



**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. 09/08**

**Date to Members: 29/02/08**

**Member's Deadline: 07/03/08**

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](mailto:PlanningApplications@southglos.gov.uk)

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

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

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

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

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

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

## CIRCULATED SCHEDULE

**DATE:29/02/08**

**SCHEDULE NO. 09/08**

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](mailto:Planningapplications@southglos.gov.uk).

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

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

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

**Please note: - Reason for Referral**

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

**SIGNATURE .....**

**DATE .....**

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

<b>Schedule Number</b>	<b>Date to Members 12 noon on</b>	<b>Members Deadline 12 noon on</b>
12/08	Thursday 20 March 2008	Monday 31 March 2008
18/08	Thursday 1 May 2008	Friday 9 May 2008
21/08	Thursday 22 May 2008	Friday 30 May 2008

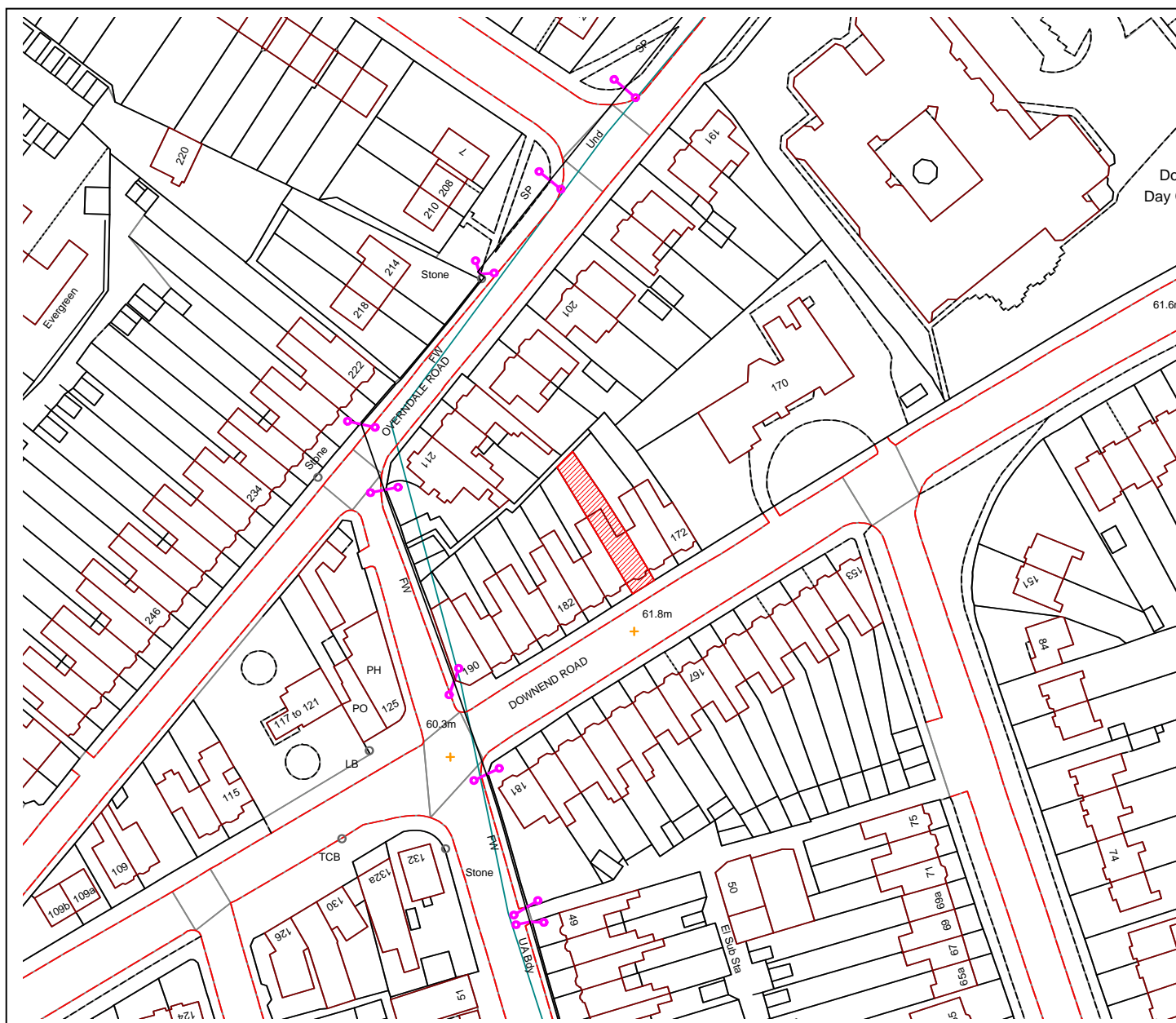
# Circulated Schedule 29 February 2008

ITEM NO.	APPLICATION NO	RECOMMENDATIO	LOCATION	WARD	PARISH
1	PK07/0661/F	Approve with conditions	176 Downend Road Downend South Gloucestershire BS16 5EB	Downend	Downend and Bromley Heath
2	PK07/2726/F	Approve with conditions	Wilson and Sons (Engineering) Ltd Morley Road Staple Hill South Gloucestershire BS16 4QT	Staple Hill	
3	PK07/3646/F	Approve with conditions	Land east of Alder Moor Way Longwell Green South Gloucestershire BS30 7TX	Longwell Green	Oldland Parish Council
4	PK07/3679/F	Approve with conditions	11 Lower Hanham Road, Hanham, South Gloucestershire, BS15 8HH	Hanham	Hanham Parish Council
5	PK07/3689/F	Refusal	Land between Crown Way and Crown Road off Tower Road North Warmley South Gloucestershire BS30 8YE	Siston	Siston Parish Council
6	PK08/0146/F	Approve with conditions	54 The Ride, Kingswood, South Gloucestershire, BS15 4SY	Kings Chase	
7	PK08/0152/CLP	Approve	Coach House Avenue House Street, Iron Acton, South Gloucestershire, BS37 9UH	Frampton Cotterell	Iron Acton Parish Council
8	PK08/0156/F	Approve with conditions	6 Castle Farm Road, Hanham, South Gloucestershire, BS15 3NJ	Hanham	Hanham Abbots Parish Council
9	PK08/0168/F	Approve with conditions	9 Rutherford Close, Longwell Green, South Gloucestershire, BS30 9XY	Longwell Green	Oldland Parish Council
10	PK08/0188/F	Approve with conditions	33 Northend Avenue, Kingswood, South Gloucestershire, BS15 1UD	Kings Chase	
11	PK08/0190/F	Approve with conditions	Land at rear of 71-75 Westerleigh Road, Yate, South Gloucestershire, BS37 4BN	Yate Central	Yate Town Council
12	PK08/0197/F	Approve with conditions	Land in Sheepfair Lane, Marshfield, South Gloucestershire, SN14 8NA	Boyd Valley	Marshfield Parish Council
13	PK08/0209/R3F	Deemed consent	Frome Bank Junior School, Tyndale Avenue, Yate, South Gloucestershire, BS37 5EX	Yate North	Yate Town Council
14	PK08/0225/F	Approve with conditions	2 Broad Street, Staple Hill, South Gloucestershire, BS16 5NX	Staple Hill	
15	PK08/0231/F	Approve with conditions	19 Forde Close, Barrs Court, South Gloucestershire, BS30 7HA	Parkwall	Oldland Parish Council
16	PK08/0249/F	Approve with conditions	Little Shortwood Farm Wickwar Road Yate South Gloucestershire BS37 6PA	Ladden Brook	Wickwar Parish Council

ITEM NO.	APPLICATION NO	RECOMMENDATIO	LOCATION	WARD	PARISH
17	<b>PK08/0253/F</b>	Approve with conditions	Folly's End Farm, Chippenham Road, Cold Ashton, South Gloucestershire, SN14 8JR	Boyd Valley	Cold Ashton Parish Council
18	<b>PK08/0282/CLP</b>	No objection	40 Maple Walk, Pucklechurch, South Gloucestershire, BS16 9RJ	Boyd Valley	Pucklechurch Parish Council
19	<b>PK08/0283/F</b>	Refusal	26-28 Hollyguest Road, Hanham, South Gloucestershire, BS15 9NW	Hanham	Hanham Parish Council
20	<b>PK08/0290/F</b>	Approve with conditions	15 Windsor Court, Downend, South Gloucestershire, BS16 6DR	Downend	Downend and Bromley Heath
21	<b>PK08/0301/F</b>	Approve with conditions	88 Poplar Road, Warmley, South Gloucestershire, BS30 5JU	Oldland Common	Bitton Parish Council
22	<b>PK08/0321/TRE</b>	Refusal	61 Adderly Gate, Emersons Green, South Gloucestershire, BS16 7DR	Emersons Green	Mangotsfield Rural Parish Council
23	<b>PK08/0338/F</b>	Approve with conditions	50 The Meadows, Hanham, South Gloucestershire, BS15 3PA	Hanham	Hanham Abbots Parish Council
24	<b>PK08/0377/F</b>	Refusal	The Meadows Church Road Bitton South Gloucestershire BS30 6LJ	Bitton	Bitton Parish Council
25	<b>PT08/0192/F</b>	Approve with conditions	St Mary's Roman Catholic School, Webbs Wood Road, Bradley Stoke, South Gloucestershire, BS32 8EJ	Almondsbury	Almondsbury Parish Council
26	<b>PT08/0204/F</b>	Approve with conditions	32 Gloucester Road North, Filton, South Gloucestershire, BS7 0SJ	Filton	Filton Town Council
27	<b>PT08/0312/F</b>	Approve with conditions	34 Kipling Road, Filton, South Gloucestershire, BS7 0QR	Filton	Filton Town Council
28	<b>PT08/0350/F</b>	Approve with conditions	56 Beesmoor Road, Frampton Cotterell, South Gloucestershire, BS36 2RP	Frampton Cotterell	Frampton Cotterell Parish Council

## CIRCULATED SCHEDULE NO. 09/08 – 29 FEBRUARY 2008

<b>App No.:</b> PK07/0661/F	<b>Applicant:</b> Mr S Akthar
<b>Site:</b> 176 Downend Road Downend BRISTOL South Gloucestershire BS16 5EB	<b>Date Reg:</b> 27th February 2007
<b>Proposal:</b> Conversion of existing dwelling to form 3no. self contained flats and associated works.	<b>Parish:</b> Downend and Bromley Heath
<b>Map Ref:</b> 64262 76352	<b>Ward:</b> Downend



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**N.T.S**

**PK07/0661/F**

## 1. **THE PROPOSAL**

- 1.1 This application seeks planning permission for the conversion of an existing 4 bedroom two storey dwelling to form flats. This application had originally applied for three flats but has been amended to two flats i.e a one and two bedroom flat.
- 1.2 The application site relates to a two storey terraced dwelling located within the established residential area of Downend.

## 2. **POLICY CONTEXT**

### 2.2 Development Plans

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

- D1 Design
- H2 Residential Development
- H5 Residential Conversions
- T8 Car Parking Standards
- T7 Cycle Parking
- T12 Transportation Development Control

### 2.3 Supplementary Guidance

SPD Design Checklist adopted August 2007

## 3. **RELEVANT PLANNING HISTORY**

- 3.1 No planning history relates to the application site:

## 4. **CONSULTATION RESPONSES**

- 4.1 Downend & Bromley Heath Council  
Object overdevelopment of this property.

### **Other Representations**

### 4.2 Local Residents

Two letters of objections have been received from local residents raising the following objections regarding the proposed development.

- No parking
- Three flats will create rubbish
- Change character

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy H5 of the South Gloucestershire Local Plan allows for the conversion of existing residential properties into smaller units subject to a number of criteria being satisfied.

### 5.2 Visual Amenity

The application site property relates to a two storey terraced dwelling. No extensions are required. It is considered that the proposed conversion would



not prejudice the character of the surrounding area. Objections have been raised on the grounds that a scheme for three flats will result in overdevelopment of the site. Members are advised to consider that this application has now been amended to 2 flats and it is considered that the proposed conversion would not result in overdevelopment of the site as the building and site are large enough to accommodate a conversion of this scale.

### 5.3 Residential Amenity

It is considered that the conversion of the existing dwelling into flats would not have an adverse impact on the existing amenities of neighbouring occupiers. The application proposes internal cycle facilities for the future occupiers of the ground floor flat and a condition will be imposed requiring the provision of cycle parking for the future occupiers of the first floor flat. In addition satisfactory levels of private amenity space will be provided at the rear of the site for the future occupiers of the ground floor flat. In addition bin facilities can be provided at the front, like most of the other properties along this row.

### 5.4 Transportation Issues

Objections have been received from local residents regarding the lack of parking for vehicles and existing parking problems. The proposal does not include any increase in footprint of the building and the conversion will be achieved simply by internal alterations. It is accepted by the Council that there is no off-street car parking facilities associated with the existing property and the proposal does not include any parking. Members are advised to consider that Downend Road is on a bus route and as such is considered sustainable. In view of all the above there are no highway objections to the proposal.

### 5.5 Design and Access Statement

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

### 5.6 Section 106 Requirements

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

## 6. CONCLUSION

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

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

## **7. RECOMMENDATION**

7.1 Planning permission be approved subject to the following conditions.

**Background Papers**      **PK07/0661/F**

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

### **CONDITIONS**

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

Reason:

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

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

Reason:

To 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.

# ITEM 2

## CIRCULATED SCHEDULE NO. 09/08 – 29 JANUARY 2008

### CIRCULATED SCHEDULE REPORT - UPDATE

<b>App No.:</b>	PK07/2726/F	<b>Applicant:</b>	Newland Homes Ltd &
<b>Site:</b>	Wilson and Sons (Engineering) Ltd Morley Road Staple Hill BRISTOL South Gloucestershire BS16 4QT	<b>Date Reg:</b>	6th September 2007
<b>Proposal:</b>	Demolition of existing factory to facilitate the erection of 43 no. dwellings with parking and associated works.	<b>Parish:</b>	
<b>Map Ref:</b>	64914 75413	<b>Ward:</b>	Staple Hill

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#### **INTRODUCTION**

Members will recall that the above application was placed on the Circulated Schedule to Council Members on the 14<sup>th</sup> December 2007 (Circulated Schedule No.50/07). The report is attached as Appendix 1. The purpose of this update is to draw members attention to an error in the report.

#### **ISSUES**

There is a discrepancy between the Section 106 contributions/requirements for Traffic Management Measures and Contributions towards Community Service provision indicated in the body of the report (paragraphs 5.8 and 5.10 respectfully) and the amount indicated in Paragraph 7.1.1 (Recommendation). The recommendation (as corrected), with regard to these matters should read with respect to the heads of terms for the Section 106 Agreement:

- £47,003.97 towards enhancement of existing open space in the vicinity of the site and £42,023.16 towards the future maintenance of these enhancements (total £89,027.13) to accord with Policy LC8 of the South Gloucestershire Local Plan (Adopted January 2006).
- £4385.92 towards the provision of book/IT/audio equipment to the nearest library to the site (Staple Hill) to accord with Policy LC1 of the South Gloucestershire Local Plan (Adopted January 2006)
- £542.64 towards the cost of the provision and maintenance of Dog Bins to accord with Policy LC1 of the South Gloucestershire Local Plan (Adopted January 2006)
- £529.44 towards the cost and maintenance of Litter Bins to accord with Policy LC1 of the South Gloucestershire Local Plan (Adopted January 2006)
- £1,000 per dwelling, (£43,000 in total), towards a traffic management/road safety scheme in the area and an additional sum of £15,000 being provided towards bus service improvement in the area including improvement to access for the disabled to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted January 2006).
- 33.3% at nil public subsidy on site and on the basis of 14 units of Affordable Housing with a tenure split approximately to 71.4% of Social Rented Accommodation and 28.6% Intermediate affordable units to be delivered as Shared Ownership and in

accordance with details agreed with the applicant (see paragraph 5.12 of the report) to accord with Policy H6 of the South Gloucestershire Local Plan (Adopted January 2006).

- £27,720.60 towards the cost of two additional Secondary school places to accord with Policy LC4 of the South Gloucestershire Local Plan (Adopted January 2006).

2) That the Head of Legal and Democratic Services be authorised to check and agree the wording of the agreement.

**Background Papers**      **PK07/2726/F**

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

# APPENDIX 1

## CIRCULATED SCHEDULE NO. 50/07 – 14 DECEMBER 2007

**App No.:** PK07/2726/F

**Applicant:** Newland Homes

Ltd &

**Site:** Wilson and Sons (Engineering) Ltd  
Morley Road Staple Hill BRISTOL South  
Gloucestershire BS16 4QT

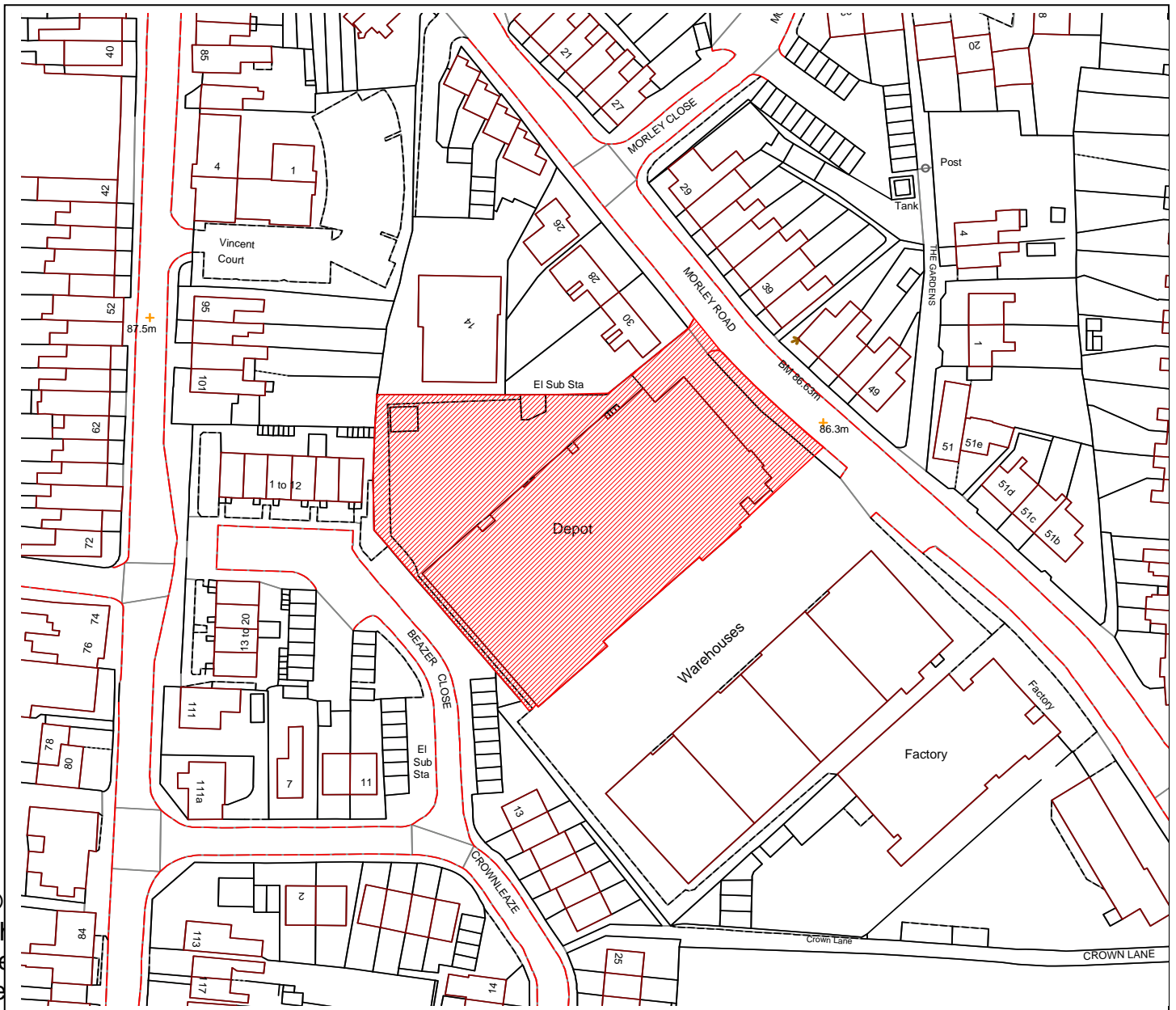
**Date Reg:** 6th September 2007

**Proposal:** Demolition of existing factory to facilitate  
the erection of 43 no. dwellings with  
parking and associated works.  
Amendments to design and layout to  
include 52 parking spaces, additional  
amenity space/landscaping and changes  
to the design of plots 10-20 and 21-31.

**Parish:**

**Map Ref:** 64914 75413

**Ward:** Staple Hill



## **INTRODUCTION**

This application is referred to the Circulated Schedule in accordance with procedure given that it is a “Major Application” and given that objections have been raised.

