marie Bath**

Tel. No. **01454 864769**

PART APPROVAL

South Gloucestershire Council in pursuance of powers under the above mentioned Act and Regulations, hereby expressly CONSENT to:

APPLICATION NO: PK08/0638/ADV

DESCRIPTION OF DEVELOPMENT: Display of one free standing Post Sign – Post Sign
Display of one ‘The Lawns’ lettering on front of main building – sign A
Display of one ‘The Lawns’ on South-western elevation of outbuilding – sign C
Display of one free standing Totem sign – sign D
Display of one wall mounted sign – sign F

APPLICANT: Marstons Plc

LOCATION: Lawns Inn, Church Road, Yate, South Gloucestershire, BS37 5BG

In accordance with the application and accompanying plans, but subject to the standard conditions prescribed by the above mentioned Regulations for a period of 5 years, commencing with the above date of decision and subject to the conditions specified below:

REASON FOR GRANTING OF PLANNING PERMISSION

Having regard to the details of the application proposals, and the relevant provisions of the Development Plan as summarised below, it is considered that subject to compliance with the conditions attached in this permission, the proposed development would be in accordance with the Development Plan.

South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
L19 Control of Advertisements

This informative is intended only to be a summary of the reasons for the granting of planning permission. For further details on the decision, please see the application report under the above reference.

PART REFUSAL

South Gloucestershire Council in pursuance of powers under the above mentioned Act and Regulations, hereby expressly REFUSE consent to:

APPLICATION NO: PK08/0638/ADV

DESCRIPTION OF DEVELOPMENT: Display of one ‘The Lawns’ lettering the North-eastern elevation of outbuilding – sign B
Display of 3 wall mounted logo signs – signs E

APPLICANT: Marstons Plc

LOCATION: Lawns Inn, Church Road, Yate, South Gloucestershire, BS37 5BG

REFUSAL REASONS

1. The proposed Taverners Carvery picture logo signs (signs E) are considered to be detrimental to the character and appearance of the buildings upon which they are displayed and detrimental to the visual amenity of the area. The signs would appear alien to the buildings fabric and would spoil the appearance of a good building. These elements of the proposal are thus contrary to the requirements of PPG19, and Policy L19 of the South Gloucestershire Local Plan (adopted) January 2006.
2. The proposed 'The Lawns' lettering (Sign B) located on the north eastern elevation of the outbuilding is considered to be detrimental to the character and appearance of the building upon which it is displayed and detrimental to the visual amenity of the area. The sign would contribute towards visual clutter and would detract from the appearance of the site. This element of the proposal is thus contrary to the requirements of PPG19 and Policy L19 of the South Gloucestershire Local Plan (adopted) January 2006.

CIRCULATED SCHEDULE NO. 16/08 – 18 APRIL 2008

App No.: PT07/3637/O

Applicant: J Ross Tetris
Developments Let

Site: 66 North Road, Winterbourne, South
Gloucestershire, BS36 1PX

Date Reg: 14th December
2007

Proposal: Demolition of existing dwelling to
facilitate erection of 6 no. dwellings
(Outline) with layout, scale and access
to be considered. All other matters to
be reserved.