### **1. PROPOSAL**

- 1.1 The applicant proposes the erection of 43 no. dwellings with parking and associated works. The development consists of 9 no. 3 bed houses, 15 no. 1 bed apartments and 19 no. 2 bed apartments. An access onto Morley Road would be located centrally on the frontage with the provision of 52 parking spaces located within the site. Cycle and refuse bin storage (for the flats) is provided. Some landscaping is to be provided in particular along the boundaries of the site and an acoustic barrier approximately 2.2 metres will be provided along the southern boundary (with the adjoining industrial/commercial units).
- 1.2 In terms of scale the development comprises two-storey dwellings (that have additional room within the roofspace), apartments of a similar scale and a block to the rear of the development three storeys in height with room within the roofspace. In terms of materials, across the site, walls are finished in reconstructed stone to match local stone, with some use of render. Terracotta colour roof tiles will be used. Deep sash style windows will be used. A natural stone “dwarf” wall to the front of the site along Morley Road will be provided.
- 1.3 The site comprises an engineering works on a 0.4 hectare site that at the time of this officer’s site visit was largely vacant, the company being in the process of relocating to Warmley. The site is generally level, with palisade fencing and some landscape screening (in particular at the north-west corner and along part of the northern boundary) providing the existing boundary treatments. There is a retaining wall at the south-west corner along the boundary with Beazer Close.
- 1.4 The site itself is not an allocated employment site within the South Gloucestershire Local Plan (Adopted January 2006). To the north, north-east, south and west of the site there are residential properties, with more modern properties to the rear and more traditional Victorian terraced properties along both sides of Morley Road. Immediately to the south-east there are 4 no. industrial units with a large associated parking area that lies immediately along this boundary of the site. It should be noted that beyond these units lies the “Power Electrics” site that has outline consent for 14 no. dwellings (PK05/1350/O). The site lies approximately 450 to 500 metres from shopping facilities in Staple Hill and there are bus stops along Morley Road and nearby Soundwell Road giving access to wider areas including Bristol City Centre and Kingswood High Street.
- 1.5 In support of the application, the applicant has indicated a willingness, (subject to advice from the Council on the extent), to provide towards mitigating the effects of the development through contributions towards Community Services, Education and Schools, Transportation and has offered 14 Affordable Homes. These issues will be discussed in detail below. The applicant has submitted a design and access statement including a sustainability appraisal, concept plan and security assessment.
- 1.6 It should be noted that since the initial receipt of the application, negotiations have taken place to amend the layout/design of the proposal (and a re-consultation process was undertaken in accordance with procedure). The amendments are outlined in detail in the report below, but in summary include an increase in parking spaces from 49 to 52, additional amenity space and landscaping, the inclusion of undercroft parking within flats to the rear (with an increase in height of Plot 21 to 31).

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

### **2.2 Development Plans**

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

D1	Design
L1	Landscape Protection and Enhancement
L18	The Water Environment
EP1	Environmental Pollution
EP6	Contaminated Land
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy
H2	Proposals for Residential Development within the Existing Urban Areas
H6	Affordable Housing
LC1	Provision for Built Sport, Leisure and Community Facilities (Site Allocations and Developer Contributions)
LC2	Provision for Education Facilities (Site Allocations and Developer Contributions)
LC8	Open Space and Children's Play in Conjunction with New Residential Development

#### **Supplementary Guidance**

The South Gloucestershire Design Checklist (Adopted August 2007)

## **3. RELEVANT PLANNING HISTORY**

3.1 All previous history relates to the commercial use of the premises

## **4. CONSULTATION RESPONSES**

### **Parish Council**

4.1 This area is unparished

### **Other Consultees**

Wessex Water have stated that the development is located within a sewered area, with foul and surface water sewers.

### **4.3 Affordable Housing Requirements**

33% affordable housing to be provided on site in line with Local Plan Policy H6 and the findings from the JHA Housing Needs Survey 2004. It is proposed the applicants make an offer to the Council for the mix of 14 units of affordable housing having regard to identified housing need and in accord with Council criteria.

#### 4.4 Sustainable Transport

The proposal is to demolish the existing factory to facilitate the erection of 43 no. dwellings on site. As an existing brown field site therefore, there is no highway objections to the principal of residential development on the site. The site is located off Morley Road which accessed off the A4017 Soundwell Road some 550m south of Staple Hill High Street with a comprehensive local shopping precinct. The site is also within easy walking distance to number of schools, college and it is also within easy reach of the Bristol and Bath cycle path. In respect of traffic movement to and from the site, it is expected that there would be some increase in traffic in the area as the result of the new development however; the existing highway is capable of accommodating the additional traffic. It is also valid to state that removal of the existing business from the site would result in reducing the commercial traffic in the area. In respect of access, it is proposed to close off the existing vehicular access at the edge of the site and create a new vehicular /pedestrian access at centre of site frontage onto Morley Road. The new site access would have acceptable visibility splays on both sides onto Morley Road. The new access road shall be constructed to adoptable standard.

The proposal includes parking provision for all units to an average of at least one parking space per unit but some units would have access to two parking spaces. Overall 52 no. parking spaces are proposed for the development which complies with the Council's maximum parking standards. It will be necessary to secure some financial contribution to mitigate the impact of the development traffic and this will be used towards improved pedestrian and cycle facilities plus implementation of traffic management schemes as well as improved access for the disabled in the area. The scheme of highway works would be subject to public consultation and the final scheme dependent on matters arising from these consultations.

In view of all the above therefore, there are no highway objections to the scheme subject to the applicant first entering into an appropriate legal to provide; Financial contribution of a) £1,000 per dwelling towards traffic management /road safety scheme in the area and, b) Additional sum of £15,000 is provided towards bus service improvement in the area including improvement to access for the disabled.

Other planning conditions shall be that, all highway works shall be carried out to full and final satisfaction of the Council, the new access road shall be constructed to adoptable standards, the limit of adopted highway shall be decided by the Council but it would not include any part of communal parking areas on site. In addition the developer shall set up a management company (all details to be approved by the Council) to maintain private areas of the access and the existing vehicular access shall be stopped up and the footway surfacing along the site frontage shall be made good to full satisfaction of the Council.

#### 4.5 Community Services

It is calculated that this development of 43 dwellings would generate an average population increase of 73.05 people. If this development is implemented it would create a need for extra community facilities. In order to



offset this increased demand on community facilities we would request contributions towards the following:

Guidelines from the National Playing Field Association recommends a minimum of 24m<sup>2</sup> of public open space per person and Policy LC8 of South Gloucestershire Local Plan (Adopted) January 2006 requires provision for informal open space, we consider 5m<sup>2</sup> per person to be reasonable to improve the quality of the environment in this area. Therefore the total public open space required from this development equates to: 1948.95sq.m. The total contribution towards off-site enhancements of public open space would be £47,003.97. The developer would be required to contribute towards future maintenance of the enhancements, which equates to £42,023.16 a total requirement of £89,027.13. In accord with Policy LC1 of the South Gloucestershire Local Plan (Adopted) January 2006, a contribution of £4,385.92 towards new stock, IT equipment and towards the Library Building is required. The contributions will be spent at Staple Hill Library and a contribution towards of £542.64 towards the cost of the provision and maintenance of Dog Bins and £529.44 towards the cost of provision and maintenance of Litter Bins is required.

With respect to Public Art, a contribution to the Fountain Square regeneration project is requested on the developer. In accordance with Policy LC13 of the South Gloucestershire Local Plan (Adopted January 2006) a contribution of 1% of the development costs is sought.

#### 4.6 Education Services

There is a projected surplus of places at primary schools in the local area. No contribution is required for additional primary provision. Current DfES cost calculators give a figure of £13,860.30 per additional secondary school pupil place. A secondary level there are insufficient projected surplus places in the local area. The proposed mix of 43 dwellings will generate an additional two secondary school pupils based on the pupil number calculator. A contribution of £27,720.60 is required for additional secondary school provision.

### Other Representations

#### 4.7 Local Residents

As has been indicated in paragraph 1.6 above amendments to the design and layout of the proposal have been negotiated by Officers. As a result of this, those consulted originally have been re-consulted on two occasions.

In response to the original public consultation, 2 letters of objections received, the grounds of objection can be summarised as follows:

- The development does not follow the building line of the street thus creating a claustrophobic aspect and poor living environment
- There is insufficient parking provided
- The development will result in increased traffic onto the road
- The proposed access is not adequate
- The development will exacerbate a drainage/flooding problem in the vicinity

- Construction work, before during and after completion will result in noise and disturbance to adjoining occupiers
- The waste and recycling provision has not been made clear

One letter has been received, raising no objection but indicating that the development should have no adverse impact upon the working of the adjoining business and indicating that permission would be required to gain access to adjoining land not within the ownership of the developer.

There have been no objections raised following the public re-consultation.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy H2 allows for residential development within existing urban areas, subject to certain criteria, including environmental and transportation effects, effects on residential amenity, the maximum density is achieved for the site's location, with a minimum density of 30 dwellings per hectare, and provision for education, leisure, recreation and other community facilities is adequate to meet the needs arising from the proposals.

5.2 The proposed density on site is 107 dwellings per hectare, which is over the minimum density level set out in Policy H2 and PPS3, this is nevertheless considered appropriate given the sustainable nature of the location, close to local services and public transport routes.

5.3 The principle of development is therefore acceptable, subject to the following detailed assessment.

### 5.4 Residential Amenity

Policy H2 of the South Gloucestershire Local Plan (Adopted January 2006) states that the residential amenity of existing occupiers is to be assessed when determining applications for new residential development. Amenity is assessed in terms of whether the development would appear oppressive or overbearing when viewed from that property and also includes whether overlooking/loss of privacy would result. The residential amenity of future occupiers of the development in terms of amenity space provision is discussed in the design section below.

Given the scale and location of the proposed development in relation to the existing residential properties it is considered that any potential impact will be from the elements along the northern side of the site, namely the terraces of 3 no. dwellings at the north-west corner (Plots 32-34) and on the northern boundary facing onto Morley Road (Plots 41 to 43) and the flats in between (Plots 35 to 40). It is considered that other proposed dwellings are sited such that they would not have any significant impact upon the amenity of adjoining occupiers.

With respect to the Units along the Morley Road frontage (Units 41-43), given their location in relation to No.30 Morley Road such that there is a gap of 4 metres to the flank wall of that property it is not considered that any significant loss of amenity to occupiers of that property would result. It should also be noted that the part of the existing commercial premises of greater depth than the proposed new dwellings is situated in this location.

Having regard to the flats (Units 35 to 40), while it would be possible to view part of the rear gardens of No.26-30 Morley Road, any view of the rear elevations of these properties, would be at a very acute angle and would be largely obscured at ground floor level by the landscaping proposals.

With respect to the units at the north-western corner of the site known as No.32 to 34, again with a gap of approximately 10 metres to the boundary, landscaping provision and a very acute angle from the proposed units to the rear elevation 1-12 Beazer Close, it is not considered that any impact upon residential amenity would be so significant to justify the refusal of the application.

In summary it is not considered that the proposed development would result in significant loss of amenity to adjoining occupiers. It is also considered that a residential use would in itself have less impact in terms of general noise and disturbance than a fully operational commercial operation on the site. A condition is recommended to restrict construction hours, given the close proximity of adjoining properties.

## 5.5 Design

Policy D1 of the South Gloucestershire Local Plan (Adopted January 2006) seeks to achieve good design in all new development. Policy H2 considers the environmental impact of new development, the density of the development and the extent to which the development takes into the account the amenity of future and neighbouring occupiers.

PPS1 and PPS3 emphasise the need for development to be in the right location to reduce the need to travel. The site is approximately 500 metres from facilities in Staple Hill but is located close to bus routes to this and wider areas. A density of 107 dwellings per hectare is considered high however PPS3 makes clear that such densities can be considered and welcomed in so far as the efficient use of land is made but that this must not be at the cost of the environment. Innovative design can ensure that high densities can be achieved.

The principle concern with the initial proposal was that the starting point appeared to be the provision of parking, turning and access with this informing the layout and amount of private/shared amenity space. Negotiations have taken place that have ensured through the provision of undercroft parking within Blocks 10-20 and 21-31 that the amount of space given over to parking within the remainder of the site has been reduced throughout the site. Parking provision (on-street) has been most significantly reduced to the front of Block 4-9 (from 8 to 3) and to the rear of the site from 20 to 14. This has enabled landscaping and amenity space areas to be enhanced. To the rear of the site the previous extensively hard surfaced area adjoining the boundary with Beazer Close has been altered to accommodate some additional landscaping. The garden space for Plots 1 to 3 and 41 to 43 has also been enhanced. A condition is recommended requiring full details of the surfacing material.

It is considered that these alterations have ensured that the emphasis has moved away from the layout being completely informed by the motor car needs. The alterations made although small in places are considered to reduce the cramped nature of the development through enhanced landscaping and by

ensuring that parked vehicles will be integrated into the street scene rather than dominating it.

The impact of the development upon existing occupiers is considered acceptable. It should be noted that should the adjoining industrial site located to the south-east be developed or a residential use, careful consideration would have to be made with regard to the amenity of occupiers of Block 4 to 9 given the location of windows in this block. This is not considered a reason to object to the current proposal.

With respect to the form and scale of the proposed buildings, it is considered that the siting of the more modest units to the front of the site on either side of the entrance is appropriate and in keeping with the residential form of development upon Morley Road. The natural stone wall across the front boundary will also ensure that the development integrates successfully with its surroundings. The layout of the site/position of the buildings will ensure a well lit development with good surveillance of all areas and will therefore provide an acceptable level of security for future occupiers. Bin storage is provided, however a condition will be attached to the decision notice requiring full details of this storage to ensure that the proposal is in accord with Policy D1 (H) of the South Gloucestershire Local Plan (Adopted January 2006).

The larger buildings towards the rear of the site are appropriately designed with a more contemporary style with a glazed staircase screen and bolder overall design reflecting their prominence, however the use of deep sash windows ensures a traditional element. The variety in the built form across the site is considered to add visual interest. The proposed materials are considered appropriate, the use of reconstructed stone to match existing stone is to be welcomed while the use of render is considered to compliment the stone elements (as indicated within the Design and Access Statement). The use of terracotta tiles will also integrate well with surrounding properties.

With respect to Policy D1 G which indicates that proposals will be expected to demonstrate that the design, density, orientation and location of the buildings and associated landscape proposals incorporate measures to achieve energy conservation and the protection of environmental resources. The applicant has set out the measures to be taken that include, the re-use of materials from the existing building, the use of landscaping and amenity space (an improvement upon the existing site), highly insulated properties in accordance with the latest standards, energy efficient boilers and air pressure tested houses to prevent heat loss. In addition, all timber used will be from sustainable sources, the use of Sustainable Urban Drainage returning storm water to the water table, the provision of water butts to all houses and a storage area for recycling and composting for each house. The applicant has specified the local suppliers of materials and also indicates that contractors are also sourced locally to each project.

The applicant has indicated that the scheme will comply with Eco Homes standard level one, but that they are unable to achieve Code Level 3 of the Sustainable Homes Code. It is important to note that while the Draft Regional Spatial Strategy and Design checklist indicate that Code Level 3 is an objective at present there is no specific adopted policy that supports this position. It is Officer's view however that the proposal, given the above measures, is in accord with Policy D1G of the South Gloucestershire Local Plan (Adopted January 2006).

In summary it is considered that the design of the proposed development is acceptable and in accord with Policy D1 and H2 of the South Gloucestershire Local Plan (Adopted January 2006).

#### 5.6 Landscaping

Policies D1 and L1 seek to conserve those aspects of the landscape that make a significant contribution to the character of the landscape and where possible to conserve these elements. Landscaping should be integral to the entire scheme.

A detailed landscape scheme has not been submitted with the application, however indicative plans indicate planting around the boundary of the site and some element within communal areas within the site itself. Careful consideration will be given to planting along the northern boundary and north-west corner of the site given the proximity of adjoining properties.

It is not considered that there are any significant trees on the site in terms of the visual amenity of the locality. The Council Landscape Officers consider that a landscape condition should be attached to the decision notice to allow assessment of landscape proposals and in addition a condition relating to hard landscaping will be attached.

#### 5.7 Contamination

Given the former use of the site as a factory, it is considered that there is potential for land contamination. In accord with Policy EP6 a condition will be attached to the decision notice requiring a preliminary site investigation including a desk study report for any land contamination. The condition will set out the process and measures to be taken should contamination be discovered at this stage.

#### 5.8 Transportation

Policies T7 and T8 of the South Gloucestershire Local Plan (Adopted January 2006) consider standards for both cycle and car parking respectively. Policy T12 indicates that new development will be permitted provided that the new development makes adequate, safe and appropriate provision for the transportation demands that it will create with the paramount aim of preserving highway safety and minimising the impact of motorised traffic.

As an existing brown field site therefore, there is no highway objection to the principal of residential development on the site. The site is located off Morley Road which accessed off the A4017 Soundwell Road some 550m south of Staple Hill High Street where there is a local shopping precinct. The site is also within easy walking distance to number of schools, college and it is also within easy reach of the Bristol to Bath cycle path.

Officers consider that in terms of traffic movement to and from the site, it is expected that there would be some increase in traffic in the area as the result of the new development however, the existing highway is capable of accommodating the additional traffic. It is also considered that the removal of the existing business known as Wilson's Engineering site

would result in the reduction of commercial traffic in the area.

In terms of access, the scheme proposes the closure of the existing vehicular access at the edge of the site, and the creation of a new central vehicular /pedestrian access on the Morley Road frontage. This access is considered to have acceptable visibility splays on both sides onto Morley Road. The new access road shall be constructed to adoptable standard.

The proposal includes parking provision for all units to an average of at least one parking space per unit but some units would have access to two parking spaces. Overall 52 no. parking spaces are proposed for the development which complies with the Council maximum parking standards (alterations to the layout including the provision of “undercroft” parking at the two blocks along the western boundary have resulted in an increase from 49 spaces to 52 spaces)

It is considered that it will be necessary to secure a financial contribution towards mitigating the impact of the development traffic and this money will be used towards improving pedestrian and cycle facilities as well as the implementation of traffic management schemes to include improved access for the disabled in the area. This scheme of highway works would be subject to public consultation and the final scheme dependent on matters arising from these consultations.

In view of all the above therefore, there are no highway objections to the scheme subject to the applicant first entering into an appropriate legal agreement to provide a Financial contribution of £1,000 per dwelling towards a traffic management/road safety scheme in the area and an additional sum of £15,000 being provided towards bus service improvements to include an improvement to access for disabled. The applicant has agreed to the above contributions.

Other recommended conditions include that all highway works shall be carried out to full and final satisfaction of the Council, the new access road shall be constructed to adoptable standards, (the limit of adopted highway shall be decided by the Council but it would not include any part of communal parking areas on site). In addition the developer shall set up a management company (all details to be approved by the Council) to maintain private areas. A final condition is recommended to ensure that the existing vehicular access is stopped up and the footway surfacing along the site frontage is made good to full satisfaction of the Council.

In summary, subject to the above conditions and agreement, the proposed development is considered to be in accord with the aims and objectives of Policy T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

## 5.9 Drainage

There is no objection to the proposed development subject to the use of best drainage practice to include the use of Sustainable Urban Drainage systems (Suds). A condition is recommended to secure this. In addition given the location of the site within a former mining area, a condition will be attached to the decision

notice requiring a mining report to be submitted to and approved in writing by the Council prior to the commencement of works on site.

#### 5.10 Community Services

Policy LC8 of the South Gloucestershire Local Plan (Adopted January 2006) considers provision towards open space and Children's Play Space in relation to new residential development. The Policy indicates that where local provision is inadequate to meet the projected needs arising from the future occupiers of proposals for new residential development, the Council will negotiate with developers to secure provision to meet these needs. In addition Policy LC1 indicates that where local provision for leisure, recreation and other community facilities is inadequate to meet the projected needs arising from the future occupiers of proposals for new residential development, the Council will negotiate with developers to secure provision in scale and kind, (to accord with the tests set out in Circular 05/05), to meet these needs. This may include contributions towards the enhancement of existing provision within the vicinity where on-site provision is not possible.

It is calculated that this development of 43 (comprising 9 houses, 19 no. 2 bed flats and 15 no. 1 bed flats) dwellings would generate an average population increase of 73.05 people. If this development is implemented it would create a need for extra community facilities. Guidelines from the National Playing Field Association recommends a minimum of 24m<sup>2</sup> of public open space per person and Policy LC8 of South Gloucestershire Local Plan (Adopted) January 2006 requires provision for informal open space, we consider 5m<sup>2</sup> per person to be reasonable to improve the quality of the environment in this area. Therefore the total public open space required from this development equates to: 1948.95 sq.m.

The total contribution towards off-site enhancements of public open space would be £47,003.97. The developer would be required to contribute towards future maintenance of the enhancements, which equates to £42,023.16 giving a total requirement of £89,027.13.

The three sites identified for potential contributions are Soundwell playing fields and play area, Lees Hill Playing field and Page Park. All these sites are within 2 kms of the site. The National Playing Fields Association Audit 2007 indicates that local provision of publicly accessible formal open space, children's play space is already inadequate to meet the needs of the present population. While it would not be reasonable to expect the applicant to rectify this shortfall, the projected needs of the occupiers of the site must be adequately met and this is the fundamental objective of Policy LC8.

In accord with Policy LC1 of the South Gloucestershire Local Plan (Adopted) January 2006, a contribution of £4,385.92 towards new stock, IT equipment and towards the Library Building is required. The contributions will be spent at Staple Hill Library. In addition a contribution towards of £542.64 towards the cost of the provision and maintenance of Dog Bins and £529.44 towards the cost of provision and maintenance of Litter Bins is required (a total of £1,072.08).

The applicant has agreed to pay these contributions through a Section 106 Agreement and as subject to the signing of this agreement the proposed development is in accord with Policy LC1 and LC8 of the South Gloucestershire Local Plan (Adopted January 2006).

Policy LC13 indicates that in determining applications for major new development the Council will seek the contribution of an agreed percentage of the total development costs for the provision or commissioning of publicly accessible art. This is usually up to 1% of the total cost of the development. This request has been put to the developer without a successful outcome. It should be noted however that para 10.98 of Policy LC13 states that such a contribution is voluntary and an application cannot be refused if the applicant does not contribute to the scheme.

#### 5.11 Education Services

Policy LC2 indicates that where local education provision is inadequate to meet the projected need for places arising from the future occupiers of proposals for new residential development, the Council will negotiate with developers to secure provision in scale and kind, (to accord with the tests set out in Circular 05/05), to meet these needs via an appropriate agreement. Having regard to this policy, the Department for Children and Young People have indicated that there is a projected surplus of primary school places in the area and therefore no contribution is required in this respect.

With respect to secondary school education there are insufficient projected surplus places in the local area. It is considered that the number and mix of dwellings would generate an addition two secondary school pupils and based on this number the applicant has been requested to provide a contribution of £27,720.60. The applicant has agreed to make this contribution which shall be secured through a Section 106 Agreement.

#### 5.12 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 the Urban Area of 15 dwellings or more (or where the site is 0.5 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 will 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 14 units to be “affordable”.

Negotiations have taken place on the basis that there is a tenure split of 71.4% social rent and 28.6% intermediate affordable units to be delivered as shared ownership and on this basis the split would be 10 units and 4 units. Other requirements are that 100% of initial occupants will be nominated by South Gloucestershire Council, with 1 unit fully compliant for wheelchair users, agreed mix of units in a minimum of 2 clusters. Specifically to this development the unit types and sizes have been agreed, the affordable housing should achieve code level 3 of the Code for Sustainable Homes and Homes West Lifetime Homes standards with units to comply with minimum size standards. The development must also comply with the latest Housing Corporation Standards applicable at the time the S106 is drawn up or 6 months prior to start on site.

Delivery of the affordable homes is preferred through a partnering Registered Social Landlord(RSL), 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. The annual rent on the equity retained by the RSL shall be no more than 1% of the unsold equity with no more than 40% of the market value shall be payable by the purchasers so that the units are affordable to those in need of intermediate housing. All affordable housing delivered to be in line with the definitions contained in PPS3. As far as possible the affordable housing shall be retained in perpetuity. 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 has indicated this upon a submitted plan and in terms of the detail 14 units will be provided as follows:

Plots 32, 33, 34 will be a minimum size of 72sq.m 3 storey 4 person house for social rent;

Plots 4, 5, 6, 7, 8, 9 will be a minimum size of 46sq.m 1 bed 2 person flat for social rent;

Plot 22 will be a minimum size of 46sq.m 1 bed 2 person wheelchair compliant flat for social rent – a disabled parking space will be located to the front.

Plot 21 will be a minimum size of 46sq.m 1 bed 2 person flat for shared ownership

Plots 23, 24 will be a minimum size of 64sq.m 2 bed 3 person flat for shared ownership

Plot 25 size to meet minimum space standards for shared ownership currently offered as a 2 bed flat at 46sq.m

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

#### 5.13 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the South Gloucestershire Council Design Checklist (Adopted August 2007)

#### 5.14 Section 106 Requirements

In this instance, having regard to the above advice, the transportation improvements, provision of affordable housing, public open space and community facilities 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**

7.11) 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:

- £46,716.33 towards enhancement of existing open space in the vicinity of the site and £41,766.00 towards the future maintenance of these enhancements
- £4,295.86 towards the provision of book/IT/audio equipment to the nearest library to the site (Staple Hill)
- £542.64 towards the cost of the provision and maintenance of Dog Bins
- £529.44 towards the cost of provision and maintenance of Litter Bins
- £1,000 per dwelling, (£42,000 in total), towards a traffic management /road safety scheme in the area and an additional sum of £15,000 being provided towards bus service improvement in the area including improvement to access for the disabled.
- 33.3% at nil public subsidy on site and on this basis 14 units of Affordable Housing with a tenure split approximately to 71.4% Social Rented Accommodation and 28.6% Intermediate affordable units to be delivered as Shared Ownership and in accordance with details agreed with the applicant (see paragraph 5.12 above).
- £27,720.60 towards the cost of two additional Secondary school places

2) That the Head of Legal and Democratic Services be authorised to check and agree the wording of the agreement.

### **Background Papers      PK07/2726/F**

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

### **CONDITIONS**

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

Reason:

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

2. The hours of working on site during the period of construction shall be restricted to 0730 hours to 1800 hours Monday to Friday and 0800 hours to 1300 hours Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or

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

Reason:

To safeguard the amenity of the locality, and to accord with Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the commencement of development, details of the proposed hard landscaping surfaces to include details of the surfacing to the rear of Plots 10 to 21 and 22 to 30 shall be submitted to and approved in writing by the Local Planning Authority. All works shall proceed in accord 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.

4. Prior to the commencement of development, full details of the proposed bin storage on site shall be submitted to and approved in writing by the Local Planning Authority. All works shall proceed in accord with the approved details.

Reason:

To ensure adequate provision of refuse storage and to accord with Policy D1H of the South Gloucestershire Local Plan (Adopted).

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

Reason:

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

6. All highways works shall be carried out to the full and final satisfaction of the Council with the access road constructed to adoptable standards (the limit of the adopted highway shall be decided by the Council but shall not include any part of the communal parkign areas on the site).

Reason:

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

7. Prior to the first occupation of the dwellings hereby permitted, the existing vehicular access shall be stopped up and the footway along the front of the site shall be made good to the full satisfaction of the Council.

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

Reason:

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

10. Prior to the commencement of any works on the site a mining report must be submitted to and approved in writing by the Local Planning Authority. Works shall proceed in accordance with the approved details.

Reason:

To prevent non-point source pollution and flooding, and to accord with Policies L17, L18 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

To protect the character and appearance of the area to accord with Policies D1 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

1. A preliminary investigation including a desk study report detailing the history of the site and identifying risks to human health and the environment.

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

2. If identified as being required a detailed remediation scheme including a method statement and measures to be taken to avoid risk to human health and the

environment as identified by the desk study and site investigation from contaminants or gases.

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.

Reason:

To ensure that adequate measures have been taken to mitigate against soil contamination/[contaminated land to accord with Policies EP1 and EP6 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 09/08 – 29 FEBRUARY 2008**

**App No.:** PK07/3646/F

**Applicant:** Mr A Bagnell Henry  
Boot Developments

**Site:** Land east of Aldermoor Way Longwell Green BRISTOL South Gloucestershire BS30 7TX

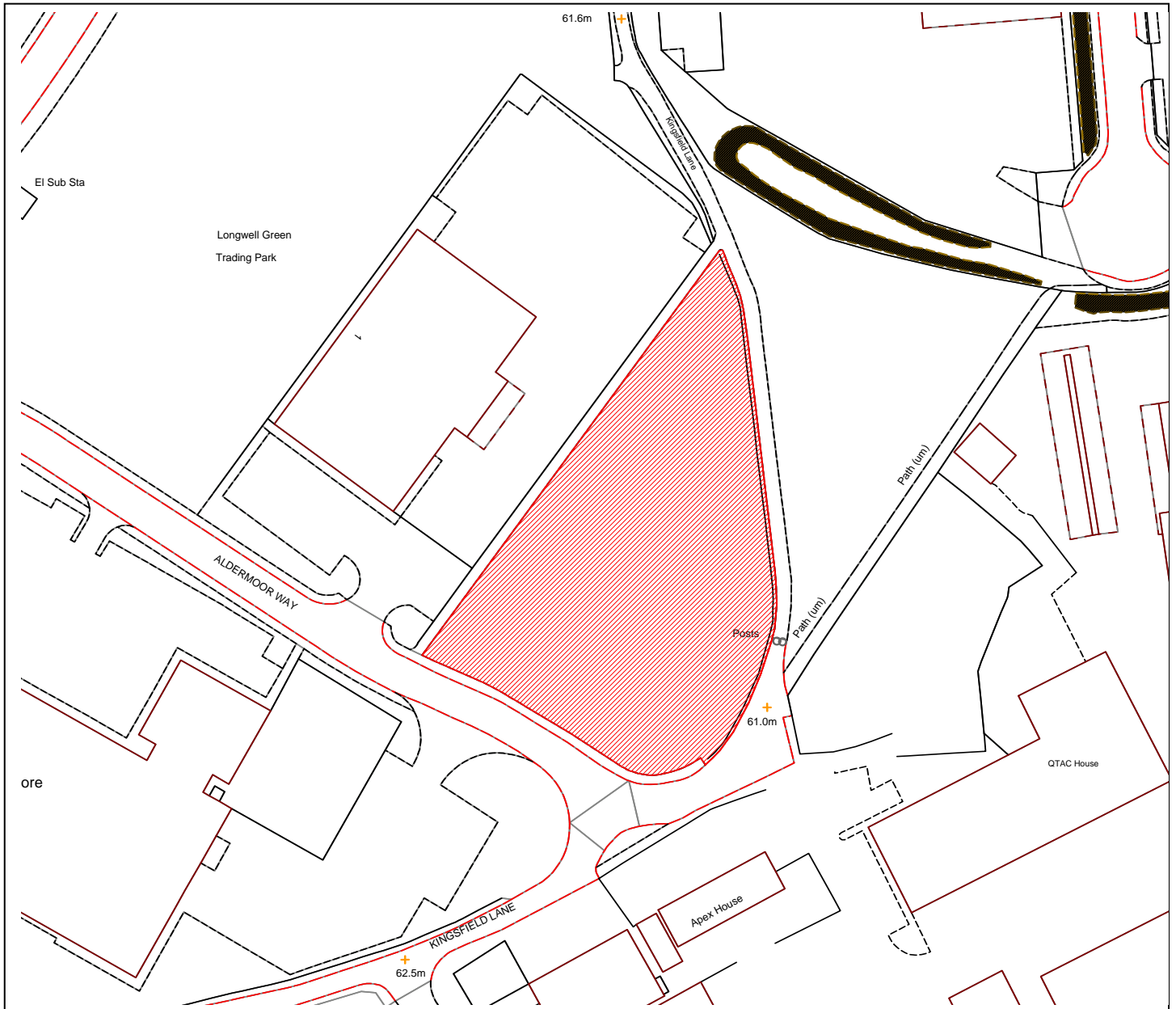
**Date Reg:** 17th December 2007

**Proposal:** Erection of 2no. office blocks (B1) with associated access, parking and landscaping.

**Parish:** Oldland Parish Council

**Map Ref:** 65452 71683

**Ward:** Longwell Green



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100023410, 2008.

**N.T.S**

**PK07/3646/F**

## **INTRODUCTION**

The application appears on the circulated schedule as it is a 'major' application and therefore falls, under the current scheme of delegation, to be considered as such.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of 2no. office blocks (B1) with associated access, parking and landscaping.
- 1.2 The site consists of a triangular piece of land at the end of the Aldermoor Way 'spur', at the junction with Kingsfield Lane, within the urban area of Longwell Green. It is currently empty at present. The site to the west has been recently developed for a car repair business. The site is allocated in the local plan as employment land under Policy E4. A tree protected by a Tree Preservation Order on the northernmost corner of site was removed previously by a contractor working on the ground remediation measures, and is currently the subject of a prosecution by the Council. A public footpath runs directly to the west of the site. A partially derelict stone wall runs in sections along the eastern boundary of the site.
- 1.3 The proposal involves the erection of two office block buildings running south-north across the site, two storey in height, with different angled roof pitches to the west and east elevations. Wall materials proposed are brick and render, with cedar boarding, whilst the roofs are proposed in profiled metal sheeting. The architects have stated that the positioning of the buildings is due to the Wessex Water sewer easement which runs across the site. Access is via the Aldermoor Way 'spur' road. 75 parking spaces are proposed with 6 disabled parking spaces and 23 cycle parking spaces proposed. The wall on the eastern boundary of the site is proposed to be rebuilt and several mature trees are proposed on this boundary as a replacement for the removed TPO tree, following discussions with the Council's Landscape Officer.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development

- 2.2 Development Plans

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

D1	Design
L1	Landscape Protection and Enhancement
EP1	Environmental Pollution
EP2	Flood Risk and Development
T8	Parking Standards
T12	Transportation Development Control Policy
E3	Criteria for Assessing Proposals for Employment Development within the Urban Area and/or Permitted by Policies E4/E6/E7
E4	Safeguarded Employment Areas

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

- 3.1 PK06/1858/F Ground remediation measures and associated works. Approved 2006
- 3.2 PK06/1576/O Erection of Trade Park is buildings for B1c, B2, and B8 uses with car parking, services area and new access (outline). All other matters to be reserved expect access. Approved with conditions following signing of S106 agreement August 2006
- 3.3 PK07/0782/RM of Trade Park is buildings for B1c, B2, and B8 uses with car parking, services area and new access. Approval of Reserved Matters to be read in conjunction with outline planning permission PK06/1576/O. Approved with conditions June 2007.

### **4. CONSULTATION RESPONSES**

- 4.1 Oldland Parish Council  
The Parish Council presents no objection to the scheme per se on condition that adequate consideration is given within the scheme for car parking including spaces for visitor parking.

#### **Other Representations**

- 4.2 Local Residents  
One local resident has objected on the grounds that until the matter of the Gallagher's Retail Park light pollution is resolved, and the neon lighting removed, then any further development would add to the existing over-illumination of the area to the detriment of the overall streetscene and townscape and this would be harmful to the visual amenity.

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

- 5.1 Principle of Development  
The principle of employment use at this site has been established with the approval of the previous outline and reserved matters application on this site. Furthermore, the site is allocated in the Local Plan as employment land. The principle of development is therefore acceptable, subject to the following detailed assessment.
- 5.2 Visual Amenity and Landscape  
The layout has been informed by the sewer easement that runs across the site- this was not apparent when the previous application was submitted. (Sewer records sent in by Wessex Water confirm this). The architect has dealt with this issue by creating two long buildings running south to north across the site. The front elevation of the proposed buildings has been visually broken up with the used of coloured glazing, and a mixture of render, brickwork and cedar boarding. The roof profile of the front elevation is different to that of the rear elevation- the front elevation has an angled roof slope, whilst the rear elevation has a flat one, so that the overall bulk and massing of the buildings is visually 'broken-up'. The rear elevations are lower than the front elevations and are broken up by an asymmetrical window hierarchy, the use of brise-soleil's , cedar boarding panels to some of the windows and recesses dividing the units,



also cedar boarded. These amendments were required by the Case Officer to alleviate the long mass of these buildings, given that they would be visible from the footpath directly to the west of the site. The amendments are considered appropriate and will successfully break up the massing so that the rear elevations read as separate units. The overall design of the scheme is a contemporary one, and this is considered appropriate here, as there are a variety of style of industrial and retail units in the area, including the contemporary approach.

5.3 The proposed landscaping scheme has been amended to take on board the comments of the Landscape Officer. Landscaping is proposed along the boundary with Kingsfield Lane, along with the retention and rebuilding of the stone wall here, as well as within the main body of the site and part of the front of the site. A suitable species replacing the removed TPO tree is proposed, and specification and maintenance details of this tree will be conditioned.

5.4 Residential Amenity

The site is location within a large industrial area and the nearest residential properties are some distance away. There will therefore be no impact on the residential amenity as a result of this proposal.

5.5 Concerns raised by the local resident with regard to light pollution relate mostly to the recently opened Gallagher's Retail Park, at the other end of Aldermoor Way, some distance from the site. All external illuminations will be conditioned so that overall lux levels can be assessed. Some level of illumination will be necessary on site but this does not need to be excessive. Given that the site is some considerable distance from the nearest residential property, and is within an existing industrial area, the application could not reasonably be refused on the grounds of light pollution. Any adverts on the site, illuminated or otherwise (unless they are very small and non-illuminated) would be the subject of future applications for advertisement consent.

5.6 Transportation

The previously approved outline application on this site was approved following the signing of a S106 agreement to secure a financial contribution of £30 000 towards highway improvements and provision of a right turn facility onto the main part of Aldermoor Way. The funds were adequately secured under this agreement and considered appropriate to mitigate the transportation issues raised by the outline application. Given this, it is considered that no further transportation contributions could be required as a result of this development.

5.7 The site access if from the Aldermoor Way 'spur' via a simple priority junction. The visibility splays are considered adequate.

5.8 The internal layout has been amended following advice from the Highway Officer so that the spaces close to the site entrance are more accessible. This has result in a loss of two parking spaces, but the overall parking is still within maximum limits as set out in Policy T8 and is therefore acceptable.

5.9 There would be some increase in traffic with a B1 office development compared with the B1c, B2 and B8 uses proposed in the previously approved outline and reserved matters applications, but this would not be significant. Traffic associated with the B1 office development would consist of small type of

vehicles compared with the permitted development, which had the potential to generate HGV's.

5.10 In view of the above, there are no highway objections to the proposal.

5.11 Drainage

The applicants have submitted the same Flood Risk Assessment as the approved reserved matters application. This was considered acceptable at the reserved matters stage, however, the Technical Support Street Care Team have objected to the application on the grounds that drainage details are required to demonstrate that the risks of flood and pollution have been eliminated. Since there has been a previously approved scheme for employment use on this site, and an implemented application for remedial groundworks here, a condition requiring drainage details is considered appropriate. It is not considered reasonable, given the history of approved applications on the site, to refuse planning permission on these grounds.

5.12 Design and Access Statement

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

5.13 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary. Furthermore, a S106 has already been entered into to mitigate the effects of the development on the original outline application, which included the current site area.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

**Background Papers**      **PK07/3646/F**

**Contact Officer:**    **Sarah Tucker**  
**Tel. No.**                **01454 863780**

**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 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.

3. Details of any floodlighting and external illuminations, including measures to control light spillage, shall be submitted to and approved in writing by the Local Planning Authority before the development commences. Development shall be carried out in accordance with the approved details.

Reason:

To minimise disturbance to occupiers of adjacent industrial units and to accord with Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. No outside storage of material/goods/waste or plant shall take place at the premises.

Reason:

In the interests of visual amenity of the area and to accord with Policy E3 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 Policies L1, E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. A replacement tree for the removed TPO Tree, *Acer campestre*, the size, location, and maintenance specification of which are to be approved in writing by the Local Planning Authority, shall be planted in the first planting season following the occupation of the buildings hereby approved.

Reason:

In the interests of the visual amenity of the area, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Details of all boundary treatments, including the stone wall, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be implemented in accordance with the approved boundary treatments, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

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

Reason:

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

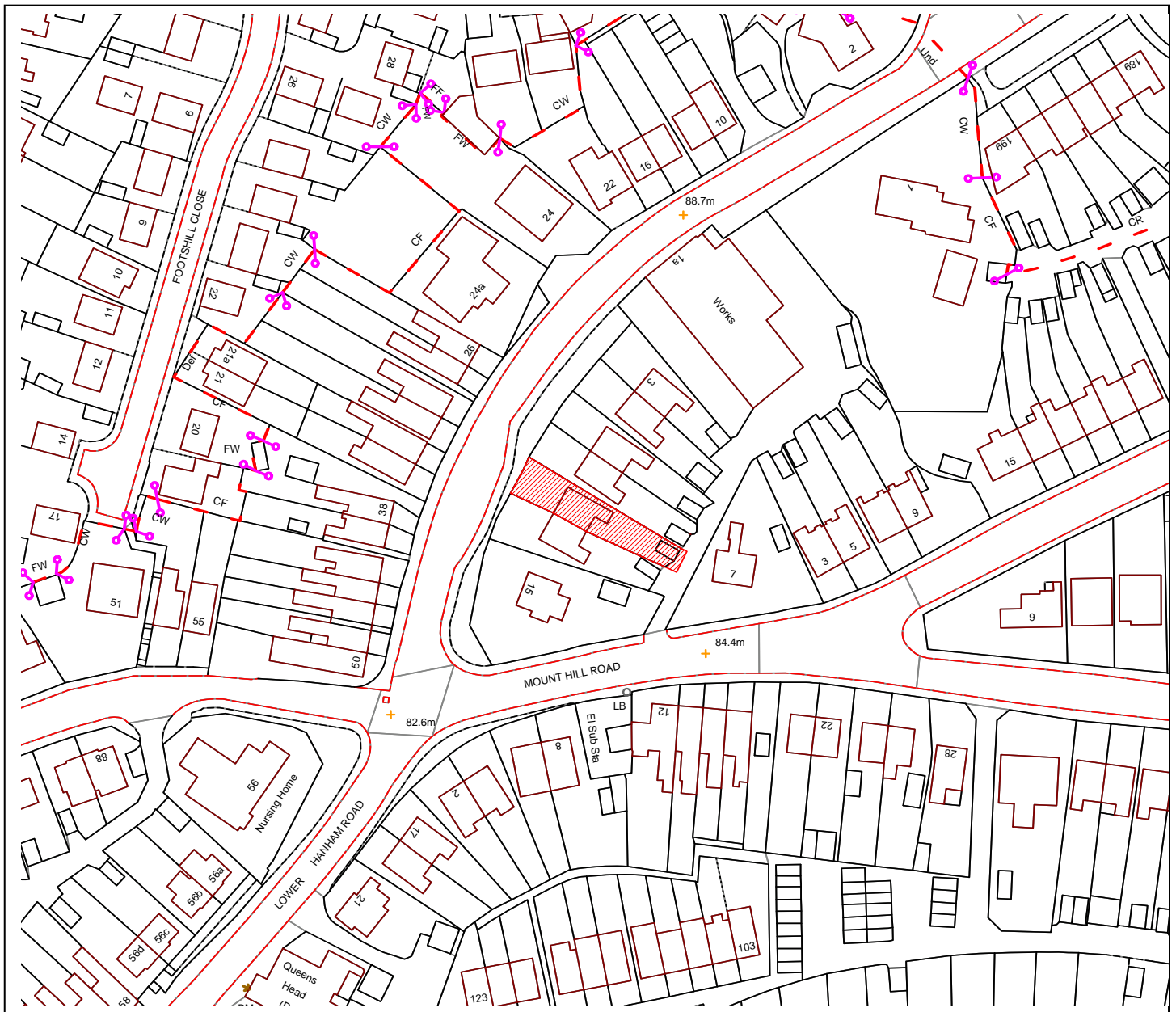
9. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

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.