Parish: Winterbourne Parish
Council

Map Ref: 65693 81062

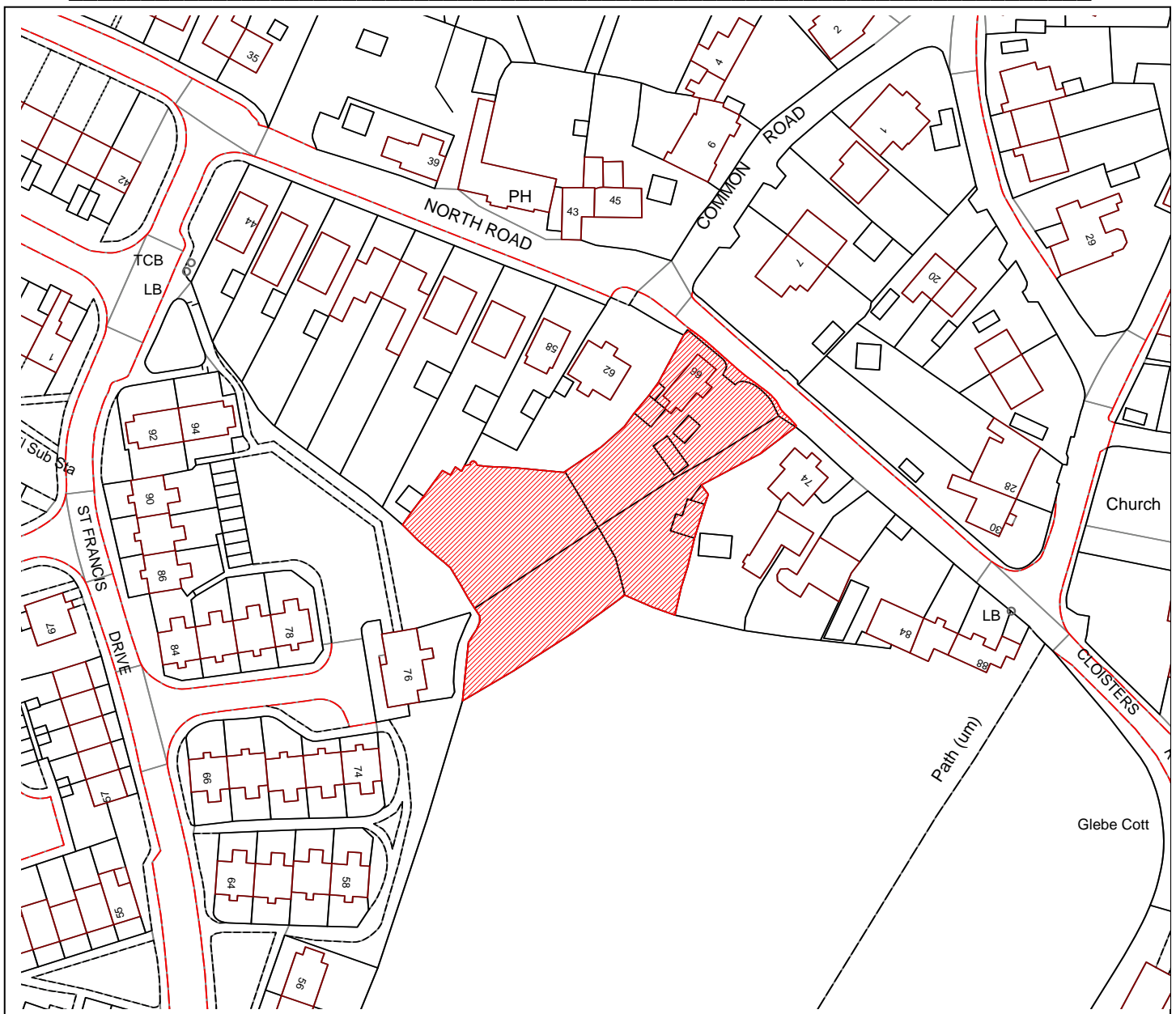
Ward: Winterbourne

Application Category: Minor

Target Date: 7th February 2008

Category:

Date:



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100023410, 2008.

DC0901MW

1. THE PROPOSAL

- 1.1 This is an outline application for the erection of six houses, which involves the demolition of the existing cottage on site. The site area is 0.25Ha and vehicular access would be achieved from North Road. Layout (previously siting), scale (previously design) and means of access are to be determined under this application whilst external appearance and landscaping are reserved for a further application.
- 1.2 All materials and enclosure details have been reserved for future consideration. The application forms states that the surface and foul drainage will be by mains sewer. There will be a total of sixteen car parking spaces (seven garages) and the height of development will be 9.2m high.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

2.2 Development Plans

Adopted 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
Policy 35	Housing Density

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
H2	Residential Development
H4	Development in residential curtilages
H6	Affordable Housing
T7	Cycle Parking
T8	Vehicle Parking
T12	Transportation Development Control Policy
LC2	Education Provision
L1	Landscaping
L15	Local Listing
L5	Open areas within the defined settlement
GB1	Green Belt

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Supplementary Planning Document)
Adopted 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT04/3487/F Demolition of existing dwelling to facilitate erection of six dwellings and associated works on 0.25 hectares of land. Refused due to lack of education contribution, lack of affordable housing, loss of a locally listed

building and design. However at the Appeal Hearing only the first two reasons for refusal were upheld.

- 3.2 PT07/2254/O Erection of 1 no. detached dwelling (outline) with siting/layout, scale and access to be considered and all other matters reserved, Approved.

4. **CONSULTATION RESPONSES**

4.1 Winterbourne Parish Council

Objection,

1. Overdevelopment of the site.
2. Councillors are concerned about access to the development.
3. Bungalows would better suit the site.
4. New development would be overbearing.
5. None of the issues previously raised by residents have been addressed and new issues have arisen.
6. Inadequate net gain of parking spaces (8).
7. The lack of parking spaces will result in more parking on the narrow road.
8. A traffic survey should be carried out by South Gloucestershire Council during peak times.

4.2 Transport

A traffic survey has been requested by the Parish Council but it is very rare that a Highway Authority would themselves undertake a traffic survey as part of the appraisal of a planning application. That said, we can ask the developer to undertake a traffic count survey as part of either a "Transport Statement" (over 50 dwellings) or "Transportation Assessment" (over 80 dwellings). This site (6 dwellings) clearly falls well below the threshold at which we could request a traffic survey.

Consideration needs to be given to what the traffic count would actually achieve and I would only ask for one if I was concerned about the impact additional development traffic on a nearby junctions. Following on from the traffic count an analysis of that junction would be modelled by a computer programme. This scenario is not applicable in this case given the level of development traffic.

To mitigate against the incremental increase in traffic we have a policy of requesting a financial contribution in the North Fringe Area (Winterbourne falls just outside) and then investing this money back into a larger public transport scheme. Demonstrating that a road serving a site is busy at certain times is in itself insufficient grounds to refuse an application. In urban area a certain amount of congestion is anticipated and unavoidable during peak hours. Any inconvenience is largely going to be restricted on-site, with users having to wait for a gap in the traffic to exit but this will not significantly affect with the free flow of traffic.

The level of parking provided at a ratio of 1 per 2 bed dwelling and 2 per 3/4/5 bed dwelling is satisfactory. The access road is 2-way capable and so occasional visitor parking could take place on the access road without causing congestion. Turning facilities provided for service vehicles is also now satisfactory.

No transportation objection is raised but informatives are suggested to highlight issues related to the fact that the access road will not be adopted by the council and that the point of access with the adopted highway should be constructed to the full and final satisfaction of the Street Care Manager.

4.3 Wessex Water

Located in a foul sewer area and a point of connection should be agreed with Wessex Water prior to commencement for foul flows but surface water should not be discharged to the foul sewer. The Council to be satisfied with other such disposal of surface water.

Private foul and surface water drains allocated within the site area are not the responsibility of Wessex Water.

Bristol Water company supplies water in the area.

A public foul sewer is located in North Road and diversion or protection works may need to be undertaken.

4.4 Bristol Water

No objection

4.5 Environmental services

No objection. Standard informatives

4.6 Drainage Team

No objection subject to SUDS condition and informative regarding run off.

4.7 Local Residents

Letters of objection from 12 local households have been received in respect of the following matters

- narrow road
- overlooking
- insufficient parking in area now and on plan
- funding writer to widen own driveway
- overdeveloped
- plots too close to the well and road, leading to concerns about safety of the well when construction begins
- loss of existing house
- overbearing
- not good transport connections, poor service into Bristol and on to the west
- property is still viable as a house
- North road , Common Road and Factory Road is low density contrary to applicants statement using St Francis Drive.
- Inconsistencies in plans (floor plan area on Site plans to more detailed plans)
- narrow roads
- poor visibility
- impede emergency vehicles
- demolition will mean rubble going to landfill
- contrary to PPS 3 para. 16
- loss of quality of life
- contrary to Joint Replacement Structure Plan

- too dense
- safer route to school
- hazardous junctions made more hazardous
- access passes patio area causing noise and pollution.
- concern about sewerage blockage
- Suggest screening of development from north road
- suggest parking restrictions
- none of the issues raised on the previous scheme have been dealt with.
- the site is not brown field
- inaccuracy of application form
- independent traffic survey needed at busy times.
- rural traffic on road which also used as a rat run
- additional movements unacceptable
- poor street lighting but non wanted
- site plan does not show new house opposite
- overlooking into 74 North Road
- application should not be dealt with unless by committee.
- there has also been an application for a block of flats at Salem Road
- loss of quirkiness of area
- revised location of front boundary wall, back to its original position (to gain access to front doors, restricting view to North Road)
- Given that there are several new 4/5 bed houses in the immediate vicinity that have been on the market in excess of eight months (letter dated 29/1/2008) why is it necessary to demolish a locally listed cottage to replace with new houses?