**CIRCULATED SCHEDULE NO. 09/08 – 29 FEBRUARY 2008**

<b>App No.:</b> PK07/3679/F	<b>Applicant:</b> Mr S Hanks
<b>Site:</b> 11 Lower Hanham Road, Hanham, South Gloucestershire, BS15 8HH	<b>Date Reg:</b> 19th December 2007
<b>Proposal:</b> Creation of vehicular access. (Re- submission of PK07/2245/F).	<b>Parish:</b> Hanham Parish Council
<b>Map Ref:</b> 64441 72692	<b>Ward:</b> Hanham



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**N.T.S**

**PK07/3679/F**

## **INTRODUCTION**

Members will recall that this application appeared on the Circulated Schedule last week. However, the application has been reassessed in light of concerns raised by Councillor Tyzack.

### **1. THE PROPOSAL**

1.1 Full planning permission is sought for the creation of a vehicular access onto a classified road.

1.2 The site is located within established residential area of Hanham.

### **2. POLICY CONTEXT**

2.1 National Guidance  
PPS 1 Delivering Sustainable Development  
PPS 3 Housing

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design

H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

T8 Car Parking Standards

T12 Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance / Documents

South Gloucestershire Advice Note 2: House Extensions

The South Gloucestershire Design Checklist (Adopted) August 2007

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

3.1 PK07/2245/F Creation of vehicular access.  
Refusal: 14<sup>th</sup> September 2007

### **4. CONSULTATION RESPONSES**

4.1 Hanham Parish Council  
Concerns expressed as to the relationship of the driveway with regard to the raised kerb for the bus stop.

4.2 Councillor Pater Tyzack  
Reiterated the above concern and requested that a condition be applied requiring that the hard standing should be permeable or facilitate sustainable drainage.

### **Other Representations**

4.3 Local Residents  
No comments received.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policies D1, H4, T8 & T12 of the South Gloucestershire Local Plan (Adopted) January 2006 are relevant to this planning application. The policies indicate that the proposed development is acceptable subject to the following consideration.

### 5.2 Design / Visual Amenity

Policies D1 and H4 seek to ensure that new development achieves a high standard of design.

5.3 The proposed hard surfacing, and loss of soft landscaping in the form of a front garden, is regrettable but given that such works can be carried out under householder 'permitted development' rights it is considered that a refusal reason on visual grounds could not be substantiated.

### 5.4 Transportation

Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development would not have a detrimental impact upon highway safety and amenity in the locality. Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006 provides maximum parking standards.

5.5 Concern has been raised as to the impact of the development upon raised kerb bus stop located to the front of the site.

5.6 During the creation and design of the raised bus stop it is evident that lowered kerbs have been installed to allow vehicular accesses into the front gardens of Nos. 13, 11 & 9. It is therefore considered that if such works were specifically carried out with regard to facilitating access to these properties a refusal reason based on detrimental harm to the bus stop and its associated users could not be substantiated.

5.7 The Council's transportation development control officer has assessed the proposal and concluded the following: there is concern that the amount of turning area is not adequate. However, this could be overcome if a condition was imposed requiring that the entire front garden is hard surfaced. In addition, permission has been granted for similar access at No. 9 & 13. In this instance, therefore, a recommendation of approval will be put forward.

5.8 In respect of the concern raised that the hard surfacing should be permeable or facilitate sustainable drainage, it is considered that, as highlighted in paragraph 5.3, the hard standing can be carried out under householder permitted development rights; consequently, despite the merits of advocating permeable surfaces, it is considered that in line with Circular 11/95 (Use of Conditions in Planning Permission) it would be unnecessary, unreasonable and unenforceable to condition such a surface.

### 5.9 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular

05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

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

**Background Papers**      **PK07/3679/F**

**Contact Officer:**    **Edward Purnell**  
**Tel. No.**                **01454 863056**

### **CONDITIONS**

1. The access hereby approved shall not be utilised until the entire front garden is hard surfaced, and thereafter retained for the purpose of parking and manoeuvring vehicles.

Reason:

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



**CIRCULATED SCHEDULE NO. 09/08 – 29 FEBRUARY 2008**

**App No.:** PK07/3689/F

**Applicant:** Mr P Edwards Axten Properties LLP

**Site:** Land between Crown Way and Crown Road off Tower Road North Warmley BRISTOL South Gloucestershire BS30 8YE

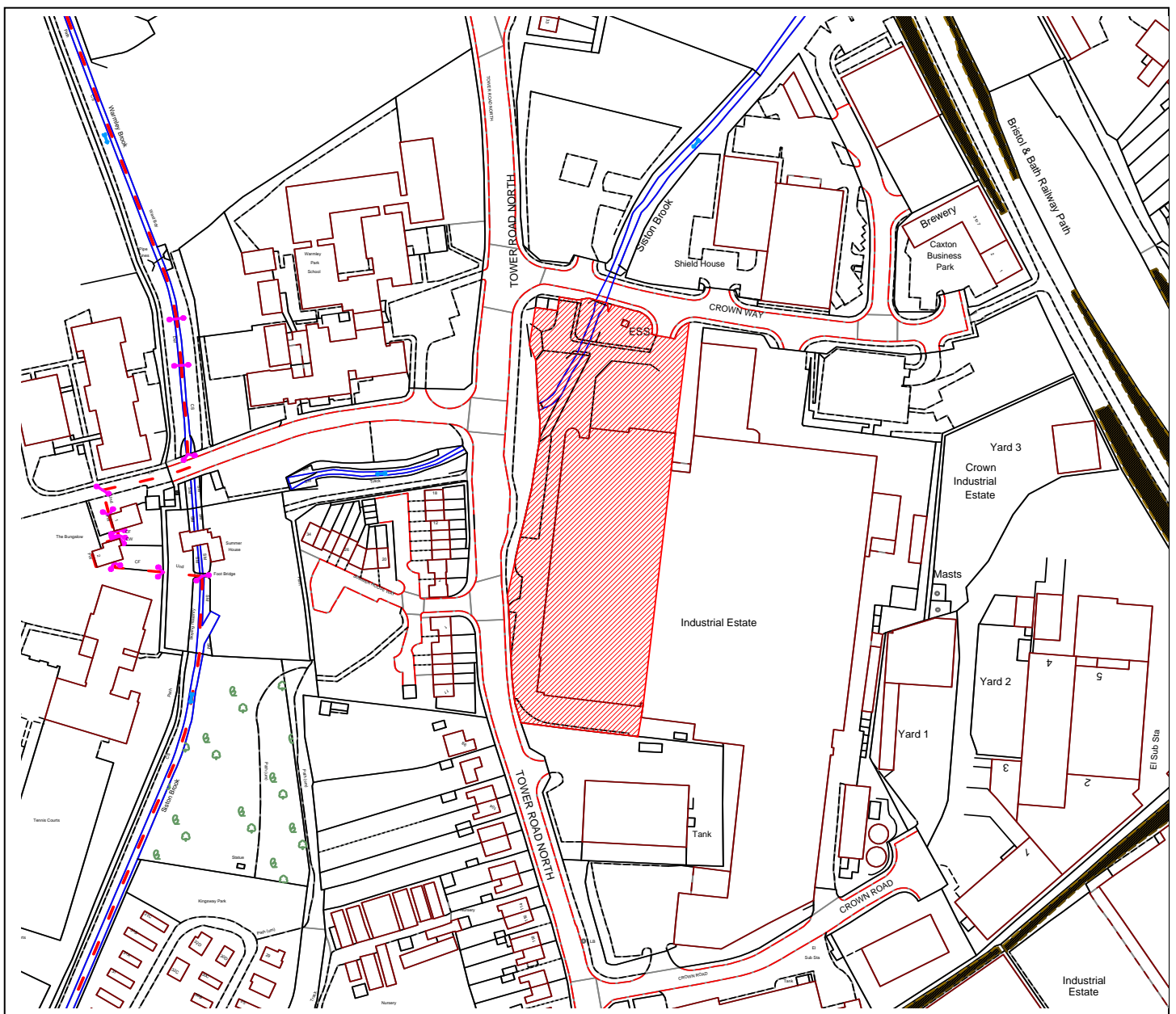
**Date Reg:** 19th December 2007

**Proposal:** Erection of building for industrial use (Class B2) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with associated works.

**Parish:** Siston Parish Council

**Map Ref:** 67040 73168

**Ward:** Siston



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## **INTRODUCTION**

This application has been referred to the Circulated Schedule because it is a Major Application.

### **1. THE PROPOSAL**

- 1.1 The application relates to a site located to the east of Tower Road North (Warmley) that is flanked to the north by Crown Way and to the south by Crown Road. The site is currently occupied by a redundant 2-storey manufacturing/industrial building and associated car parking area. The building abuts a larger building to the east. Vehicular access to the car-parking area is from Crown Way to the northern side of the building. The site lies within an Industrial Estate which is designated in the South Gloucestershire Local Plan (Adopted) 6th January 2006 as a Safeguarded Employment Area (see no.35 on the Schedule – Tower Road, Warmley).
- 1.2 Other than to the front, the site is surrounded by other industrial buildings but directly opposite the site to the west of Tower Road North is the Warmley Conservation Area, within which are new residential dwellings around Summer House Way; further south are older dwelling houses, whilst to the north of the Conservation Area is The Grange School. Within the application site itself, Siston Brook runs across the north-western corner. Crown Road is shown in the Local Plan as being a Cycle and Pedestrian Route.
- 1.3 Full planning permission is sought to demolish the existing building and erect an entirely new two-storey building to be used for B2 general industrial uses. The proposed access arrangements would remain unchanged. It is proposed to operate the business on a 24 hour basis, 7 days a week. The building would be used primarily for the manufacture of precision engineering goods used extensively in the defence, aerospace, auto sports, transportation, telecommunications and industrial electronics industries, in a wide diversity of applications.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

- PPS1 - Delivering Sustainable Development
- PPG4 - Industrial and Commercial Development and Small Firms
- PPG13 - Transport
- PPG24 - Planning and Noise
- PPS25 - Development and Flood Risk

#### **2.2 Development Plans**

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

- D1 - Achieving Good Quality Design in New Development
- L1 - Landscape Protection and Enhancement
- L12 - Conservation Areas
- L17 & L18 - The Water Environment
- EP1 - Environmental Pollution
- EP2 - Flood Risk and Development
- EP6 - Contaminated Land

- T6 - Cycle Routes and Pedestrian Routes
- T7 - Cycle Parking
- T8 - Parking Standards
- T12 - Transportation Development Control Policies for New Development
- E3 - Criteria for Assessing Proposals for Employment Development within the Urban Area and Defined Settlement Boundaries and/or Permitted by Policies E4/E6/E7
- E4(35) - Safeguarded Employment Areas

### 2.3 Supplementary Planning Guidance

The South Gloucestershire Design Check List (SPD) Adopted 23<sup>rd</sup> August 2007  
 The South Gloucestershire Advice Note 30 – ‘Warmley Conservation Area’.

## 3. RELEVANT PLANNING HISTORY

There have been numerous applications over the years for a variety of developments relating to this site, the most recent and relevant of which are listed as follows:

- 3.1 P98/4860 - Comprehensive mixed use development involving: new estate road, re-cladding of existing building, works to Siston Brook, new cycle link, erection of building for use as health and fitness club (Class D2), erection of 23 dwellings, change of use of existing boiler room to offices (Class B1) (All full applications). Erection of 3 no. buildings for use as Class B1, B2 and B8, extension to existing building (Class B1) (Outline application).

Committee resolved to grant consent subject to a S106 Agreement requiring:

- (i) Traffic management works in Tower Road North including the provision of a bus lay-by on the school side of the road.
- (ii) A financial contribution of £50,000 towards additional traffic management measures in the locality.
- (iii) The provision of Public Open Space with associated commuted sum and bond.
- (iv) A financial contribution of £25,000 towards transportation matters on the school side of Tower Road North.

The Agreement was never signed.

- 3.2 PK00/2267/F - Construction of a new access road, additional car parking, highway works and cycle route. Consent granted subject to a S106 Agreement requiring:

- (i) Traffic management works in Tower Road North.
- (ii) The landscaping of the existing lay-by between the two existing site accesses on Tower Road North.
- (iii) The provision of a new bus lay-by on the eastern side of Tower Road North.
- (iv) The completion of the approved development before the occupation of any future new development on the Lawson Mardon site.
- (v) The construction of the cycleway link with the Bristol to Bath cycleway.

- 3.3 PK02/1964/F - Erection of 2.8m high boundary fence.  
Approved 23<sup>rd</sup> March 2004
- 3.4 PK04/1880/F - Demolition of existing engineering block and erection of new three-storey office block. Erection of new roof and re-cladding of Production Area. Erection of replacement drum store. Construction of new car park.  
Approved 7<sup>th</sup> Sept. 2004

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

- 4.1 Siston Parish Council  
See comments of Councillor Valerie Lee
- 4.2 Other Consultees
- 4.3 Councillor Valerie Lee  
Councillor Lee raises concerns about the potential impact of noise and disturbance on the quality of life of local residents.
- 4.4 Wessex Water  
The development is located within a sewered area, with foul and surface water sewers available. Connection points should be agreed with Wessex Water.
- 4.5 The Health and Safety Executive  
No response
- 4.6 Avon and Somerset Police Architectural Liaison Officer  
No response

#### **Other Representations**

- 4.7 Local Residents  
10no. letters/e.mails of objection have been received from local residents. The concerns raised are summarised as follows:
- The proposed use should be B1(C) Light Industrial.
  - No information has been submitted regarding traffic generation and associated noise levels.
  - The Noise Report Db levels were taken at inappropriate times during the holiday period.
  - There are existing high levels of noise from the Industrial Estate i.e. fork lift trucks, sirens, lorries and reversing beepers.
  - A 24 hour operation as proposed would result in increased noise and light pollution for local residents.
  - The proposed building is larger than that existing.
  - There would be insufficient parking provision resulting in increased on-street parking to the detriment of highway safety.
  - The existing trees and bushes should be retained.
  - Loss of house values.
  - Adverse impact on the cycle route.
  - Overlooking of the gardens in Station Road.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The site lies within a Safeguarded Employment Area within the Urban Area as designated by the South Gloucestershire Local Plan (Adopted) 6th January 2006. As such Policy E4 permits proposals for employment uses subject to the criteria listed under Policy E3. There is therefore no objection to the principle of the proposed B2 development. The scheme is assessed against the relevant criteria listed in Policy E3 as follows:

### 5.2 **A. Development would not have unacceptable environmental effects; and**

5.3 The site lies within the flood Zone area defined on the Environment Agency Section 105 flood maps and Environment Agency Standing Advice Developments and Flood Risk Matrix (March 2007). The site is assessed as being within a Red Cell (High Risk) of Flood Zone 2. A Flood Risk Assessment has been submitted but there is no evidence to satisfy the Council's Drainage Engineer that the FRA meets the Environment Agency's requirements or that it conforms to the requirements of the Flood Risk Standing Advice regarding PPS25. Drainage details are therefore still required to demonstrate that the risks of flooding and pollution have been eliminated. For this reason alone the proposal does not satisfy criterion A of Policy E3 or the requirements of Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

5.4 Regarding noise breakout from the site, an acoustic report has been submitted in support of the application. The Council's Environmental Health Officer, whilst having no objection to the principle of the development, considers that the acoustic report is deficient in the information it provides. Furthermore recent noise measurements taken by the Council indicate that the lower night-time background noise level is 40dB LA(5min) not 44 as suggested by the report.

5.5 There is also insufficient information provided about the proposed operations and where the measurements for the existing operations included in the assessment were taken, what time of day and period of measurement etc. Neither is there a plan of that location with measurement positions. Furthermore information regarding keeping the roller doors shut at night-time and not using fork-lift trucks outside at night needs to be more specific; the EHO considers that night-time falls between the hours of 23.00hrs to 07.00hrs. In light of these discrepancies and lack of information, an accurate assessment of the proposal cannot be made; criterion A of Policy E3 is not therefore satisfied and neither is Policy EP1.

### 5.6 **B. Adequate provision is made for servicing and delivery requirements and development would not give rise to unacceptable levels of vehicular traffic, especially heavy goods vehicles, or on-street parking, to the detriment of the amenities of the surrounding areas and highway safety; and**

5.7 It is proposed to replace the existing building with an entirely new building for B2 use. The proposed new building would have a gross floor area of 4,762 sq.m. of which approximately 678 sq.m. would be ancillary office floorspace. The floor space would be less than that of the existing building, which is 5807 sq.m. of which 1007.9 sq.m. is office space.

- 5.8 It is proposed to utilise the existing access arrangement from Crown Way, which is a short spur off Tower Road North, located to the northern side of the site. Officers consider that the existing access is satisfactory for the proposed use of the site.
- 5.9 In respect of off-street parking provision on the site, it is proposed to provide a total of 87 parking spaces on the site, of which 75 spaces would be for staff with 12 spaces for visitors. This level of off-street parking provision complies with the Council's maximum parking standards as listed under Policy T8 of the South Gloucestershire Local Plan (Adopted) 6th January 2006. Cycle parking should also be provided but this can be adequately secured by way of an appropriate condition attached to any planning permission granted.
- 5.10 Moving to the issue of traffic generation; in light of the overall reduction in floor area of the proposed building in relation to that existing, it is possible that the level of traffic to and from the site would not increase, but this assumes a similar level of operation to that which could currently operate from the site. It is proposed however to operate the new B2 use on a 24 hour 7 days a week basis. Officers have requested the applicant to submit a Traffic Statement to at least demonstrate 1) the total number of staff, 2) the number and times of working shifts and 3) the number of employees in each shift. This information has not been forthcoming, therefore officers consider that there is insufficient information to adequately assess the proposal in highway terms. The requirements of Criterion B of Policy E3 have not therefore been met.
- 5.11 **C. Development would not prejudice existing residential amenities; and**
- 5.12 The site is already used for employment purposes. The main concerns of local residents relate to noise issues, traffic generation and possible on-street parking. These matters have been addressed under the respective headings for Criteria A and B. The proposed building would be located in a similar position to that existing and being two-storey, is of a similar scale. The building would be set well back from the nearest residential properties located directly opposite the site and would not therefore have an overbearing impact. In terms of overlooking and loss of privacy, all of the proposed windows are situated in the front or side elevations, similar to the existing building. These windows would be set back from the nearest residential properties, so much so that officers do not consider that there would be a significant adverse impact on residential amenity. No external lighting information has been submitted, but this could be adequately controlled by way of a condition. Impact upon house values is not in fact a material consideration in the determination of planning applications.
- 5.13 **D. The character of the area or settlement is not adversely affected; and**
- 5.14 The site lies within an existing Industrial Estate. The existing building has a rather dated appearance and its replacement with a modern building of similar proportions would, if anything, enhance the appearance of the site. The proposed replacement building would be two-storey and constructed of brick, which is similar to the existing building. Officers consider that the proposed building would integrate well within the existing Industrial Estate and street scene. Criterion D is therefore satisfied.

5.15 **E. The maximum density compatible with the site's location, its accessibility and its surroundings is achieved; and**

5.16 The proposed building is of a similar scale to that which it would replace. The remaining areas around the site are taken up with parking and the existing landscaping. A bigger building than that proposed would look out of place within the street scene and no doubt require larger parking areas. Officers are therefore satisfied that the proposal represents the maximum density that can be reasonably accommodated on the site.

5.17 Landscaping Issues

The existing vegetation on the site comprises a mixture of trees and shrubs some of which are approaching the end of their natural life. Most of this vegetation occurs along the banks of the Siston Brook, in the north-western corner of the site and along the site frontage to Tower Road North. No new planting is proposed in the submission.

5.18 Notwithstanding the mixed condition of the existing vegetation, officers consider that the proximity of the Warmley Conservation Area provides justification for additional planting, in particular along the site frontage adjacent to the visitor parking area. Subject therefore to a condition to secure an appropriate scheme of planting, as well as tree protection during the development phase, there are no objections on Landscape grounds.

5.19 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.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

7.1 That planning permission be REFUSED for the following reasons:

**Background Papers      PK07/3689/F**

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

## **REFUSAL REASONS**

1. Having regard to the sites location within a Flood Zone, insufficient information has been submitted to demonstrate that the risks of flooding and pollution have been eliminated, the proposal is therefore contrary to Policies E3 (A) and EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the requirements of PPS25 - 'Development and Flood Risk'.
2. Insufficient information has been submitted to accurately assess the impact of the proposal with regard to the levels of noise and disturbance for nearby residential properties, particularly at night-time. The proposal does not therefore accord with Policies E3 or EP1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
3. Insufficient information has been submitted to accurately assess the impact of the proposal on traffic generation to the site which is contrary to Policies E3 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.



**CIRCULATED SCHEDULE NO. 09/08 – 29 FEBRUARY 2008**

**App No.:** PK08/0146/F  
**Site:** 54 The Ride, Kingswood, South Gloucestershire, BS15 4SY

**Applicant:** Miss D Wilmott  
**Date Reg:** 15th January 2008

**Proposal:** Erection of first floor side extension and replacement of flat roof with pitched roof over garage. Installation of first floor window in south elevation. (Amendment to previously approved scheme PK07/1359/F).