An email was also received on behalf of Merlin Housing Association

- Querying use of paddock as brown field.
- The boundary along 76 St Francis Drive is unkempt and the hedge and trees are encroaching on Merlin land, overshadowing the garden.
- There should be no gates onto this land from the site.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site lies within the development boundary of Winterbourne and part of the site is a residential curtilage whilst the rest of the site appears to have been paddock/agricultural land associated with the house. This is a windfall site within the settlement boundary and falls under Policy H2.

- 5.2 Policy 34 of the Adopted Joint Replacement Structure Plan states that there is a priority for development of vacant or derelict land or buildings or the re-use of previously developed land amongst other types of site in relation to the locational strategy in Policy 2. Policy 35 supports the need to consider the size and range of housing appropriate to each site. Policy 1 sets out guiding principles for development which include improving the sustainability of rural communities by providing for small scale local development which enhances their economic and social vitality and improves their accessibility by modes of transport other than by the car, while maintaining their character and distinctiveness. Policy 2 would permit limited development on the site providing that it is appropriate in character, setting and accessible to local facilities and employment.

- 5.3 In considering the density of the site the application has been assessed against the guide in PPS 3 and against the surrounding land use density. PPS3 promotes densities between 30 and 50 dwellings per hectare and where good transportation links and services occur a higher density can be achieved. The density of this site is calculated at 24 dwellings per hectare which is at the lower end of the density scale to the groups of houses around the site at between 22.5-32 dwellings per hectare. The proposed density is outside of the desired 30-50 dwellings per hectare range sought by PPS3 but this needs to be balanced against other considerations such as access and amenity which are considered later.
- 5.4 This application would increase the number of houses on site by five, within the village development boundary of Winterbourne and therefore the first issue to be tested, against the policies listed above, in the light of all material considerations, is the principle of development. Policy H2 permits such development providing that criteria relating to environmental and transportation effects, residential amenity and density considerations and provided that the site would not be subject to unacceptable pollution or place undue strain on public facilities. In addition to this Policy H4 seeks to ensure that the proposal respects the surrounding character and that adequate private amenity space is provided for any new dwelling.
- 5.5 As such the principle of the development is acceptable subject to further consideration under the following headings:
- 5.6 Impact on the Green Belt
The site adjoins but is not in the Green Belt. The houses will be visible through a line of trees in the adjacent field from the Green belt. The houses do not encroach on the green belt as they are clearly within the settlement boundary and will not have an adverse impact on the visual amenity of the greenbelt. As such the application does not conflict with policy GB1.
- 5.7 Transportation
The maximum number of houses feasible on this site is six and the highways team are satisfied with the level of parking spaces, turning head and visibility splay. Conditions are imposed to restrict the height of the walling to the entrance of the site (1m), provide a bound surface and provide details of a management committee.
- 5.8 Visual Amenity
Two older style houses and a field bound the site on the east and on the west the site adjoins one modern house and the rear garden to another modern house. At the south of the site the boundary adjoins Council sheltered accommodation and the wardens house.

The cottage itself is a painted rendered house, which during the course of the previous application was locally listed but is not worthy of English Heritage listing. The building forms part of a street scene made up of old and more modern houses around a narrow and historic street layout. Whilst it may be preferable to retain locally listed buildings they have no statutory protection and if its replacement were to be of a high design standard, the demolition of the house and its replacement could be seen as a gain to visual amenity of the area.

5.9 This issue was tested at the Appeal Hearing to the previously refused scheme and the Inspector said “ (66 North Road) although locally listed it is not in itself of particular architectural or historic merit. The proposed development would include a house on the North Road Frontage that would have a similar relationship to the street as no. 74 and would be consistent in height with buildings to each side. Importantly, given its proposed prominent location on the curve of the street and at the entrance to the site, the building would also have a gentle but composed vernacular appearance on both its public facades. If well detailed and constructed of high quality materials the building in my view would make a sufficiently positive contribution to the appearance of the street to mitigate for the loss of the existing house and in combination with the retained front boundary wall, incorporating the historic well, would integrate successfully with the older housing adjoining it”.

The differences between the applications are not so significant as to be able to ignore the Inspectors comments. In particular with respect to the Inspectors comments the walling at the front of the site near the well is very similar, as is the building line of the house in relation to the street and the general appearance of the house. Whilst plot one now offers a pair of semi-detached two bedroomed houses instead of one five bedroomed house its presence in the street scene is similar with a similar 8.5m high ridge but with a deeper plan to the houses. The properties are located closer to No 74 North Road as a more open frontage to the site is now proposed.

The design of the currently proposed street scene does not vary considerably from the previous scheme and the materials are to be controlled by condition as they do not form part of this application.

5.10 The application is based on the original scheme in which the council’s urban design team were consulted with regard to the form, layout and design of the buildings and as a result the scheme accords with the following design principles:

- a less engineered road surface, with buildings defining the edge of the footway/road. This has created a courtyard.
- A linked form of development within the site which uses garden and boundary walls to integrate the dwellings with one another.
- Reduced fenestration facing existing properties by rotation of units and limitation of the height of plot two.
- More variety of built form and street scene.

5.11 The resulting scheme is considered sufficient to mitigate for the loss of the characterful and distinctive cottage.

It is considered that a development subject to the later submission of appropriate reserved matters complies with policies D1, H2 and L15 of the local plan and that a refusal on the basis of policy L15 (historic buildings) would not be justifiable.

5.12 Privacy and Residential amenity

The design of the scheme is such that there is no material loss of privacy or physical impact of the building on the neighbouring houses. There is a gap of over eight metres between 74 North Road and the new houses at plot one and whilst there are small windows on that side of the house the proposal is not considered to harm the amenity within that house. Further no overlooking would occur. Plot two has been lengthened since the previous application but

retains the one and a half storey appearance and high level roof windows at first floor which prevents overlooking in to the adjacent properties. It is widely accepted within this Council that back to back distances should be a minimum of 20 metres apart. Plot four is located twenty metres from the Wardens property in St Francis Drive. The houses are angled slightly apart and an existing tree screen also defines the boundary. The removal of permitted development rights further secures the privacy and amenity of neighbouring dwellings.

Detailing of boundary enclosures within and on the extremes of the site can be appropriately controlled by condition. Similarly whilst there is little existing vegetation worthy of retention the existing and proposed landscaping scheme will be submitted as a reserved matters application.

5.13 Education

The education team are seeking a contribution of £27,720.60 for two secondary school places and the agent has confirmed acceptance. This will be secured via a S.106 Agreement.

5.14 Affordable Housing Requirements

Policy H6 of the South Gloucestershire Local Plan (Adopted January 2006) in line with guidance given in PPS3 states that the Council will seek an element of subsidised affordable housing without any public subsidy to meet local needs on all new housing development within a Rural Area of 5 dwellings or more (or where the site is 0.2 hectares or more). This proposal therefore falls within this category.

In line with the policy, Officers have negotiated with the applicant on the basis that the development should achieve 33.3% affordable housing to provide for those who cannot afford to rent or buy houses available on the open market. The requirement on this basis is for 2 units to be affordable being 1 social rent and 1 intermediate affordable unit delivered as shared ownership. Other requirements are that 100% of initial occupants should be nominated by South Gloucestershire Council and the development should achieve level 3 of the Code for Sustainable Homes, Lifetime Homes standards and Secured By Design. The development must also comply with the latest Housing Corporation standards applicable at the time of that the S106 is drawn up.

Delivery of the affordable housing is preferred through a partnering Registered Social Landlord (RSL) In the event of the developer choosing a RSL from outside of these partnerships then the Council will set the detailed management standards that will be required. The affordable housing is built at the same time as the rest of the housing and the completion time shall be agreed and be included within the final Section 106 agreement, social rents to be set at target rent and to be retained as affordable housing in perpetuity. Right to Acquire does not apply where no public subsidy provided.

The annual rent on the equity retained by the RSL shall be no more than 1% of the unsold equity. No more than 40% of the market value shall be payable by the purchasers so that the units can go to those in need of intermediate housing. As the development falls within the rural area priority will be given to people with a local connection and any staircasing will be restricted to 80% in order to retain the property as far as possible for local people. Any capital receipts on intermediate housing to be recycled as capital expenditure on

approved affordable housing schemes in South Gloucestershire, on the basis that the subsidy increases by any capital appreciation on that subsidy

The applicant has agreed to the above terms/criteria and the affordable housing will be: Plot 1A 2 bed 4 person house at 76.5sqm and Plot 1B 2 bed 4 person house at 76.5sqm

Subject to the signing of an appropriate agreement (Section 106) to cover the above requirements, the proposed development is considered in accord with Policy H6 of the South Gloucestershire Local Plan (Adopted January 2006) and PPS6.

5.15 Energy Efficiency

As a result of the two affordable homes being provided on the site a third of the site will meet level three of the Code for Sustainable Homes.

5.16 Other issues

Concern about sewer blockage has been raised as a result of neighbour consultations. The care of/ relocation of private sewers within the site is a matter for the developer to deal with in accordance with existing legal arrangements. The sewerage resulting from the proposed houses should planning permission be granted the site would be expected to provide details of drainage including a Sustainable Urban Drainage Scheme for flood prevention and this would need to be agreed prior to development commencing. A condition is recommended.

With regard to the neighbours comments one writer seeks funding to alter own driveway due to perceived parking on North Road. The highways team has already advised that the proposed road is likely to be able to accommodate casual parking, being capable of two way traffic and as such if additional parking were required it appears more likely that visitors to the site would park there than on North Road. If a road hazard occurs then yellow road markings could be considered but this is not considered to be a matter for this application. Further the scheme currently shows solid walling and as such there is no direct pedestrian access from North Road. With regard to construction safety for the well, this is a matter for the developer to consider which enhances their site but a condition is also recommended which requires the developer to retain and extend the walling around the well.

There is comment from neighbours that the original house is still viable but it is not for the Council consider this matter or to stifle appropriate redevelopment of sites even if the original house is viable as a house. Neither is appropriate to consider the need for open market housing.

There is concern that the new vehicle movements will cause noise and pollution to the patio area at 62 North Road. The limited number of vehicle movements likely to take place when a patio is in use is not considered to cause a material loss of amenity. There is concern that rubble from the demolished house will go to landfill but this need not be the case and this planning application is not the vehicle by which to determine that matter.

5.17 Design and Access Statement

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

5.18 Section 106 Requirements

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

6. CONCLUSION

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

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

- a. A financial contribution of £27,720.60 for two secondary school places

Reason

To provide two secondary school places in accordance with Policy LC2 of the South Gloucestershire Local Plan (Adopted) January 2006

- a. The provision of 2 units to be used for subsidised affordable housing, 1 for rent, with 1 shared ownership unit.

Reason

In accordance with Policy H6 of the South Gloucestershire Local Plan (Adopted) January 2006 which seeks to provide a mix of house tenures.

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

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

Background Papers PT07/3637/O

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

CONDITIONS

1. Approval of the details of the appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason(s):

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

2. Plans and particulars of the reserved matters referred to in the condition above, relating to the appearance of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason(s):

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

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason(s):

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

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason(s):

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

5. The hours of working on site during the period of construction shall be restricted to 8am -6pm Monday-Friday; and 8am-1pm on Saturdays with no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason(s):

To minimise disturbance to occupiers of nearby dwellinghouses and to accord with Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. No development shall take place until the Local Planning Authority has been provided, and approved in writing, an initial design stage assessment by an accredited assessor for the Code for Sustainable Buildings and an accompanying interim certificate stating that at least two residential buildings (to include the affordable homes) has been designed to achieve Level 3 of the Code (or such national measure of sustainability for house design that replaces that scheme). Each residential building shall then be subject to a post-completion check by the assessors and issue of a final Code certificate of compliance prior to the first occupation.