**Parish:**

**Map Ref:** 66043 74598

**Ward:** Kings Chase



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**N.T.S**

**PK08/0146/F**

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a first floor side extension and replacement of flat roof with pitched roof over garage. Installation of first floor window in south elevation. (Amendment to previously approved scheme PK07/1359/F).
- 1.2 The application site relates to domestic curtilage located within the established residential area of Kingswood.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

#### **2.2 Development Plans**

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

D1	Design
T9	Parking Standards
H2	Residential Development within existing Urban Area and Defined Settlement Boundaries
H4	Development within existing residential curtilages
T12	Transportation

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

- 3.1 The following planning history relates to the application site:
- 3.2 P77/4036                      Erection of detached house and garage and construction of access  
Approval March 1978.
- 3.3 PK06/2028/F                Erection of 1 no. detached dwelling and 3 no. garages with associated works.  
Withdrawn February 2007.
- 3.4 PK07/1359/F                Erection of detached dwelling and 3 number garages  
Approved 18<sup>th</sup> June 2007.

### **4. CONSULTATION RESPONSES**

#### **(a) Statutory Consultees**

##### **4.1 Town/Parish Council**

The application site does not come under a Town/Parish Council.

#### **(b) Other Representations**

#### 4.2 Local Residents

Four letters of objections have been received from local residents raising the following objections regarding the proposed development, which have been summarised by the Planning Officer as follows:

- Recent permission was granted with conditions restricting extensions and windows
- Property out of keeping with other properties
- Overbearing and loss of light
- Loss of privacy to bedroom window
- Parking problems
- Works already commenced on site and original plans not being adhered to

### 5. ANALYSIS OF PROPOSAL

#### 5.1 Principle of Development

The application site is located within the established residential area of Kingswood. Policy H4 of the South Gloucestershire Local Plan allows for extensions to existing dwelling subject there being no adverse impact on existing visual and residential amenities.

5.2 Members are advised to consider that the principle of residential development has recently been established on this site through the granting of planning permission PK07/1359/F and is currently being implemented. Planning permission was granted for a two storey detached dwelling with attached double garage with pitched roof and a detached single garage for the adjacent neighbouring property.

5.3 This revised application seeks to amend that scheme by erecting a first floor extension up and over part of the approved double garage, erect a pitched roof over the single storey rear extension and omit the previously approved single garage for the neighbour. It considered as planning permission has already been granted for a detached two storey dwelling on this site this cannot be revisited again however the key planning issues for consideration are whether or not the proposed alterations to the previously approved scheme are acceptable on visual and residential amenity grounds and whether or not there are anyway highway implications with regards the loss of the garage.

#### 5.4 Design and Scale of Development

Objections have been raised on the grounds that a development of this scale would be overbearing and out of keeping with those surrounding properties, and that had it been applied for first time round the Council would not have supported it. As advised already planning permission has been granted for a two storey detached dwelling on this site. This application proposes to erect a first floor extension measuring 2.80m in width up and over the approved garage. The extension will be subservient in design to that of the main dwelling in that it will be stepped back from the existing front building line and the ridge height kept lower than the main dwelling.

5.5 Whilst it is accepted that the extension will increase the bulk of the overall size of the resultant building, it is considered that as the footprint will remain the same as that already approved and as the extension itself will measure 2.80m in width that the extension would be in keeping with the scale and character of the dwelling already approved. It is also accepted that a dwelling of this scale in terms of width will be larger than those existing semi's within the immediate locality, however as the site can satisfactorily accommodate a development of

this scale and as the dwelling has regard for the existing ridge height of neighbouring properties, it is considered that the dwelling would not have such an overbearing impact on the visual amenities of the immediate locality, so as to warrant refusal of the application.

5.6 Residential Amenity

Objections have been received by a local resident on the grounds that the proposed extension would result in a loss of privacy and have an overbearing impact. At the time of the previous application the Planning Officer made the following assessment:

*The rear private garden area of No. 31 Champion Drive runs along the eastern (rear) boundary of the application site. The application site is approximately 1.40m higher. On the rear elevation of no.31 are two first floor rear windows. On the rear elevation of the proposed dwelling is a bathroom window which is considered a non habitable room window and will obviously have obscure glazing, and the other window will serve a bedroom.*

5.7 *Council guidelines seek to ensure a minimum distance of 21.0m between habitable room windows. In this instance there will be approximately 18.0m at the closest point between the proposed bathroom window (which is not considered a habitable room window) and the rear bedroom window of no.31, and approximately 20m between both bedroom windows. Members are advised to consider that as any views from the proposed rear bedroom window would be an oblique angle, that the proposed dwelling by reason of its siting not have a detrimental impact on existing levels of privacy currently enjoyed by the occupiers of no.31. In addition the proposed dwelling will be set back approximately 14.0m from the rear boundary.*

5.8 Members are advised to have regard for the findings of the Inspector's appeal decision:

*The erection of a house on the appeal site introduces a new element in the view from certain other houses, particularly as the land falls generally eastwards. Because of that general fall, a house on the appeal site would look over houses and gardens to the east. However I do not find these factors compelling reasons for refusing planning permission.*

5.9 As a result of the proposed first floor extension this will result in the introduction of an additional bathroom window on the rear elevation, which would have no greater impact than the previously approved scheme. As the extension will be set behind the rear building line of the approved two storey dwelling again it is considered that it would not have such an overbearing impact.

5.10 Transportation Issues

This scheme no longer proposes to erect a detached single garage for the neighbouring property no. 52. Members are advised to consider that as the applicant is not required to provide a garage for no. 52 on transportation grounds then no objection is raised to its removal from this revised scheme.

#### 5.11 Design and Access Statement

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

#### 5.12 Section 106 Requirements

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

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

7.1 Planning permission be approved subject to the following conditions.

**Background Papers**      **PK08/0146/F**

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

### **CONDITIONS**

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

Reason:

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

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

Reason:

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

3. The approved driveways as shown on approved plan 263/001 shall have a bound surface material, details of which shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

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

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

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. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason:

In view of the size of the plot any extension to the dwelling would require further detailed consideration in order to safeguard the amenities of the area and to accord with Policy D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. A plan indicating the position, materials and type of boundary treatment to be erected beyond the front building line of the approved dwelling shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be carried out in accordance with the approved details and shall be completed prior occupation of the dwelling.

Reason:

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

**CIRCULATED SCHEDULE NO. 09/08 – 29 FEBRUARY 2008**

**App No.:** PK08/0152/CLP

**Applicant:** Dr & Mrs D R McCoy

**Site:** Coach House Avenue House, High Street, Iron Acton, South Gloucestershire, BS37 9UH

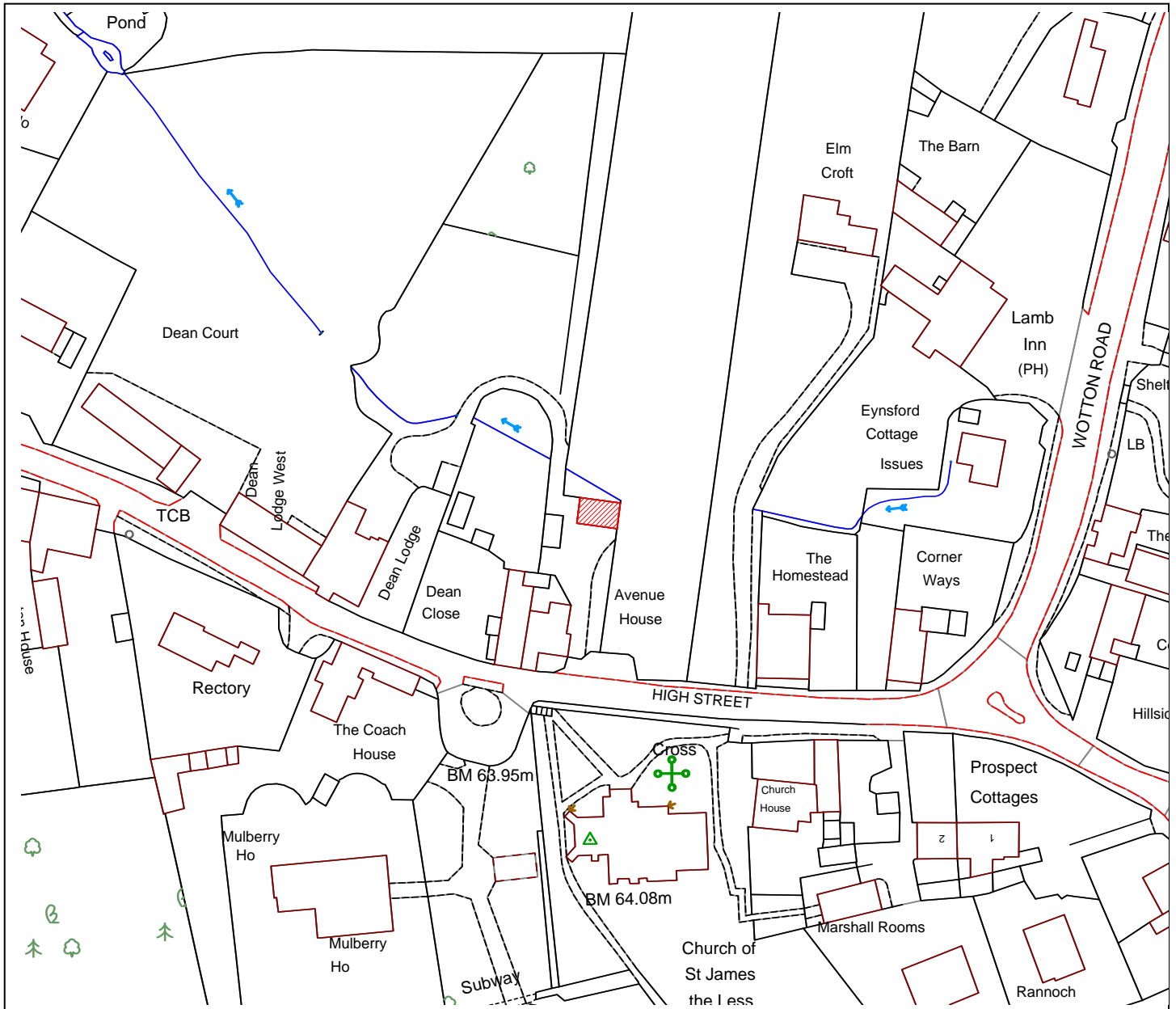
**Date Reg:** 16th January 2008

**Proposal:** Application for Certificate of Lawfulness for the proposed use of the Coach House for ancillary residential purposes.

**Parish:** Iron Acton Parish Council

**Map Ref:** 68059 83520

**Ward:** Frampton Cotterell



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**N.T.S**

**PK08/0152/CLP**

## **INTRODUCTION**

This application is reported on the Circulated Schedule in accordance with the standard procedure for dealing with Certificates of Lawfulness for proposed development.

### **1. THE PROPOSAL**

1.1 This application seeks confirmation that planning permission is not required for the use of an outbuilding for ancillary residential usage. The property in question is dwelling located within the settlement boundary of Iron Acton and is in the Bristol & Bath Green Belt. It has a detached garage on the opposite side of the driveway from the house. The driveway serves this property and others to the rear. The building in question is this coach house, which has residential accommodation above the garage. The building in question was erected more than 4 years ago, according to Ordnance Survey data and its erection is therefore lawful, even if planning permission was required at the time of its construction. The application relates to its use only.

### **2. POLICY CONTEXT**

Not applicable

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

3.1 PK07/3234/CLE Application for Certificate of Lawfulness for existing use of building for ancillary residential purposes.

Withdrawn, as a building within the curtilage used for ancillary residential purposes does not require planning permission for such a use, provided it did not require planning permission for its erection.

The current application seeks confirmation that planning permission will not be required for the development.

### **4. CONSULTATION RESPONSES**

4.1 Iron Acton Parish Council  
No reply received

4.2 Neighbouring Properties  
No response received

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

5.1 Supporting Evidence

- Drawing 0534 - 10 received by the council on the 24<sup>th</sup> December 2007 showing the proposed development.
- Schedule 2 part 1 class E of the Town and Country Planning (General Permitted Development) Order 1995

5.2 Contradictory Evidence  
None in this instance.

5.3 Analysis

It is considered that in this instance on the evidence supplied and the provisions of the General Permitted Development Order the proposed detached ancillary building would not require planning permission This is due to the following reasons:



5.4 Under Class E the following is permitted :

The provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure.

One of the most important issues when addressing a scheme such as this is ensuring that the use of the building is ancillary to the main house and is not a separate dwelling or is put to a use that would require a separate planning consent for a change of use. In this instance the building is proposed to be used for ancillary domestic uses and this is specified on the submitted application form and accompanying plans.

In light of the above planning permission is not required for the use of this ancillary detached outbuilding for residential purposes ancillary to the existing dwelling, Avenue House.

6. **RECOMMENDATION**

6.1 Certificate of lawfulness for proposed development be granted.

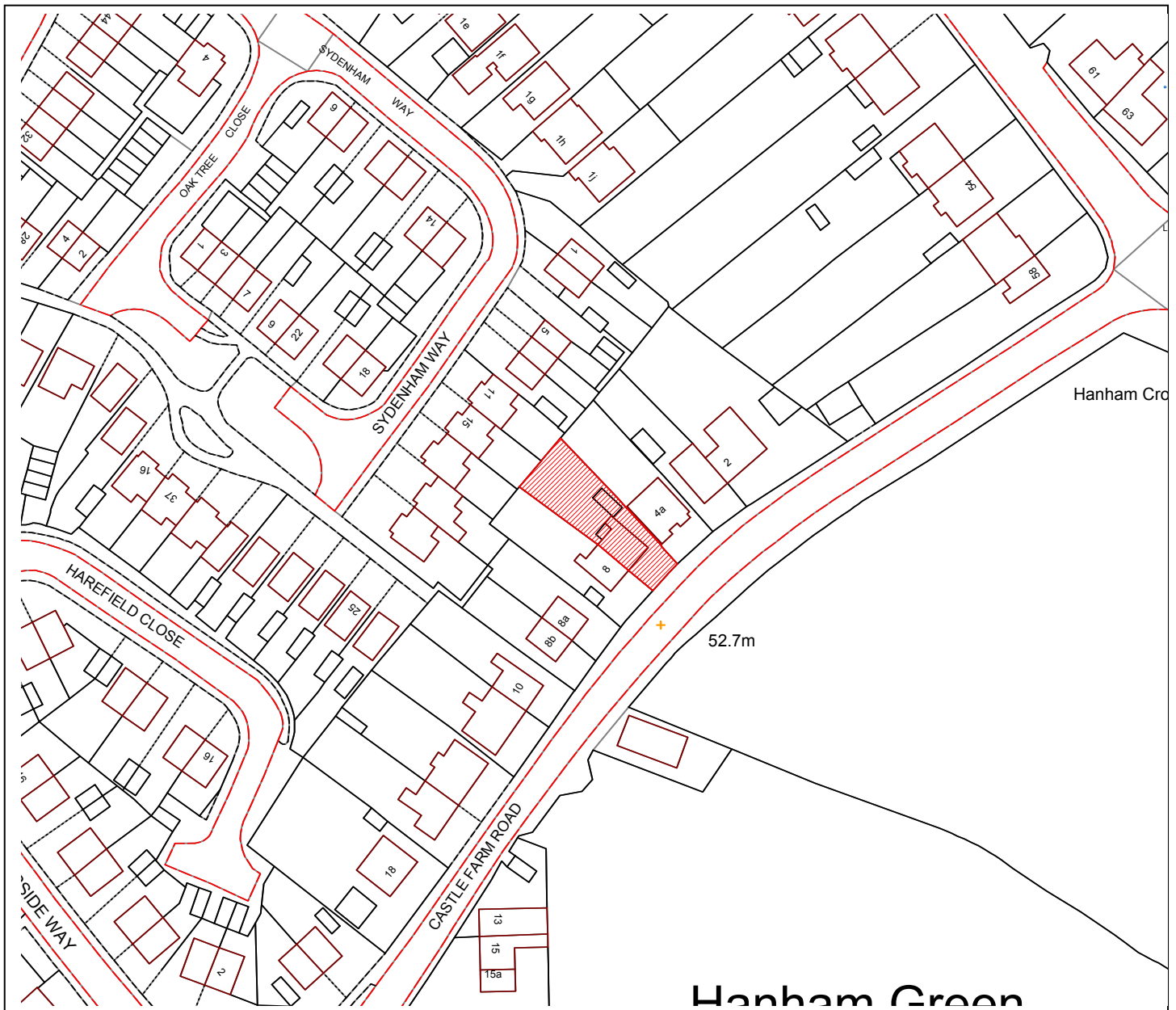
**Background Papers**      **PK08/0152/CLP**

**Contact Officer:**      **Chris Gosling**

**Tel. No.**                      **01454 863787**

## CIRCULATED SCHEDULE NO. 09/08 – 29 FEBRUARY 2008

<b>App No.:</b>	PK08/0156/F	<b>Applicant:</b>	Mr S Thomas
<b>Site:</b>	6 Castle Farm Road, Hanham, South Gloucestershire, BS15 3NJ	<b>Date Reg:</b>	16th January 2008
<b>Proposal:</b>	Erection of two storey side and rear extension and single storey rear extension to form attached garage and additional living accommodation. (Resubmission of PK07/3356/F).	<b>Parish:</b>	Hanham Abbots Parish Council
<b>Map Ref:</b>	64144 70948	<b>Ward:</b>	Hanham



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100023410, 2008.

**N.T.S**

**PK08/0156/F**

## **INTRODUCTION**

This application appears on the circulated schedule following receipt of two objection letters which are contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 Full planning permission is sought for a two storey side and rear extension and a single storey rear extension.
- 1.2 The application property consists of a semi detached property located on an established residential street. Its character is defined in part by its hipped roof and oriel window. Immediately to the north of the site is a detached 'infill' dwelling (granted permission in 1997) and to the south is a gabled semi detached dwelling.
- 1.3 This application is a resubmission following a withdrawal in December 2007 (PK07/3356/F). Officers considered that the original application presented a roof profile that failed to respect the character and integrate successfully with the host dwelling. Clearly, this concern will have to been addressed in order that a favourable outcome is achieved.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS 1 Delivering Sustainable Development  
PPS 3 Housing

#### 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design

H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

T8 Car Parking Standards

T12 Transportation Development Control Policy for New Development

#### 2.3 Supplementary Planning Guidance / Documents

South Gloucestershire Advice Note 2: House Extensions

The South Gloucestershire Design Checklist (Adopted) August 2007

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

- 3.1 PK07/3356/F                      Erection of two storey side and rear and single storey rear extensions to form additional living accommodation.  
Withdrawn: 12<sup>th</sup> December 2007.

### **4. CONSULTATION RESPONSES**

#### 4.1 Hanham Abbotts Parish Council

Objection. The proposal would result in overdevelopment of the site and have an overpowering effect on the neighbouring property.

### **Other Representations**

#### 4.2 Local Residents

One letter has been received, from a local resident, during the consultation period associated with this planning application. The comments can be summarised as follows:

- plans do not give an accurate account of how the proposed extension would affect No. 4A Castle Farm Road
- overbearing effect
- overdevelopment
- proximity of extension will make finishing exterior and repairs very difficult

### 5. ANALYSIS OF PROPOSAL

#### 5.1 Principle of Development

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

#### 5.2 Visual Amenity / Design

As noted in paragraph 1.3 this application is a resubmission following a withdrawal. Officers considered that the original application presented a roof profile (front facing gable) that failed to respect the character and integrate successfully with the host dwelling.

5.3 In order to address this concern the two storey element of the new submission has been redesigned in an attempt to respect the character of the existing dwelling, and achieve an integrated roof profile, through the use of a hipped roof; this has the desired visual effect and is therefore acceptable in design terms. With regards to an assessment of the rest of the extension, it has been designed to appear subservient and secondary to the host dwelling – as advocated in the Council’s supplementary planning guidance – by way of a set down ridge height and set back front elevation. Accordingly, its scale, mass and design are considered to be in proportion with the host dwelling. In addition, the construction materials will match the palette of materials displayed on the host dwelling, assisting in the development’s integration with the host dwelling. . As a result the two storey element of the scheme is considered to be acceptable in design terms.

5.4 With regards to the single storey rear extension, this will project 3.3 metres into the rear garden and be finished with a lean-to roof. The fenestration will be vertical in form with two French door providing access into the rear garden. This element of the scheme is also considered acceptable in design terms.

#### 5.5 Residential Amenity

Concern has been raised as to the impact of the development on upon residential amenity through an overbearing impact. In this instance it is considered that because the majority of the extension will be sited to the side of the house and the maximum rear projection distance is an acceptable 3.3 metres, an overbearing impact will not be experienced by neighbouring occupiers. This is particularly the case given that No.4a, immediately to the north of the application property, does not benefit from any windows facing directly towards the application site.

## 5.6 Transportation

The extension will contain an integral garage. The front of the site is capable of accommodating a further two cars. As a result sufficient space will be available to park three cars in line with Policy T8 (Parking Standards) of the South Gloucestershire Local Plan (four bedrooms and over: 3 parking spaces). In addition, it is not considered that the development will prejudice highway safety. It is therefore considered that the development accords with Policy T8 & T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

## 5.7 Other matters arising

Concern was raised that the plans do not give an accurate account of how the proposed extension would affect No. 4A Castle Farm Road. In this instance, whilst it is acknowledged that the inclusion of neighbouring properties on the block plan would have been beneficial, officers consider that an assessment of the impact of the development can be carried out as: the plans are to scale – therefore it is possible to accurately locate and assess the position and subsequent impact of the development on neighbouring properties; a site visit has also been conducted – ensuring that a full and thorough assessment has been carried out; and, finally, as stated in the guidance notes attached to the planning application forms, there is no requirement to show the position of neighbouring properties in relation to the site.