Reason(s):

To ensure the development minimises the use of energy and natural resources as required by PPS1 and its draft supplement Planning and Climate Change, South Gloucestershire Local Plan Policy D1, the South Gloucestershire Design Checklist, and the draft Regional Spatial Strategy for the South West of England Policy G.

7. 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 L17 and L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

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

9. The walling and well walling to the front of the site shall be protected from damage during construction and continued in accordance with the indication on 024E in order to enclose the site from North Road.

Reason(s):

To ensure the satisfactory external appearance of the development in the interests of visual amenity, to discourage parking on North Road and to accord with Policy D1, H2, H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. Prior to occupation an area measured at the point of access, 2.4 metres from the nearside carriageway to the extremities of the site frontage shall be cleared of obstruction to a height of 1 metre above the carriageway. The visibility splay shall be thereafter maintained free of obstruction.

Reason(s):

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

11. Prior to occupation the first 6 metres of the access crossing shall be formed of a bound material to the satisfaction of the Streetcare Manager.

Reason(s):

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

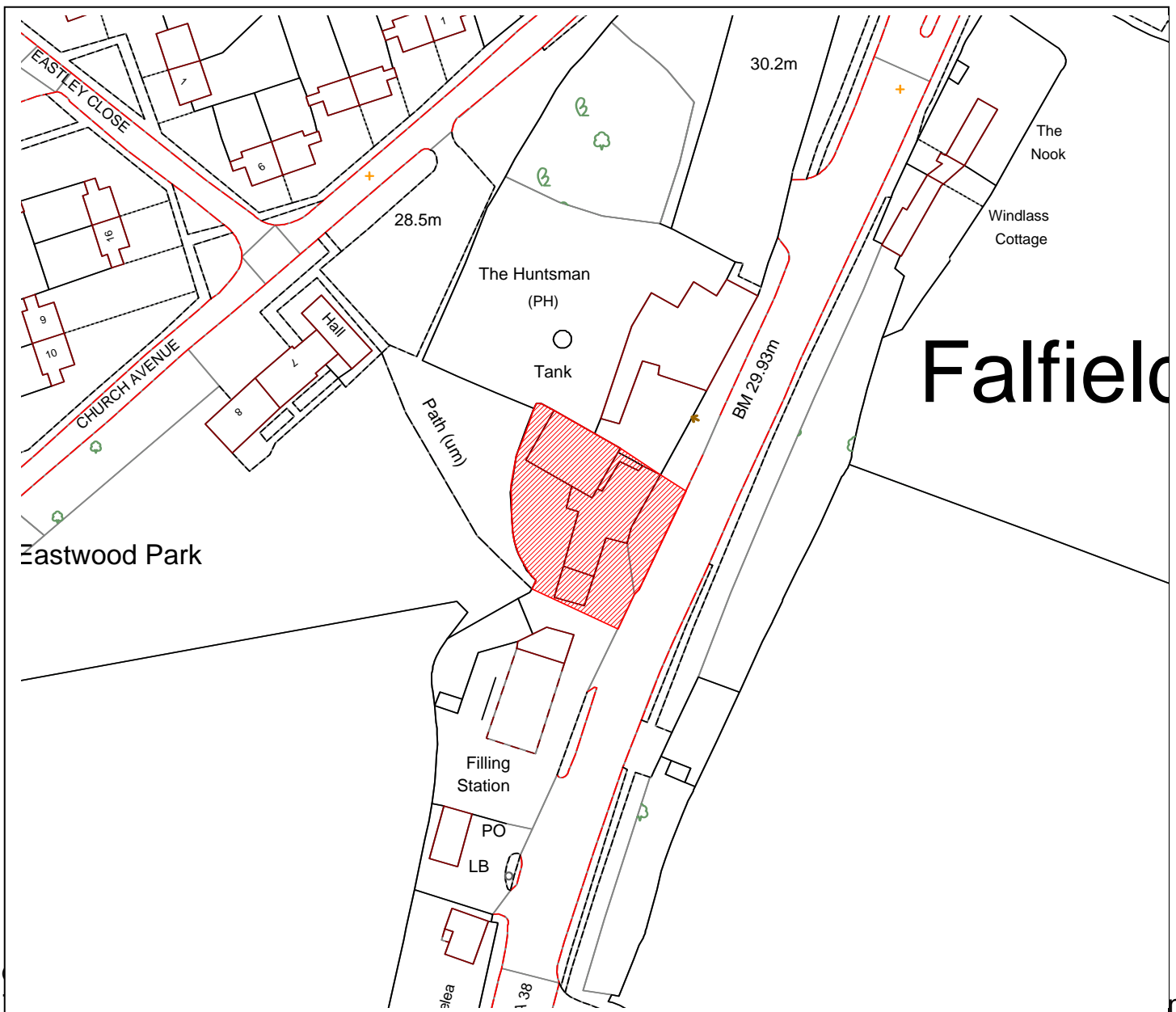
12. Prior to occupation details of a private management company including a schedule of maintenance for the private street will need to be submitted to and approved by the Highway Authority.

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. 16/08 - 18 APRIL 2008

App No.:	PT08/0660/F	Applicant:	Mr P King King Properties
Site:	Falfield Garage, Bristol Road, Falfield, South Gloucestershire, GL12 8DF	Date Reg:	11th March 2008
Proposal:	Conversion of existing buildings including partial demolition and re-building to form 3 No units to include Class B8 (storage and distribution) and B1a (offices) as defined by the Town & Country Planning (Use Classes) Order as amended 2005.(Re-Submission of PT07/3591/F)	Parish:	Falfield Parish Council
Map Ref:	68250 93114	Ward:	Charfield
Application Category:	Minor	Target Date:	29th April 2008



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DC0901MW

This application appears on the Circulated Schedule in view of the letter of objection received from a neighbouring resident.

1. THE PROPOSAL

- 1.1 The application seeks permission for the partial demolition and extension of existing single-storey and two-storey buildings to provide three units providing Class B8 (storage and distribution) and B1a (office) accommodation.
- 1.2 The application site comprises the former Falfield garage site on the western side of the A38, Falfield. The buildings stand within the settlement boundary and outside of the green belt.
- 1.3 The application follows discussions with the agent an attempt to overcome the concerns raised in respect of the previous scheme submitted late last year and subsequently withdrawn.
- 1.4 Amended plans form part of this submission allowing velux roof lights to the side elevation in lieu of the originally proposed dormer windows.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1: Delivering Sustainable Development
PPG4: Industrial and Commercial Development and Small Firms
PPG13: Transport
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Quality Design in New Development
E3: Employment Development within the Settlement Boundaries
T8: Parking Standards
T12: Transportation Development Control Policy for New Development
EP6: Contaminated Land
- 2.3 Supplementary Planning Guidance
Design Checklist

3. RELEVANT PLANNING HISTORY

- 3.1 N6570: Erection of M.O.T testing bay. Refused: 11 September 1980
- 3.2 N6570/1: Use of building for showroom, stock room and shop for the sale of motor vehicle parts and accessories. Permitted: 1 July 1982
- 3.3 N6570/2: New canopy to petrol filling station over existing pump islands. Permitted: 21 October 1982
- 3.4 P88/1228: Single-storey addition to provide store, laundry & food preparation area; internal alterations; external fire escape. Permitted: 8 September 1988

- 3.5 P89/1115: Redevelopment of existing petrol filling station forecourt. Permitted: 19 November 1989
- 3.6 PT00/1226/F: Rebuild boundary wall, re-roof & extend workshop (retrospective) Refused: 4 July 2000
- 3.7 PT01/0669/F: Single-storey rear extension. Permitted: 17 April 2001
- 3.8 PT01/1186/ADV: Display of illuminated double sided freestanding advertising display unit. Permitted: 8 June 2001
- 3.9 PT00/2372/F: Extension to workshop and re-roofing; erection of boundary wall. Withdrawn: 14 October 2005
- 3.10 PT07/3591/F: Partial demolition of existing buildings, erection of commercial units & conversion of existing dwelling to form three units to include B8 (storage and distribution) and B1a (offices). Withdrawn: 15 January 2008

4. **CONSULTATION RESPONSES**

4.1 Falfield Parish Council
No comments received

4.2 Other Consultees

Environmental Services: the history of the site as a garage means that there is the potential for land contamination thus condition ECO6 should be attached. A condition should also be attached controlling operating/ delivery hours

Highways DC: no objection subject to the following conditions:

- o Prior to occupation the parking spaces shall be marked out & subsequently kept available for that purpose;
- o Prior to occupation, detailed plans showing the undercover cycle area shall be submitted to and approved in writing by the Local Planning Authority and retained thereafter for that purpose.

Technical Services (Drainage): no objections in principle

Other Representations

4.3 Summary of Local Residents Comments

Four letters received expressing the following concerns:

- o Vehicular movements outside the storage yard to the adjoining public house are opposed;
- o Noise levels might interrupt the sleep patterns of customers thus adversely affecting business levels at the adjoining public house;
- o King Scaffolding operate a site in Barton Hill which is incredibly noisy and visually unpleasant (residents believe that scaffolding will be stored on site);
- o Falfield is not an industrial estate;
- o Additional traffic will cause additional noise/ pollution;
- o It will negatively impact personal health problems (one resident);
- o The A38 is dangerous here and there have been several fatal accidents;
- o Parking vehicles outside of the village shop/ garage cause problems;
- o There is a blind spot along the A38 when approaching from the south;
- o Highway problems will be exacerbated by lorries unloading scaffolding;

- Parking space to the front is narrow and adjacent to the pavement;
- More children will be using the adjacent footpath when the new playground is opened;
- The raised height of the build will be out of character with the surrounding area whilst the view of the church will be decreased when travelling north;
- It is understood that the scaffold business might operate at all hours;
- There are other applications within the vicinity that will also increase traffic.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning policy E3 advises that proposals for employment development within the settlement boundaries including extensions, conversions and the reuse of existing buildings will be permitted provided that:

- Development would not have an unacceptable environmental impact; and
- Adequate provision is made for servicing and delivery requirements and development would not give rise to unacceptable levels of vehicular traffic, especially heavy goods vehicles, or on street parking, to the detriment of the amenities of the surrounding area and highway users; and
- Development would not prejudice existing residential amenity; and
- The character of the area/ settlement would not be adversely affected; and
- The maximum density compatible with the site's location; its accessibility and its surroundings is achieved; and
- In the case of travel intensive B1 office development, the site is well served by public transport.

5.2 Policy T12 cites that development (in terms of transportation) will be permitted provide that it (here considered relevant):

- Provides adequate safe, convenient, attractive and secure access and facilities for pedestrians, cyclists, and people with disabilities; and
- Provides safe access capable of accommodating the motorised traffic generated by the proposal; and
- Would not create or unacceptably exacerbate traffic congestion, or have an unacceptable effect on road, pedestrian and cyclist safety; and
- Would not generate traffic that would unacceptably impact upon residential amenity or other environmentally sensitive areas in terms of noise, vibration and air quality; and
- Provides safe, secure and convenient on-site loading, unloading and waiting facilities.

5.3 Design/ Visual Amenity

The application site forms some 0.1Ha comprising a mix of single-storey and two-storey rendered buildings fronting the main road (A38) with a steel framed workshop behind. The site has previously formed a garage providing exhaust and motor services, offices, light industrial uses and a residential unit with the owner of the garage living within the property contained on the site.

5.4 The proposal would allow various building works to facilitate the change of use of the premises into three separate units providing B1 (office) and B8 (storage and distribution facilities). In so doing, unit 1 would comprise the smallest unit of accommodation formed within the single-storey building at the far southern end of the application site. Unit 1 would provide office facilities with building works limited to the demolition of an internal wall and the formation of a pitched roof above this flat roofed single-storey building.