5.8 Concern has also been raised that the proximity of extension will make exterior finishing and repairs very difficult. This issue is not a planning consideration and is a civil matter to be addressed by the parties concerned.

## 5.9 Section 106 Requirements

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

## 6. **CONCLUSION**

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

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

## 7. **RECOMMENDATION**

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

**Background Papers**      **PK08/0156/F**

**Contact Officer:**    **Edward Purnell**  
**Tel. No.**                **01454 863056**

**CONDITIONS**

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

Reason:

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

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

Reason:

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

**CIRCULATED SCHEDULE NO. 09/08 – 29 FEBRUARY 2008**

<b>App No.:</b> PK08/0168/F	<b>Applicant:</b> Mrs B Williams
<b>Site:</b> 9 Rutherford Close, Longwell Green, South Gloucestershire, BS30 9XY	<b>Date Reg:</b> 17th January 2008
<b>Proposal:</b> Erection of two storey side and two storey rear extension to form additional living accommodation.	<b>Parish:</b> Oldland Parish Council
<b>Map Ref:</b> 66236 71386	<b>Ward:</b> Longwell Green



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**N.T.S**

**PK08/0168/F**

## **INTRODUCTION**

This application appears on the Circulated schedule due to the receipt of one letter of objection from the Parish Council and three letters of objection from local residents.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the erection of a two-storey extension to the side and rear of the existing dwelling. The purpose of the extension is to provide a large kitchen at ground floor and an additional bedroom and enlarged bathroom at first floor.
- 1.2 During the course of the application, amended plans have been received at the request of the case officer. The purpose of the amended plans was to rectify a small mistake on the original plans and also to show how two off street parking spaces would be provided. In order to ensure two car parking spaces could be provided, the design of the extension was also amended on the revised plans. The extension now protrudes slightly to the rear of the dwelling as well as to the side. The description of development was amended accordingly and the necessary re-consultation carried out.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
H4 Development within Existing Residential Curtilages, Extensions and New Dwellings  
T8 Parking Standards

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

- 3.1 None relevant

### **4. CONSULTATION RESPONSES**

- 4.1 Oldland Parish Council  
Object to the application on the grounds of concerns of inadequate off-street parking particularly in a small cul-de-sac.

#### **Other Representations**

- 4.2 Local Residents  
Three letter of objection have been received from local residents. It is important to note that the letters were all received in response to the initially submitted plans which have now been superseded. No letter have been received following the re-consultation on the amended plans and thus the initially letters will be taken into account. A summary of the points of concern is as follows:



- The new window at first floor would overlook the neighbours kitchen window
- Concerns over drainage and water running towards the neighbours property in times of heavy rain.
- Need for two off-street parking spaces to be provided after the extension
- It is a small cul-de-sac and parking can already be awkward.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

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

### 5.2 Design/Visual Amenity

The proposed extension is of appropriate design and will integrate successfully with the host dwelling and the surrounding street scene. The extension is appropriately subservient to the host dwelling given that the front wall will be set back 2.9 metres and the ridge will be set down by 600mm. The extension will be constructed of materials to match the existing and the new windows will also fully integrate with the windows of the main house.

The structure will be visible from the highway but will integrate successfully with the host dwelling and as such, it is not considered the additions would be visually intrusive. Subject to the attachment of a condition to ensure that the materials used match those of the existing dwelling the design of the extensions is considered to be acceptable.

### 5.3 Residential Amenity

The extension is to be constructed on the side of the dwelling – closer to the neighbour at No. 7. It is noted that the owner of Property No. 7 wrote in and objected to the application partly on the basis of the new window in the first floor side elevation of the extension overlooking their kitchen. However, following the receipt of revised plans, no windows are now proposed in the first floor side elevation of the extension and thus potential for loss of privacy has been removed.

The extension will be set away from the boundary with the neighbouring property – at its furthest point the extension will be 3 metres away from the boundary. Because of the set back off of the boundary line, it is not considered that the extension will have any overbearing or overshadowing effects on the amenities of the neighbouring dwellings.

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

### 5.4 Transport Implications

As initially submitted, the planning officer was concerned that insufficient off street parking would be retained to meet the needs of the dwelling. The Parish

Council and several neighbours clearly expressed the same view. However, the revised plans clearly show the provision of two off street parking spaces within the curtilage. The level of off street parking to be provided therefore will be in accordance with the requirements of the South Gloucestershire Local Plan and is thus considered acceptable.

#### 5.5 Section 106 Requirements

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

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

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

#### Background Papers      **PK08/0168/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. The two off-street vehicle parking spaces shown on the plan hereby approved shall be provided before the extension is first occupied, and thereafter retained for that purpose.

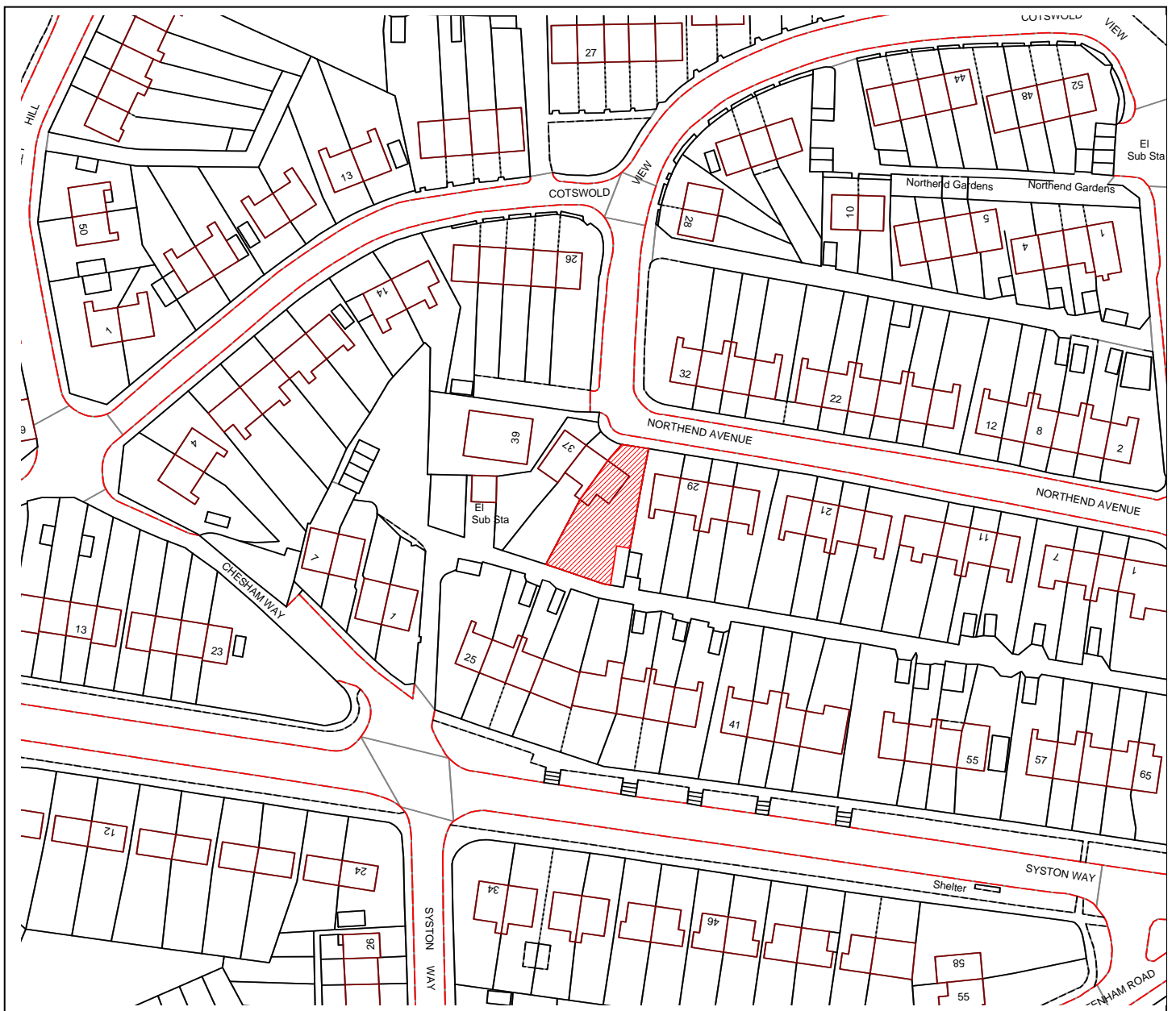
Reason:

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

**CIRCULATED SCHEDULE NO. 09/08 – 29 FEBRUARY 2008**

**App No.:** PK08/0188/F  
**Site:** 33 Northend Avenue, Kingswood, South Gloucestershire, BS15 1UD  
**Proposal:** Conversion of existing dwelling to form 2no. self contained flats with associated works.  
**Map Ref:** 64915 74493

**Applicant:** Mr W Braund  
**Date Reg:** 22nd January 2008  
**Parish:**  
**Ward:** Kings Chase



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**N.T.S**

**PK08/0188/F**

## **INTRODUCTION**

This application is included on the Circulated Schedule to Members, in accordance with procedure given than an objection has been raised.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks consent for the conversion of a two storey end terrace property (part of a rank of three) to 2 no. two bed flats. The property is situated on the southern side of Northend Avenue at a bend in the road. There are no external alterations to the fabric of the building, with the changes being internal (considered by the Building Regulations).
- 1.2 Both flats would have access to amenity space to the rear (garden areas to be separated). A bin store is indicated to the front and two parking spaces (one per flat) and a cycle store are shown to the rear accessed from a rear lane serving the rear of properties in both Northend Avenue and Syston Way.

### **2. POLICY CONTEXT**

- 2.1 National Guidance
  - PPS1 Delivering Sustainable Development
  - PPS3 Housing
  - PPG13 Transportation
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
  - D1 Achieving Good Quality Design in New Development
  - H5 Residential Conversions, Houses in Multiple Occupation and Re-use of Buildings for Residential Purposes
  - T7 Cycle Parking
  - T8 Parking Standards
  - T12 Transportation Development Control Policy for New Development
  - EP4 Noise sensitive development

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

P78/4407 Erection of two storey side extension (Approved)

### **4. CONSULTATION RESPONSES**

#### **4.1 Parish Council**

This area is unparished

#### **4.2 Sustainable Transport**

The proposal is for conversion of the existing dwelling to smaller units and it is limited to internal alterations to the existing property. There is no proposed alteration to the overall scale, form or external appearance of the existing property.

Parking is proposed at the ratio of one space per flat to the rear of the property. In view of the above therefore, there are no highway objections to this proposal.

#### 4.3 Local Residents

- The proposal will generate additional traffic in the private lane to the rear to the detriment of neighbouring occupiers and this is not considered suitable as a road
- The proposal may disturb rats previously found in the garden

### 5. ANALYSIS OF PROPOSAL

#### 5.1 Principle of Development

PPS3 (Housing) identifies the planning system as a means of widening housing opportunity and choice, maintaining a supply of housing and creating sustainable residential environments. Paragraph 10 of PPS3 indicates among other criteria that the planning system should deliver a mix of housing, both market and affordable, particularly in terms of tenure and price to support a wide variety of households in all areas, provide a sufficient quantity of housing taking into account need and demands and seeking to improve choice. Furthermore the planning system should provide housing developments in suitable locations, which offer a good range of community facilities with good access to jobs, key services and infrastructure.

5.2 It is considered that the current proposal is appropriate within this context.

5.3 Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006 reflecting the aims and objectives set out in this guidance considers the criteria for proposals for the conversion of existing residential properties into smaller units of self-contained residential accommodation. The policy recognises the important contribution that smaller units can make to the supply, range and mix of housing provision in South Gloucestershire and supports the conversion where appropriate of larger properties subject to consideration of the following criteria.

#### 5.4 Character of Surrounding Area

Policy H5A of the South Gloucestershire Local Plan (Adopted) January 2006 allows for such development provided that there is no adverse impact upon the character of the area. The surrounding area predominantly consists of single (family) dwellings within this predominantly residential area. A consent has been given for the conversion of the adjoining property to flats at No.33.

Within this context it is not considered that the addition of a further two units would adversely affect the character of the surrounding area, particularly given the guidance in PPS3 (para 10) that has been outlined above that seeks to create mixed and inclusive communities.

#### 5.5 Design

Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to achieve a high standard of design in all new development having regard to scale, form and materials both in relation to the original property and within the wider context.

5.6 There are no external works to the building proposed. A condition is recommended requiring full details of refuse storage which can be accommodated to the front of the property as shown. This will ensure that the storage is capable of accommodating the South Gloucestershire Council Twin

Bin Scheme and thus be in accord with Policy D1(H) of the South Gloucestershire Local Plan (Adopted January 2006).

5.7 Residential Amenity

Policy H5B of the South Gloucestershire Local Plan (Adopted) January 2006 considers that such development should be permitted provided that it would not prejudice the amenities of nearby occupiers.

It is not considered that the addition of two units of accommodation would cause any significant increase in noise and disturbance, nor would any overlooking result from the proposed development. The Building Regulations would cover the issue of sound insulation between the new units themselves and between the new units and the adjoining properties on either side.

It is not considered that the proposed development would adversely affect the amenity of neighbouring occupiers or the amenity of future occupiers of the flats or the original property.

5.8 Transportation

Policy H5C of the South Gloucestershire Local Plan (Adopted) January 2006 considers that such a development would be acceptable provided an acceptable level of parking is identified. Policy T12 assesses development in terms of the impact of the development upon the wider highway network with the priority being highway safety. Policy T8 sets the parking standards.

The access arrangements are considered satisfactory and the provision of two parking spaces (one per flat) as shown is within the maximum standards set out in Policy T8. It should also be noted that the site is within reach of local facilities and public transport routes.

5.9 Subject to conditions requiring full details of the refuse bin storage and requiring parking space (vehicular and cycle storage) to be provided prior to the first occupation of the development (with the allocation of the spaces clearly marked on the ground), there is no transportation objection to this proposal and it is considered that the proposal is in accord with the aims and objectives of Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.10 Amenity Space Provision

The submitted plans indicate amenity space for the both flats, situated within an area to the rear and this is to be welcomed. A condition requiring all new boundary treatments to be installed prior to the first occupation of the units will be attached to the decision notice. It is considered that the adequate amenity space is provided.

5.11 Other Issues

Concern has been raised that additional use of the lane will ensure that it “becomes a highway” which will need maintenance. It is not considered that an additional two units will make any significant difference to the use of this long lane. Most properties have garages that back onto the lane. It should also be noted that the property is relatively close to the access onto Syston Way and the cars would not have to travel any great distance along the lane. It is not considered that the additional use of this lane would justify the refusal of the application.

Concern has been raised that the development may disturb rats previously found in the garden. This would be the responsibility of the applicant and is not a material planning consideration.

#### 5.12 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the South Gloucestershire Council Design Checklist (Adopted August 2007).

### 6. CONCLUSION

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

### 7. RECOMMENDATION

- 7.1 Planning Permission be granted subject to the following conditions

#### Background Papers      **PK08/0188/F**

**Contact Officer: David Stockdale**  
**Tel. No.            01454 864533**

### 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. Prior to the first occupation of the dwellings hereby approved, full details of the refuse bin storage (to accommodate the South Gloucestershire Twin Bin Scheme), shall be submitted to and approved in writing by the Local Planning Authority. the scheme shall proceed in accordance with the approved details and shall be maintained as such thereafter.

Reason:

To ensure adequate Refuse storage provision and to accord with Policy D1(H) of the South Gloucestershire Council Local Plan (Adopted).



3. Prior to the first occupation of the dwellings hereby permitted, full details of the proposed new boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The boundaries shall be erected prior to the first occupation of the dwellings.

Reason:

To ensure a satisfactory standard of external appearance and to protect the privacy of occupiers and to accord with Policy D1 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. 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. In addition the vehicle parking space allocation shall clearly marked on the ground and retained as such thereafter.

Reason:

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

**CIRCULATED SCHEDULE NO. 09/08 – 29 FEBRUARY 2008**

**App No.:** PK08/0190/F

**Applicant:** Beaumont Homes Ltd

**Site:** Land at rear of 71-75 Westerleigh Road, Yate, South Gloucestershire, BS37 4BN

**Date Reg:** 22nd January 2008

**Proposal:** Erection of 4no. semi-detached bungalows and 3no. detached bungalows with associated works. (Resubmission of PK07/3089/F).

**Parish:** Yate Town Council

**Map Ref:** 70896 82134

**Ward:** Yate Central



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**N.T.S**

**PK08/0190/F**

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 This application follows a previous approval but where 2no. dwellings were approved to the rear of the site, 3no. bungalows are now proposed. The previous approved 4 bungalows remain as per the previous approval (PK05/3056/O).
- 1.2 As noted in the planning history, this application follows a number of applications for residential development on this site.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

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

#### **2.2 Development Plans**

##### **Joint Replacement Structure Plan**

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

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

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

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

- 3.1 PK07/3089/F - Erection of 7 no. chalet bungalows with associated works. Application was withdrawn
- 3.2 PK07/1549/RM - Erection of 2no. detached houses with garages and 4no. semi detached bungalows with garages (Reserved matters application to be read in conjunction with Outline Application PK05/3056/O)
- 3.3 PK06/3596/O -Erection of 6no. bungalows and 8no. apartments (Outline) with layout and access to be considered. The application was withdrawn 29/01/07.
- 3.4 PK06/3588/O – Erection of 6no. bungalows and 3no. detached dwellings. Reused planning permission 05/02/07 on the grounds of loss of visual and residential amenity.

3.5 PK05/3056/O - Erection of 2no. detached houses with garages and 4no. semi detached bungalows with garages (Outline), means of access and siting to be determined. All other matters reserved. Approved with Section 106 Agreement 30/05/06 with the following heads of terms:

- (i) A contribution of £1,000 per unit towards improvement, enhancement of public transport facilities in the area (£6000 total).

The reasons for the Agreement are:

- (i) To mitigate against the increase in traffic generated by the proposal and to encourage means of transport other than the private car.

3.6 PK05/1553/O - Erection of 8 no. bungalows and 6 no. flats (Outline) with siting and means of access to be determined. Refused 08/08/05 on grounds of harm to visual and residential amenity.

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

4.1 Yate Town Council  
No objections

##### **Other Representations**

4.2 Local Residents  
1no. consultation response was received which expressed the following summarised comments:

- There are no objections to the development of the site as proposed, but concern is expressed over the close proximity of the wall of Plot 5 to an existing Ash tree;.
- In addition the plans show the road curving around the tree and I would request that this curvature should be sufficient to avoid any damage to the tree roots pr canopy;
- To provide protection from noise and disturbance, the proposed 1.8 metre high close-board fence to the erected on a boundary is to be completed before any major works on site commence

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

5.1 Principle of Development

The principle of residential development has already been established on this site. The proposal stands to be determined against the policies listed above and in the light of all material considerations, under the following headings

##### Design and Layout

5.2 The proposed layout has been subject to pre-application discussions. In addition following the withdrawal of the last scheme on the grounds of poor design, the previously approved design and layout of the 4no. bungalows as been adopted. Therefore the only difference now between this scheme and the existing approval is that where there were 2no. dwellings to the end of the site, there are now 3no. bungalows in a staggered formation.

5.3 Since the withdrawal of the last application, discussions have also taken place to simplify the design and reduce the scale of each of the 3no. new bungalows.

- 5.4 It is now considered that the individual units are acceptable and as overall the proposed scheme does not significantly differ from the previous approval, there are no objections to the proposed scheme on design or visual amenity grounds.

Residential Amenity

- 5.5 There are no concerns regarding the affect upon the amenities of existing residents, although permitted development rights are to be removed and to address the concern of a local resident, a condition is to be attached to ensure the boundary fence adjacent to No.75A is erected prior to the commencement of development.
- 5.6 The only issue to consider is the levels of amenity for the 3no. bungalows at the bottom of the site and in light of the scale of the units and their respective rear gardens, it is considered that the levels of amenity to be afforded the prospective residents of the new units would be acceptable,

Transportation

- 5.7 As noted above, the site already has outline planning permission for six dwellings (PK05/3056/O & PK07/1549/RM).
- 5.8 This proposal is a resubmission of a previously withdrawn proposal to erect seven chalet bungalows on the site (PK07/3089/F). Seven bungalows and eighteen parking spaces are again proposed for this site.
- 5.9 To mitigate against the impact of this development, a financial contribution of £1000 per dwelling towards the enhancement of public transport facilities in the area is requested. £6000 has already been paid as part of the previous planning consent. It will therefore be necessary to make an additional contribution of £1000 as part of this revised proposed.
- 5.10 Therefore subject to a number of conditions, there are no transportation objection to this proposal.

5.11 Landscape/ Trees

- The site does not appear to have been part of the historic settlement of Yate and none of the vegetation on the site is considered to be visually significant in the broader landscape. The site is surrounded by other residential development and is not visually apparent in the broader landscape. The siting of residential development in this location would therefore, not appear to be visually significant in terms of broad visual impact.
- 5.11 The access to the site acknowledges the local characteristic of stone boundary walls. As previously stated the house types are also considered in keeping with the existing dwellings that contribute to the local distinctiveness.
- 5.12 Therefore from a landscape basis, the principle of residential development in this location would be acceptable in terms of visual impact in the broader landscape and that landscape character would not be compromised. Similarly, the access with the stone wall details proposed is considered to be in keeping with the characteristic details of the locality and would not therefore adversely affect visual amenity or landscape character.

5.13 A previous inspection by the Council's Tree Officer noted that the site contains a number of poor fruit trees and an Oak on the boundary with No.75A Westerleigh Road. This Oak tree has been pollarded in the past and hold little amenity value. There is however a large Sycamore at the end of the strip of land, but as per the submitted plans lies outside of the development site. Therefore although this tree is worthy of protection, the proposed development would not affect the tree.

5.14 In conclusion there were no trees noted of significance on the proposed development site. There are therefore no objections to the proposed scheme on this basis.

5.15 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.

5.16 Section 106 Requirements

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 are appropriately the subject of a Section 278 Agreement and would satisfy the tests set out in Circular 05/2005.

**6. CONCLUSION**

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

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

**7. RECOMMENDATION**

7.1 (1) That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 278 of the Highways Act 1980 (as amended) to secure the following:

(i) One thousand pounds should be secured towards traffic calming measures.

(2) That the Head of Legal and Democratic Services be authorised to prepare and seal the Section 278 Agreement.

**Background Papers      PK08/0190/F**

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

**CONDITIONS**

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

Reason:

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

2. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason:

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no walls, fences, gates or other means of enclosure shall be erected, positioned or placed within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto the highway, without the prior written consent of the Local Planning Authority.

Reason:

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

4. 2. All highway works to the new access onto the public highway at the Westerleigh Road Junction to be carried out to the full and final satisfaction of the Council.

Reason:

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

5. The vehicular parking for the existing dwellings Nos 73 and 75 as shown on the proposed site plan (drg no.BH003 Rev.A) is to be provided prior to the commencement of the development.

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.

6. 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 T6, T7 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Before the development hereby permitted is commenced details of the proposed finished floor levels of each dwelling house relative to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the residential amenities of adjacent occupiers are not prejudiced by development close to the boundary, in accordance with Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of all boundary treatment to be erected. The boundary treatment shall be completed before the development hereby permitted is commenced. Development shall be carried out in accordance with the approved details.

Reason:

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

9. The boundary treatment indicated for the western boundary of No.75 A Westerleigh Road is to be erected to the front of No.75A is to be insitu prior to the commencement of development.

Reason:

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

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

Reason:

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



## CIRCULATED SCHEDULE NO. 09/08 – 29 FEBRUARY 2008

App No.: PK08/0197/F

Site: Land in Sheepfair Lane, Marshfield,  
South Gloucestershire, SN14 8NAProposal: Demolition of detached garage and  
erection of 1no. detached dwelling with  
associated works. (Resubmission of  
PK06/0872/F).

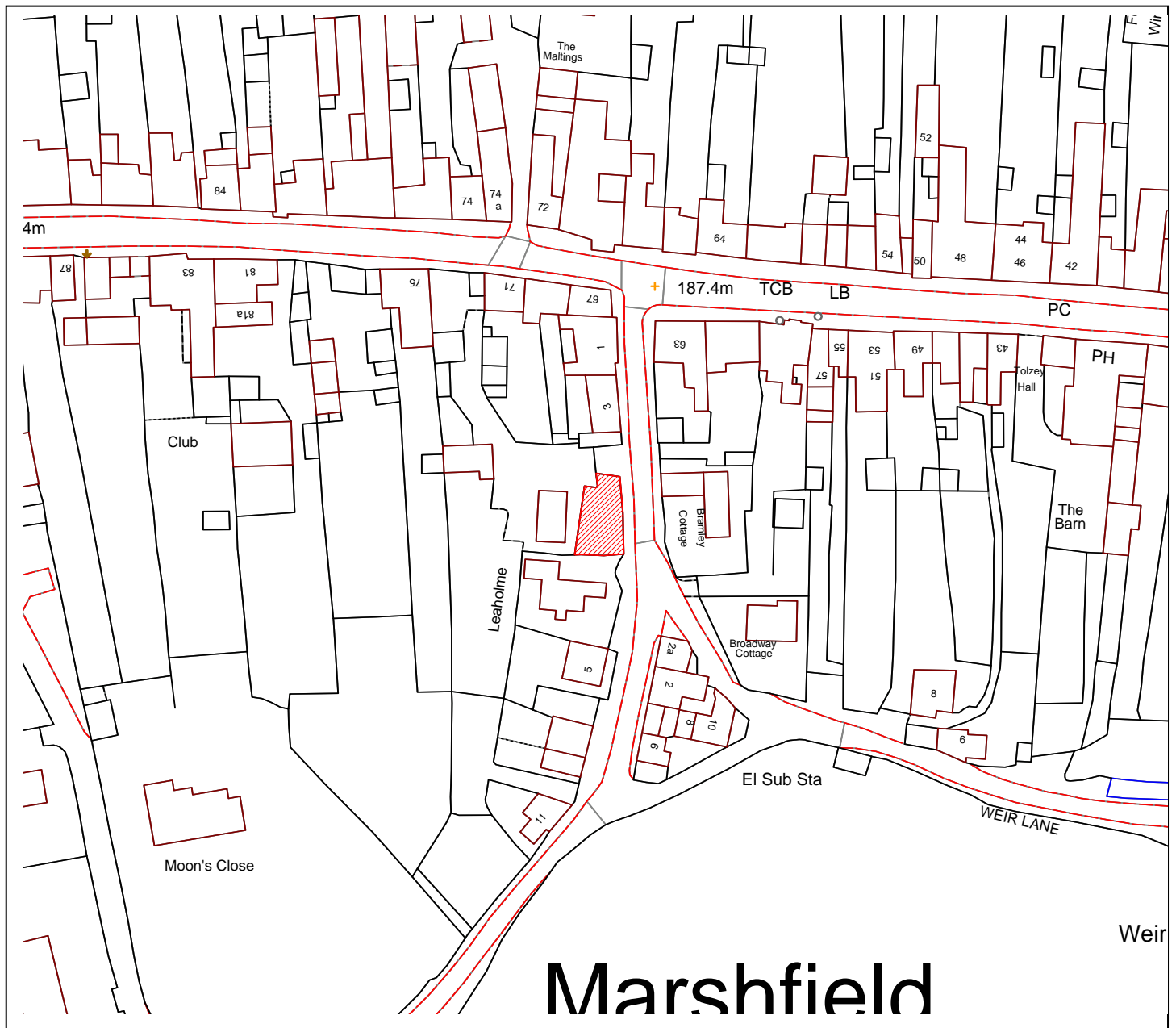
Map Ref: 77841 73689

Applicant: Mr P George

Date Reg: 22nd January 2008

Parish: Marshfield Parish  
Council

Ward: Boyd Valley



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N.T.S

PK08/0197/F

## **INTRODUCTION**

The application appears on the circulated schedule as representations have been received contrary to the officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the demolition of detached garage and erection of 1no. detached dwelling with associated works. (Resubmission of PK06/0872/F).
- 1.2 The site consists of a small garage in a walled courtyard, within the settlement boundary of Marshfield, within the Cotswolds AONB and the Marshfield Conservation Area. There are three trees currently on the site. The proposed one bedroomed dwelling, with accommodation in the roof, is 'L' shaped with a pitched roof and gabled ends, one of which faces the road. The height of the main part of the dwelling is 6.4m, and the height of the smaller section 4.7m. The width of the main part is 10.1m, with the depth at 6.4m. The smaller section is 5m wide and 7.7m deep. Materials proposed are natural stone in coursed rubble stone walls, reclaimed clay double roman tiles and windows timber casement, apart from a larger 'hay loft' type openings in the east and west gables, which the architect has stated is for emergency means of escape from the attic studio. A single dormer is proposed on the front (south) elevation, with four conservation rooflights proposed- one on each roof plane. One internal garage is proposed, accessing out directly onto the driveway, rather than the road.

### **2. POLICY CONTEXT**

2.1 National Guidance

PPS1 Delivering Sustainable Development  
PPG15 Planning and the Historic Environment

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design  
L2 Cotswolds AONB  
L12 Conservation Areas  
L13 Listed Buildings  
T8 Parking Standards  
T12 Transportation Development Control Criteria  
H2 Proposals for Residential Development within Defined Settlement Boundaries

2.3 Supplementary Planning Guidance

Marshfield SPG

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

- 3.1 PK06/0872/F Demolition of detached garage and erection of one detached dwelling. Refused May 2006 for the following reasons:

1. The proposal, due to its height, mass and bulk in a part of the Marshfield Conservation Area that is characterised by a transition from village to open landscape, create an unwelcome sense of enclosure at an inappropriate location, and furthermore, would dominate the streetscene, creating a visually jarring element, harming the visual amenity of the area and the setting of the listed building directly to the north. The proposal would therefore harm the character and appearance of the Marshfield Conservation Area, harm the visual amenity of the area and harm the setting of the nearby listed building. The proposal is therefore contrary to Policies D1, L12 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The proposed dwelling, due to its height, mass, bulk, and positioning, would dominate and create an overbearing presence for the occupiers of both 'Leaholme' to the south and the future occupiers of the proposed dwelling the subject of planning permission PK06/0008/F, directly to the west, harming their reasonable residential amenities. The proposal is therefore contrary to Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The visibility from the proposed garage is severely restricted and would be likely to increase highway hazards. The level of off-street parking provision proposed is considered inadequate in this village location, and is also likely to lead to increased highway hazards due to increased on-street parking in the locality. The proposal is therefore contrary to Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

##### **4.1 MarshfieldParish Council**

Objection: insufficient off-street parking for both properties.

##### **Other Representations**

##### **4.2 Local Residents**

Three letters raising no objection were received, two in support of the application and one objecting on the following grounds:

- Applicant could convert the garage to a room
- Doesn't resolve third reason for refusal on last application
- Trees should be retained

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

##### **5.1 Principle of Development**

Policy H2 allows for proposals for residential development within the boundaries of settlements, as defined on the Proposals Map, subject to certain detailed criteria. Since the site is within the settlement boundary of Marshfield, the principle of development is acceptable, subject to the following detailed assessment.

5.2 It is acknowledged that the Conservation Officer has objected to the proposal on the grounds that this small area of open land contributes to the diversity of the area and its transitional rural character. Whilst the site is 'open' in the sense that it does not contain buildings of a similar mass and scale as on adjacent plots, the site does not read as entirely open, as it surrounded by substantial

walls/fences and has an outbuilding within it. Furthermore, it is a material consideration that the previous application was not refused on 'in-principle' grounds; rather that its overall height, massing and bulk would create an unwelcome sense of enclosure in this transitional location. Part of the character of Marshfield itself is the dense form of development that the historic pattern necessitates, and given the above, it is not considered that a reason for refusal based on an in-principle objection to the scheme could be substantiated at an appeal.

### 5.3 Visual Amenity, Conservation Area and AONB

The site lies within the conservation area and forms the setting for the listed building to the north of the site. It is this part of Sheepfair Lane where the landscape begins to open up and evokes the transition from settlement to countryside.

5.4 The scale and massing of the building is considered improved on the previously refused application. The proposal is now single storey with accommodation in the roof. The wall at the front of the site is proposed to be rebuilt. The reduction in height is such that the proposed dwelling has a lower ridge than the newly built building to the rear, Leaholme to the south and 3 Sheepfair Lane to the north. There is also a courtyard at the front of the site. Given this reduction in height, mass and scale, and the relationship with neighbouring buildings, it is considered that the proposal would retain some form of 'openness' that would respect the transitional element of this part of Sheepfair Lane and would therefore not harm the character and appearance of the Conservation Area or the setting of the nearby listed building (no. 3 Sheepfair Lane).

5.5 Following discussions at the pre-application stage, the proposal now has only one small dormer on the south elevation, and the total number of rooflights has been reduced to four (two on the main section of the dwelling, and two on the lower section). Notwithstanding her objection to the scheme, the Conservation Officer has stated that this is an improvement on the application from the pre-application stage. She does raise concerns, however, regarding the large 'hayloft' window to the east elevation (which is also replicated on the west) which is required to provide emergency means of escape from the attic studio. These 'hayloft' windows are considered to be of an inappropriate size and design, however, it is considered that their design can be altered by way of a condition, and this has been agreed with the applicant's agent.

5.6 The Conservation Officer has also raised concerns regarding the rebuilding of the dry stone wall at the front of the site, that, as this will require more stone than is available currently on site, it would result in a 'patchwork' appearance. However, it is considered that this can be adequately controlled by way of a condition to ensure that the stone and the jointing is appropriate for this location. Notwithstanding her objection to the scheme, the Conservation Officer has recommended conditions in the event of an approval, to ensure the quality of the work.

5.7 The proposal involves the loss of three trees, 1x Eucalyptus, 1x Laburnum and 1x Cherry. The Tree Officer has stated that the Eucalyptus has a limited amenity value and is non-native with a relatively short life, and the Laburnum is non-native species and poisonous and the Cherry has a poor form. The Tree Officer considers that the proposals contribute very little to the character and

appearance of the area and would not fulfil the criteria for a Tree Preservation Order.

5.8 Given that the site lies within the main body of the settlement boundary of Marshfield, the proposal will have a negligible effect on the natural beauty of the Cotswolds AONB.

5.9 Residential Amenity

The proposed dwelling is of a much smaller mass and scale than the previously refused scheme so that it does not have an impact on Leaholme to the south, and would not be overbearing to the occupiers of the newly built property to the west.

5.10 There is a study room window on the of the newly built dwelling to the west that directly faces the development. However, the proposed window on the west elevation is 1.5m south of the window on the newly built property, and is proposed to be obscured glazed, and this will alleviate any direct overlooking. It is acknowledged that the proposed dwelling would be very close to the side elevation of this newly built house, approx, 1m, however, in the historic context of the village, this is not considered an unusual relationship, and is therefore considered appropriate here.

5.11 Transportation

The application includes an off-street parking space in the form of an integral garage that egresses onto the private lane off Sheepfair Lane, rather than onto Sheepfair Lane itself, as per the previously refused application. The applicant has stated that he has legal rights over this lane, and these have not been disputed following consultations with neighbours. The issue regarding the poor visibility splays on the previously refused scheme is therefore overcome, and the Highway Officer raises no objection on these grounds.

5.12 The Highway Officer has raised an objection regarding the level of off-street parking, stating that the users of the garage will now not have use of this space. However, this was not a reason for refusal on the previous application, since the highway refusal reason only related to the proposed dwelling, and, as such, it is not considered reasonable to refuse the current application on this basis. One parking space for a one bedroomed dwelling is within the maximum parking standards as set out in Policy T8, and is considered appropriate.

5.13 Other matters

Permitted development rights are proposed to be removed by condition and therefore the occupier of the dwelling could not convert the garage to a room without applying for planning permission.

5.14 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.

5.15 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 That planning permission is GRANTED subject to the following conditions:

**Background Papers**      **PK08/0197/F**

**Contact Officer:**    **Sarah Tucker**  
**Tel. No.**                **01454 863780**

### **CONDITIONS**

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

Reason:

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

2. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason:

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and

to accord with Policy D1, H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

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

4. Prior to the commencement of development, the design and details including materials and finishes of the following shall be approved in writing by the local planning authority:

- a. Eaves
- b. verges
- c. ridges
- d. rainwater goods,
- e. all new windows (including cill and head treatments)
- f. lintols
- g. reveals
- h. dormer window
- i. all external doors
- j. extract vents and flues
- k. rooflights

The design details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 together with full size cross section profiles. The scheme shall be implemented strictly in accordance with the approved details.

Reason:

In order that the development serves to preserve the character and appearance of the conservation area, in accordance with national guidance set out at PPG15 and policy L12 of the Adopted South Gloucestershire Local Plan.

5. Prior to commencement of development a representative sample of roofing tile shall be submitted and approved in writing for the local planning authority. The development shall be implemented in accordance with the approved sample.

Reason:

In order that the development serves to preserve the character and appearance of the conservation area, in accordance with national guidance set out at PPG15 and policy L12 of the Adopted South Gloucestershire Local Plan.

6. All doors and windows shall be of traditional painted timber construction and finished in a colour to be agreed in writing by the local planning authority and thereafter so maintained in the approved colour unless an alternative is first approved in writing by the Local Planning Authority.

Reason:

In order that the development serves to preserve the character and appearance of the conservation area, in accordance with national guidance set out at PPG15 and policy L12 of the Adopted South Gloucestershire Local Plan.

7. The stone from the existing outbuilding shall be salvaged and re-used in the external facing elevations of the proposed development. All new stone to be used in the elevations shall be reclaimed stone to match as closely as possible.

Reason:

In order that the development serves to preserve and enhance the character and appearance of the conservation area, in accordance with national guidance set out at PPG15 and policy L12 of the Adopted South Gloucestershire Local Plan.

8. Prior to the commencement of development a sample panel of new facing stonework of at least one square metre shall be constructed on site to illustrate the proposed stone coursing, and colour and texture of pointing. The sample panel shall be approved in writing by the local planning authority and thereafter retained on site until the completion of the scheme to provide consistency. The development shall be implemented in accordance with the approved sample.

Reason:

In order that the development serves to preserve the character and appearance of the conservation area, in accordance with national guidance set out at PPG15 and policy L12 of the Adopted South Gloucestershire Local Plan.

9. Details of amended window design for the 'hayloft' windows on the west and east elevations shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be implemented in accordance with the approved window details.

Reason:

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



## CIRCULATED SCHEDULE NO. 09/08 – 29 FEBRUARY 2008

App No.: PK08/0209/R3F

Applicant: Mrs S Tubey Yate  
Town CouncilSite: Frome Bank Junior School, Tyndale  
Avenue, Yate, South Gloucestershire,  
BS37 5EX

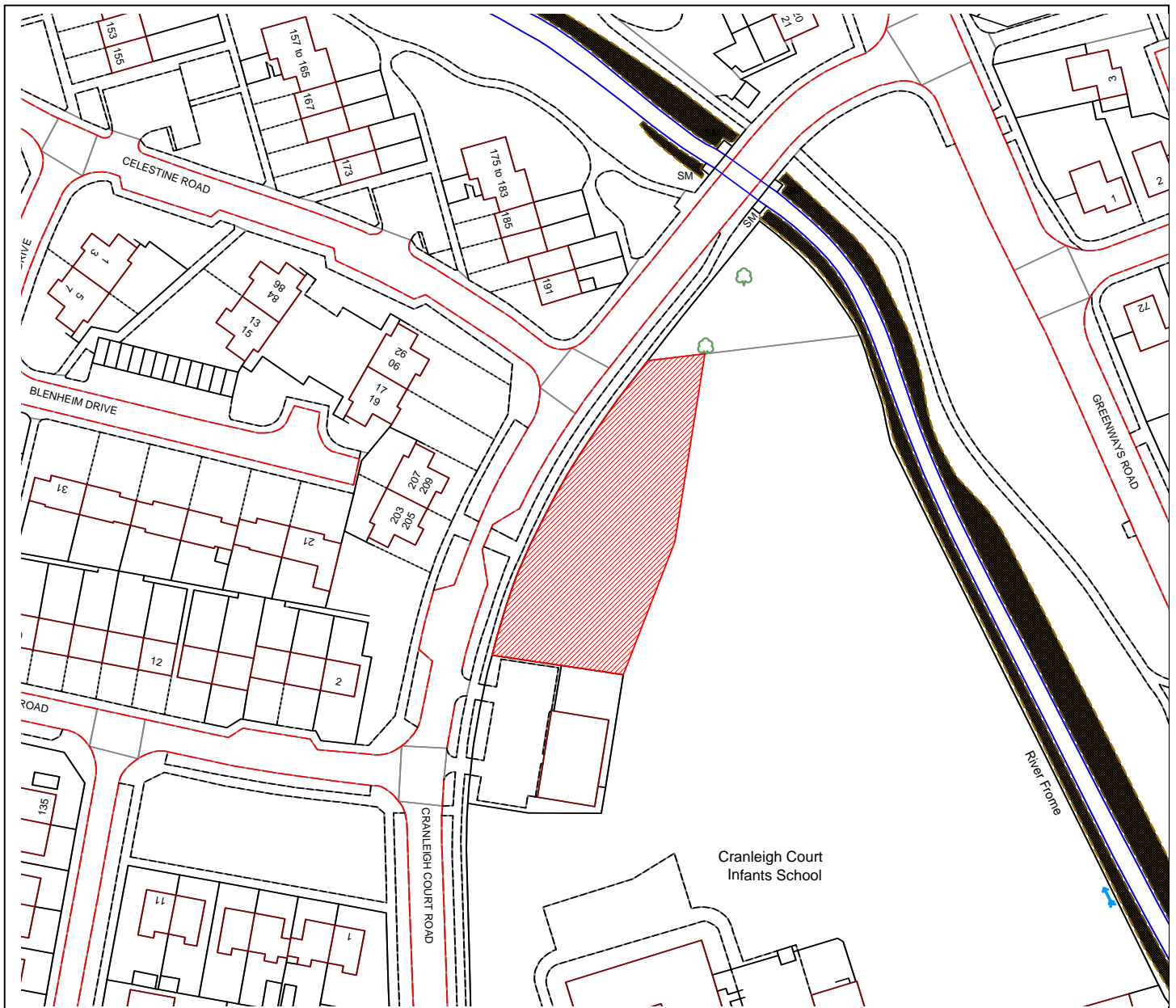
Date Reg: 22nd January 2008

Proposal: Erection of 3 metre high fence.  
(Resubmission of PK07/2637/R3F).

Parish: Yate Town Council

Map Ref: 70662 83246

Ward: Yate North



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100023410, 2008.