- 5.5 Unit 2 focuses on the original central section of the premises (previously office and residential) with this refurbished to provide further office accommodation on two levels. The existing roof would be replaced due its poor condition with the new roof raised slightly. The central entrance to the existing property would also be removed with access provided through doors within the existing forward projecting front gable addition.
- 5.6 The bulk of the building works be concentrated on unit 3 with this the largest unit of accommodation providing storage and office facilities. In this regard, the front part of the existing building would be demolished and replaced with a new two-storey structure. This would be built to a similar footprint and with the ridge of unit 2 continued to encompass this element of the build. Internally, at ground floor the proposal would provide storage accommodation (including the existing steel framed building behind) with office accommodation above.
- 5.7 In view of the above, it is noted that both the size and massing of the proposal has been substantially reduced when compared with the previously withdrawn scheme with a three-storey building having been proposed. In this regard, it was noted that the application site sits within a semi-rural location with all other buildings restricted to two-storeys in height; as such pre-application discussions have focused upon retaining the form and massing of the existing building.
- 5.8 In the light of the above, the existing building would be largely retained as part of this proposal with the majority of the works proposed considered to enhance its appearance. Accordingly, the proposal is now considered better suited to its site and locality and thus there is no planning objection on this basis.
- 5.9 Residential Amenity
The application site forms a line of ribbon development along this side of the A38 and benefits in view of the limited number of residential properties within close proximity of the site. In this regard, Falfield Cars (former Falfield filling station) sits immediately south of the application site with the office contained within the former kiosk/ shop building adjacent to the site boundary. An area of open space (Eastwood Park) adjoins the rear site boundary.
- 5.10 The Huntsman Public House stands to the north of the application site with this positioned away from the shared boundary. Nevertheless, bed and breakfast accommodation (associated with the public house) stands between provided within converted stables. In this regard, it is noted that the new build would stand adjacent to this bed and breakfast facilities with the originally proposed dormers overlooking this single-storey build and facing the Huntsman public house. Existing windows in the Huntsman public house face this direction.
- 5.11 In view of the above, amended plans have been received providing velux roof lights in lieu of the two dormer windows. As such, it is not considered that any significant adverse impact would be caused to these adjoining occupiers.
- 5.12 There are no other buildings or residential properties within close proximity of the proposal and thus there is no objection to the proposal on this basis.
- 5.13 Highway Safety
The application site is located off the A38 whilst given its rural location; it is anticipated that almost all users would travel by car; parking provision should therefore closely accord with the Councils maximum standards. In this regard, insufficient turning space was afforded by the previous scheme thus the three

car parking spaces at the front of the site were discounted. Further, the eight spaces shown to the rear of the site were considered to be insufficient and thus given that the proposal would have intensified the onsite activities, an objection to the proposal was raised on this basis. Concerns were also expressed given that the site cannot cater for HGV's and other service vehicles.

5.14 The building has now been scaled down with the proposed different uses now clearly defined. The level of parking provision is now acceptable although each space would need to be marked out to optimise the car parking space available and discourage indiscriminate car parking. Bin and cycle storage facilities have also been introduced although the bins would need to be moved to the front of the site for collection; this is considered to be acceptable on a commercial site.

5.15 The application site does not cater well for service vehicles; particularly in view of the proposed storage and distribution unit. Nonetheless, given that a garage currently operates from this site within a similar floor space, it is not considered that this proposal would be any more onerous in terms of vehicular movements: if existing and proposed uses were at full capacity, a comparable level of traffic generation is anticipated.

5.16 In view of the above, there is no transportation objection to the current proposal subject to those conditions as detailed.

5.17 Design and Access Statement

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

5.18 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Planning Permission is **GRANTED** subject to the following conditions:

Background Papers **PT08/0660/F**

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

CONDITIONS

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

Reason(s):

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

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

Reason(s):

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

3. The premises shall be used for B1 (office) and B8 (storage and distribution) in accordance with the plans hereby approved (with no interchanging of floor space) and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason(s):

To accord with Policies E3, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. No engineering works shall be undertaken or deliveries taken at or despatched from the site outside the hours of 07.30am to 18.00pm Monday to Friday and 08.00 to 13.00pm on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason(s):

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The off-street parking facilities shown on the plan hereby approved shall be marked out and 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.

6. The development shall not be occupied until secure undercover cycle storage has been provided in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority.

Reason(s):

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

7. The development hereby permitted shall not commence until the developer has submitted to the Local Planning Authority for its prior approval, the following information, detailing any potential land contamination and a proposed scheme of works:

- a) A preliminary investigation including a desk top study report detailing the history of the site and identifying risks to human health and the environment;

- b) A main investigation (if identified as being required) including a site investigation report documenting the types, nature and extent of contamination present, risks to receptors and potential for migration within and beyond the site boundary identified in the preliminary investigation. The investigations and assessments shall be in accordance with current Government and Environment Agency guidance.

- c) A detailed remediation scheme (if identified as being required) including a method statement and measures to be taken to avoid risk to human health and the environment, as identified by the desk top study and site investigation, from contaminants or gases.

8. The construction of buildings shall not commence until the Investigator has provided a validation report, which shall include confirmation that all remediation measures have been carried out fully in accordance with the scheme. The report shall also include results of the verification programme of post-remediation sampling and monitoring in order to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report. Persons undertaking validation of remedial works shall also provide a validation certificate.

Contaminated land investigations shall be undertaken by suitably qualified persons with demonstrable experience and qualifications associated with this type of work, and the level of investigation and reporting as detailed above.

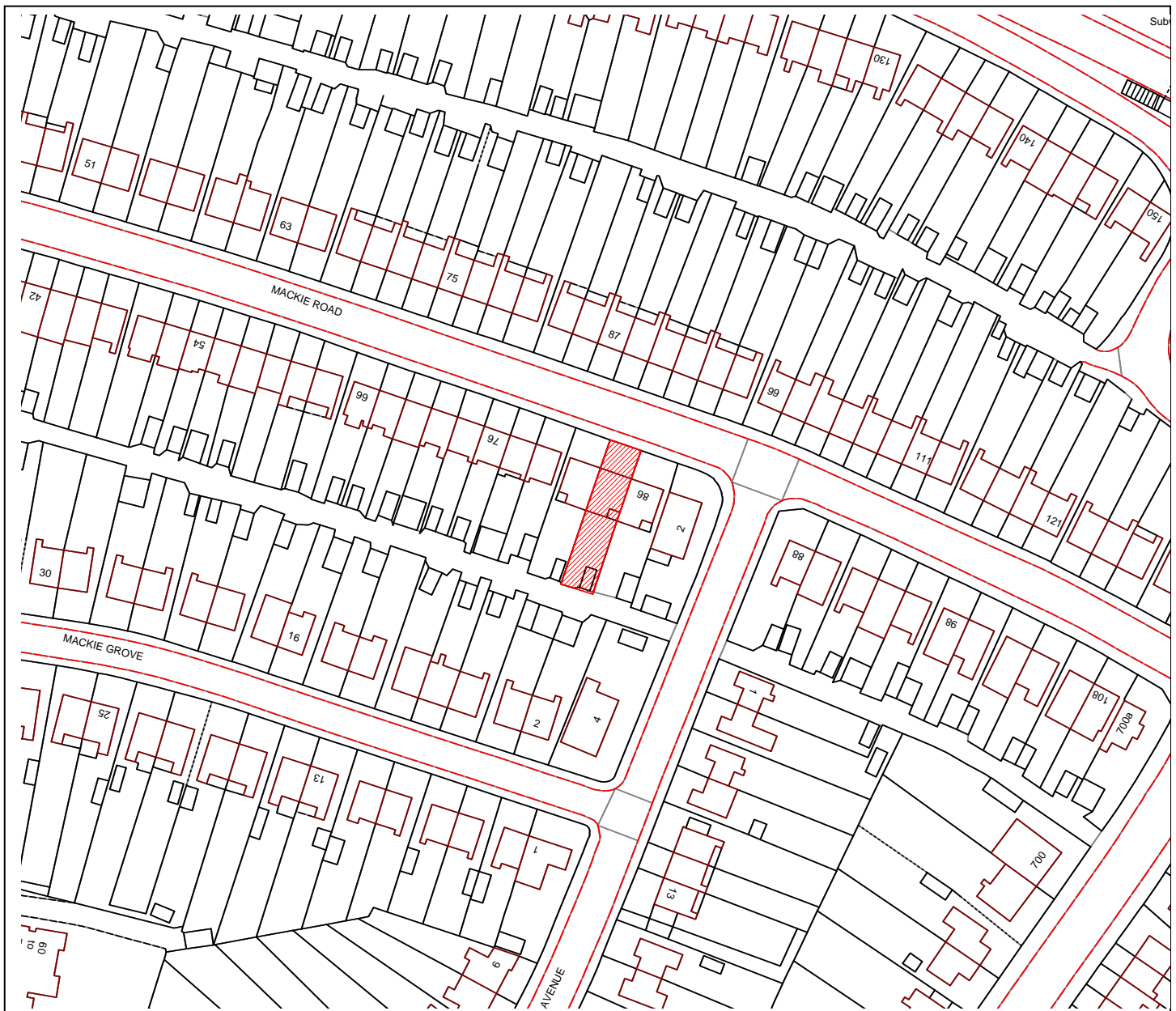
Reason(s):

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policies EP6 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 16/08 – 18 APRIL 2008

App No.: PT08/0754/F
Site: 84 Mackie Road, Filton, South Gloucestershire, BS34 7NA
Proposal: Erection of single storey rear extension to provide additional living accommodation. Erection of detached rear double garage.
Map Ref: 60772 78891
Application Category: Minor

Applicant: Mr J Lewis
Date Reg: 19th March 2008
Parish: Filton Town Council
Ward: Filton
Target Date: 7th May 2008



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This application appears on the Circulated Schedule because of the concerns raised by a local resident at 86 Mackie Road, Filton.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a single storey rear extension to provide additional living accommodation and the erection of a detached rear double garage. It is proposed that an existing garage would be demolished to facilitate the erection of the proposed rear double garage.
- 1.2 The site in question is a terraced property situated on the southern side of Mackie Road, which is located within the established residential area of Filton. The proposal consists of an extension to the rear of the property, which would project 3 metres into the rear garden and be 3.9 metres in height and 3.8 metres in width. The proposed double garage would be 6 metres in depth, 6.3 metres in width and 3.7 metres in height.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 Development within Existing Residential Curtilage
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

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

Other Representations

- 4.3 Local Residents
A resident of no.86 Mackie Road is concerned that the proposed extension might overlook their property.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development

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

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

5.3 Residential Amenity

The application site is situated on the southern side of Mackie Road. The terraced property is located between the two adjoining properties of no.86 on the eastern elevation and no.82 on the western elevation. The proposed extension would be situated to the rear of the property and would project 3 metres into the rear garden and be encompassed by a pitched roof. The proposed garage would be situated at the southern end of the rear garden of the host property and would be encompassed by a pitched roof.

5.4 The proposal for an extension includes a glass window and door in the southern and eastern elevations. In regard to this, the extension would not impact upon the residential amenity or privacy of no.82 Mackie Road. This is because no windows are proposed on the western elevation and a 6ft high boundary fence provides good enclosure. Correspondence was received by the occupant of no.86 Mackie Road expressing concern that they might be overlooked by the proposed extension. Notwithstanding this, the applicant is not extending to the full width of the host dwelling and there would be a gap of 3.2 metres from the extension to no.86 Mackie Road. Further to this, the extension would project 3 metres into the rear garden, which is considered a modest distance and would not be overbearing on the residential amenity of neighbouring occupiers. With regard to the above it is considered that the proposed extension, would not adversely impact upon the residential amenity or privacy of Nos.86 or 82 Mackie Road.

5.5 The proposed double garage would include glass doors and windows to the north and east elevations. A 6ft boundary fence would obscure the view of the garage somewhat from the rear access lane and it is considered that the proposed garage is at a suitable distance from other properties to avoid any adverse impacts on residential amenity and privacy.

5.6 Design/Visual Amenity

The proposal is modest in scale and fits with the character of the existing property. Its location to the rear of the building together with the chosen construction materials, which match the palette of materials displayed in the existing building, means that this is an appropriate addition to the dwelling and streetscene. The proposal is well screened from the public realm to the side and rear and therefore, there is no harm to the visual amenity.

5.7 In light of the above, it is considered that the proposed extension would respect the character and appearance of the existing dwelling and surrounding residential area in accordance with policy D1 and H4 of the local plan.

5.5 Design and Access Statement

A Design and Access Statement is not required for this application.

5.6 Section 106 Requirements

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

6. CONCLUSION

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

The 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 is GRANTED subject to the following conditions.

Background Papers **PT08/0754/F**

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

CONDITIONS

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

Reason(s):

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