N.T.S

PK08/0209/R3F

## **INTRODUCTION**

The application is referred to the Circulated Schedule as the proposal has been submitted by South Gloucestershire Council.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the erection of a painted steel mesh fence and matching gates along the eastern boundary of Fromebank Junior School, adjacent to Cranleigh Court Road, Yate. The proposal also includes to erect a steel fence surrounding a tarmac playing surface, which will be used as multi-use games area. The steel fence and gates would be 3 metres high above ground level.
- 1.2 The school grounds are surrounded by residential properties. The development lies within Flood Zone 2 & 3 as defined by the Environment Agency. A flood assessment has been submitted with the application.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS25	Development and Flood Risk

#### 2.2 Development Plans

##### Joint Replacement Structure Plan

Policy 1	Principles of Sustainable Development
Policy 24	Flood Risk

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

D1	Design
L1	Landscape Protection and Enhancement
LC4	Proposals for Educational and Community Facilities within the Existing Urban Area and Defined Settlement Boundaries
L17 & L18	The Water Environment
EP2	Flood Risk and Environment

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

The site has been subject to a number of planning applications in the past. The following is the most relevant to the determination.

PK07/2637/R3F Erection of 3 metre high fence. Withdrawn 03.10.07

### **4. CONSULTATION RESPONSES**

#### 4.1 Parish/Town Council

No comment was made because Yate Town Council has made this application.

#### Other Representations

#### 4.2 Local Residents

No response received.

4.3 Environment Agency  
No objection in principle subject to conditions.

4.4 Technical Support (Drainage)  
No objection in principle.

4.5 Environmental Services  
No adverse comments.

4.6 Landscape  
No objection subject to conditions.

4.7 Sustainable Transport  
No objection.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy LC4 of the adopted South Gloucestershire Local Plan allows proposals for development within existing schools subject to a number of criteria.

### 5.2 Visual amenity

The mesh fence is proposed along the ground of the School. The proposed fences would be approximately 3 metres high, which would be approximately one metre higher than the existing chain fence.

It is considered that the proposed fence is acceptable and would be appropriate of design to use of the site. Officer considered that the proposal would not be out of keeping with the character of the area.

Landscape officer considered that a maintenance schedule could be provided to ensure the proposal meets the Environment Agency proposals. A planning condition is therefore imposed to safeguard the issue.

### 5.3 Residential amenity

The proposed fence and gates would be adjacent to a public highway, Cranleigh Court Road, and it would be more than 17 metres from the nearest residential boundary.

Officers therefore considered that the proposal would not have an adverse impact upon the residential amenity of the neighbouring properties.

### 5.4 Transportation Implications

There are no highway objections to this proposal.

### 5.5 Flooding issues

The development lies within a flood zone as defined by the Environment Agency. The applicant submitted a flood risk assessment, which has been

forwarded to the Council Technical Support (Drainage) and the Environment Agency as part of the consultation.

The Council Technical Support has no objection in principle to the application.

The Environment Agency has no objection in principle to the proposed development subject to a condition regarding the maintenance of the fence.

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

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

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

**Background Papers      PK08/0209/R3F**

**Contact Officer:    Edward Purnell/Olivia Tresise**  
**Tel. No.                01454 863056**

### **CONDITIONS**

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

Reason:

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

2. The proposed mesh fence shall be maintained and clear of debris at all time, and a maintenance schedule shall be submitted to the local planning authority before the use commenced.

Reason:

In thrests of flood prevention and in accordance with policy L17 and EP2 of the South Gloucestershire Local Plan (Adopted January 2006).

3. Before the work commences, the colour to be used for the mesh fence hereby permitted shall be submitted to and approved in writing by the local planning authority. The work shall be carried out in accordance with the approved details.

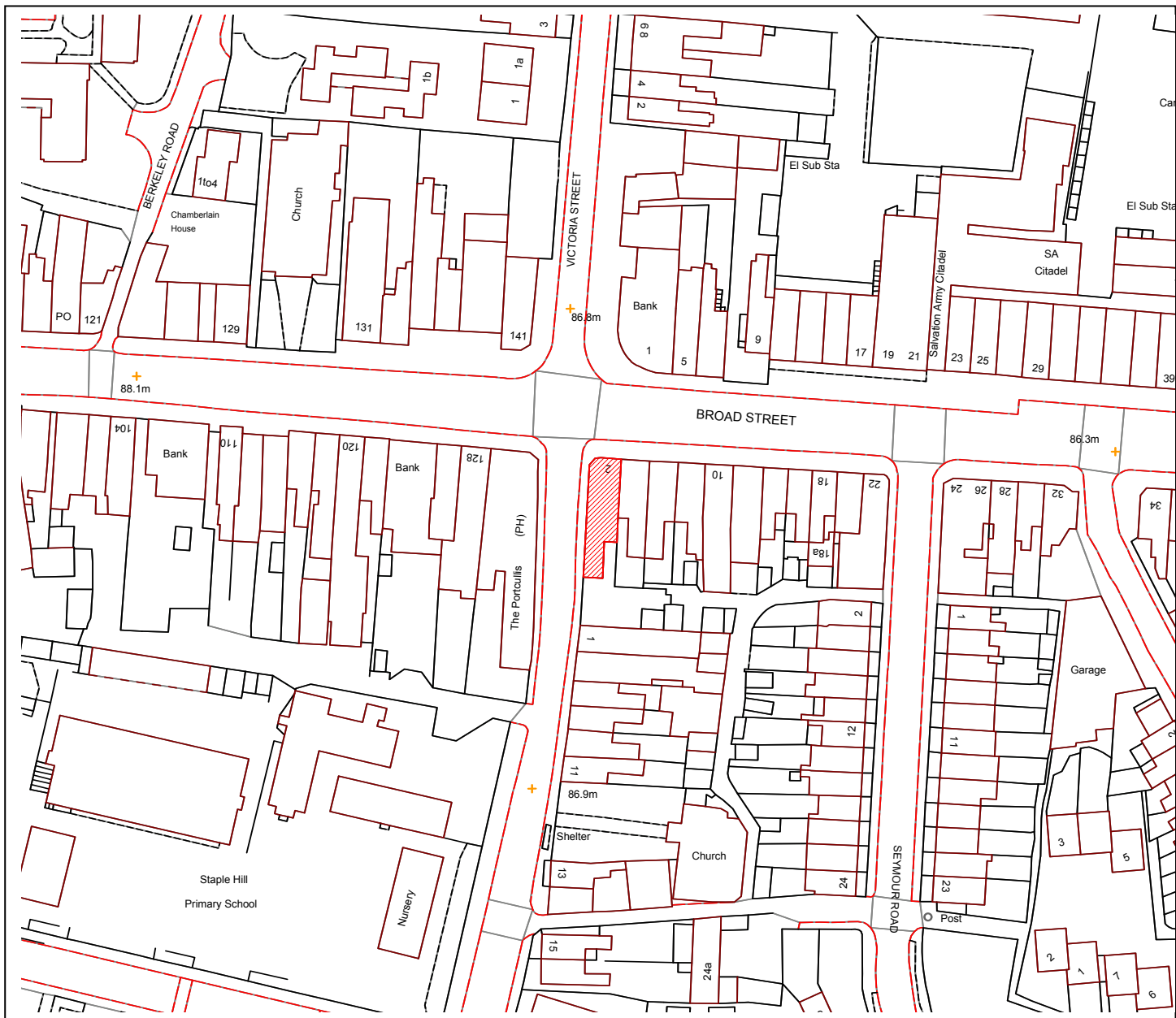
Reason:

To safeguard the visual amenity of the area and policy D1 and LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 09/08 – 29 FEBRUARY 2008**

**App No.:** PK08/0225/F  
**Site:** 2 Broad Street, Staple Hill, South Gloucestershire, BS16 5NX  
**Proposal:** Change of use of from Retail (Class A1) to Café/Restaurant (Class A3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). (Resubmission of PK07/2626/F).  
**Map Ref:** 64912 75897

**Applicant:** Mr C Trewin  
**Date Reg:** 24th January 2008  
**Parish:**  
**Ward:** Staple Hill



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**N.T.S**

**PK08/0225/F**

## **INTRODUCTION**

This application appears on the circulated schedule following receipt of objections which are contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 Full planning permission is sought for the change of use of a retail unit (Class A1) to a Café/Restaurant (Class A3).
- 1.2 The application property consists of a ground floor retail unit within the Primary Shopping Frontage of Staple Hill. It is located in a corner position and consequently has two principal elevations facing Soundwell Road to the west and Broad Street to the north.
- 1.3 The application is a resubmission which was withdrawn in order to address extraction / ventilation concerns. Prior to the resubmission the applicant has submitted amended plans and an acoustic report to the Environmental Services division in order to address these concerns.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS 1 Delivering Sustainable Development  
PPS 6 Planning for Town Centres
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design  
RT9 Change of Use of Retail Premises within the Primary Shopping Frontage  
EP1 Environmental Pollution
- 2.3 Supplementary Planning Guidance / Documents  
Town Centres and Retailing in South Gloucestershire (Annual Audit)

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

- 3.1 P74/4222 Installation of new shop front (Previous ID: K185)  
Approval: 2<sup>nd</sup> August 1974
- 3.2 P86/4075 Installation of shop sign  
(Previous ID: A6/2)  
Refusal: 26<sup>th</sup> March 1986
- 3.3 PK07/2626/F Change of use from Retail (Class A1) to café/Restaurant (Class A3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).  
Withdrawn: 9<sup>th</sup> October 2007

#### 4. CONSULTATION RESPONSES

4.1 Parish/Town Council  
The area is un-parished.

4.2 Other Consultees  
No objection in principle, subject to conditions to ensure noise report and ventilation plan is adhered to and hours of operation are controlled.

#### Other Representations

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

- oversupply of cafes
- lack of parking spaces
- no provision for smokers
- lack of licensing information
- retain units is retail use

4.4 A letter from a solicitors, on behalf of Punch Taverns who own the Portcullis public house opposite the application site, have raised the following extra concerns:

- compromise vitality and viability
- prejudice highway safety
- lack of information to prove unit can not be retained for retail use
- noise, odours and disturbance

#### 5. ANALYSIS OF PROPOSAL

5.1 Principle of Development  
Policy RT9 of the South Gloucestershire Local Plan (Adopted) January 2006 is considered relevant to the determination of this application. The policy text (bold type) states that changes of use of existing A1 retail uses at ground floor level within the primary shopping frontages of town centres, as shown on the proposals map and listed in the schedule of shopping frontages, will not be permitted unless:

5.2 **A. IT CAN BE DEMONSTRATED THAT THE PREMISES COULD NOT BE RETAINED IN A VIABLE RETAIL USE; OR**

5.3 **B. THE PROPOSED USE WOULD MAKE A POSITIVE AND COMPLIMENTRAY CONTRIBUTION TO THE VITALITY AND VIABILITY OF THE CENTRE, AND WOULD NOT UNDERMINE THE RETAIL FUNCTION OF THE FRONTAGE, OR PART OF IT: AND**

5.4 **C. THE PROPOSED USE WOULD NOT RESULT IN UNACCEPTABLE ENVIRONMENTAL OR TRANSPORTATION EFFECTS, AND WOULD NOT PREJUDICE RESIDENTIAL AMENITY**

5.5 Officers also consider that a material consideration in the determination of this application is a recent appeal for the change of use of a shop (A1) to a restaurant (A3) at No. 34 Regent Street, Kingswood (another unit within a



primary shopping frontage at a neighbouring town centre). This was allowed on the basis that: the primary frontage retained over 75% of its ground floor units in Class A1 use; the thrust of national and development plan policy is to permit some non retail uses within (primary & secondary) frontages, albeit not of a scale that would compromise the main retail function; and the present vibrancy of the town, low number of vacant units, relatively small proportion of existing A3 class units within the primary frontage, and the attraction and obvious success of the restaurant itself, provided a clear indication that the retail function of the primary frontage was not being undermined by the presence of a restaurant (a non A1 use).

- 5.6 Concern has been raised that no evidence has been put forward to confirm that the unit can not be maintained in a retail use. Officers acknowledge that no information has been submitted in respect of this matter. As a result, the proposal does not satisfy criterion A. However, the above appeal also concluded that Policy RT9 is explicit in that either criterion A has to be satisfied, or B. Accordingly, provided criteria B & C are satisfied there is no need for criterion A to be met for there to be conformity with Policy RT9.
- 5.7 With regard to criterion B, the data contained within table The Town Centres and Retailing in South Gloucestershire Annual Audit, states that the primary shopping frontage of Staple Hill Town Centre contains 101 units. Of these, only three are vacant (including the application site) representing (3%) of the total; fourteen in A2 use (14%); three in A3 (3%); two in A4 (2%); six in A5 (6%); two sui generis uses (1%); and 6 non 'A' uses (6%). This leaves 65 in A1 shop use (65%).
- 5.8 The proposal would increase the number of A3 uses to four (4%) and decrease the number of vacant units to two (2%), with 65% remaining in A1 use.
- 5.9 Paragraph 9.103 of the supporting text for Policy RT9 states that 'in assessing whether a proposed use would contribute positively to the vitality and viability of a town centre, and would not undermine the retail function of the frontage or part of it, the Council will consider the following factors.
- 5.10 a) the location and prominence of the premises within the shopping frontage – the premises occupies a corner plot. To the east, are 18 units in A1 use. Consequently, it is considered that the unit will not result in an oversupply of non retail units which would undermine the retail function of this particular stretch of primary shopping frontage (south side, Broad Street).
- 5.11 b) the size of the premises in terms of floor space and frontage length in relation to the centre as a whole, and the shopping frontage within which the property is located – the Town Centres and Retailing in South Gloucestershire Annual Audit states that the frontage length of the unit is 6.5 metres. This represents and average frontage length for Staple Hill Town Centre. The proposed development would therefore not result in a large non A1 unit dominating the primary shopping frontage. Furthermore, in relation to the south side of Broad Street, the unit represents just 3.6% of the total frontage length (181 metres total length).
- 5.12 c) the number, distribution and proximity of other ground floor premises in non-shop use. Concern has been raised as to the number of cafes in the vicinity and the effect on vitality and viability. As detailed in paragraph 5.5 above, the proposal would result in 65% of the primary shopping frontage units remaining in A1 shop

- use. In this instance officers consider that this percentage will not undermine the town centre's vitality and viability.
- 5.13 d) the nature of the proposed use, including the level of activity associated with it – the Council's Planning Policy officer has also commented that some A3 uses, such as restaurants, would receive a high level of public visits with a corresponding increase in 'activity'. In addition, the proposal would compliment the range of services available in the vicinity and given that the proposal involves the reutilisation of a vacant unit it is considered to therefore increase the vitality and viability of the town centre.
- 5.14 e) the potential for improvement to the local environment and/or the building itself – the only external alterations would be to the rear elevation. This involves the erection of a ventilation system in the form of an extraction chimney and associated base unit. The base unit would be located in a somewhat secluded position tucked behind a two storey rear and single storey rear extension. It is considered, however, that the stainless steel extraction chimney should be painted in appropriate colour so as to blend in with the rear elevation. A condition to this effect will be imposed on the Decision Notice.
- 5.15 In light of all the above, it is considered, that the proposal will not undermine the retail function of the frontage and would make a positive and complimentary contribution to the vitality and viability of the centre.
- 5.16 Finally, with regard to criterion C of Policy RT9 (environmental effects and residential amenity), concern has been raised as to the impact of that noise, odours and disturbance on surrounding residents. In this instance the extraction systems have been scrutinized by the Council's Environmental Services officers. They have concluded the following: a very thorough acoustic report shows that BS4142: 1997 assessment was used to address noise control. The results show that the proposed mitigation control measures such as the silencers should prevent the noise levels of the ventilation system from exceeding the background level of 45dB(A). Appropriate odour mitigation measures for this type of commercial kitchen have been applied in accordance with Defra guidance. To ensure that the community are protected from potential noise and odour nuisance is recommended that: the information provided in the noise report and the ventilation plan is adhered to and the hours of operation be limited to 09:00 – 22:30, Mondays to Saturday and 09:00 – 17:00 on Sundays. Accordingly, subject to these conditions the proposal is considered acceptable.
- 5.17 Concern has been raised as to the transportation effects of the proposal. The existing unit has no parking facilities and none are proposed. In light of this there will be no impact on the current transportation arrangements. In any event, the town centre location will facilitate non car mode travel to and from the restaurant.
- 5.18 Other matters arising  
Concern has been raised in respect of licensing. This is will be addressed under non planning legislation and therefore does not constitute a material planning consideration in the determination of this application. Concern has also been raised that a smoking shelter has not been proposed. There is no planning requirement to provide such a facility and therefore, again, this does constitute a material planning consideration in the determination of this application

### 5.19 Design and Access Statement

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

### 5.20 Section 106 Requirements

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

## 6. CONCLUSION

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

## 7. RECOMMENDATION

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

**Background Papers**      **PK08/0225/F**

**Contact Officer:**    **Edward Purnell**  
**Tel. No.**                **01454 863056**

## CONDITIONS

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

Reason:

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

2. The development hereby permitted shall be carried out in accordance with the noise and ventilation / extraction details shown on drawing No.C07148-1, and the acoustic report reference 4136/SRP/AB/rc, both received by the Council 22nd January 2008.

Reason:

To protect the amenities of the occupiers of nearby residential dwellings and flats and to accord with Policy EP1 and RT9 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The use hereby permitted shall only be open to customers during the following times: 09:00 - 22:30 Monday to Saturday, 09:00 - 17:00 on Sundays.

Reason:

To protect the amenities of the occupiers of nearby residential dwellings and flats and to accord with Policy EP1 and RT9 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The external extraction / ventilation systems shall be turned off and silenced outside of the following times: 09:00 - 22:30 Monday to Saturday, 09:00 - 17:00 on Sundays.

Reason:

To protect the amenities of the occupiers of nearby residential dwellings and flats and to accord with Policy EP1 and RT9 of the South Gloucestershire Local Plan (Adopted) January 2006.

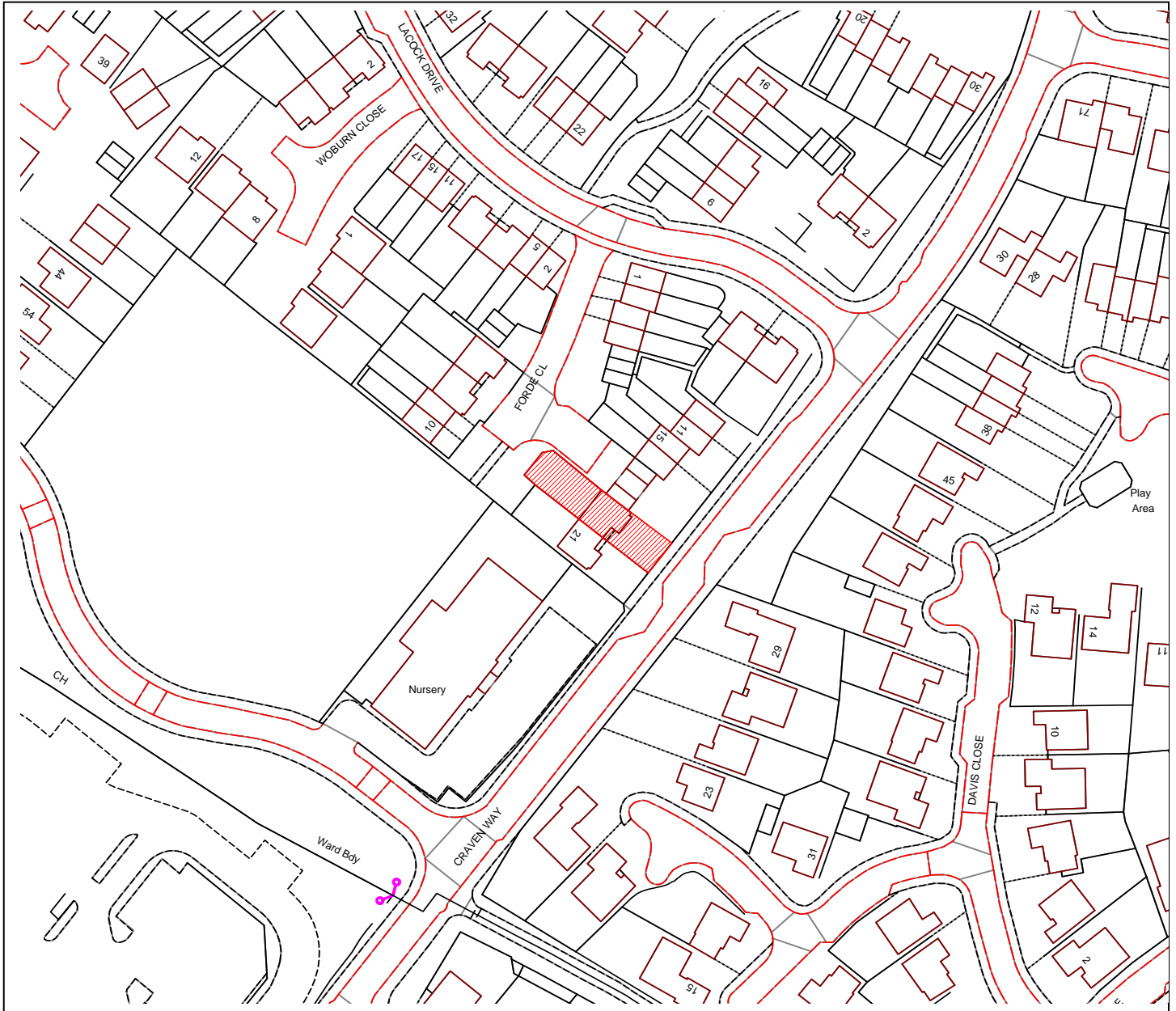
5. Prior to the use of the restaurant hereby approved, the extraction chimney on the rear elevation shall be painted black.

Reason:

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to accord with Policy D1 and RT9 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 09/08 – 29 FEBRUARY 2008**

<b>App No.:</b> PK08/0231/F	<b>Applicant:</b> Mr G Ellicott
<b>Site:</b> 19 Forde Close, Barrs Court, South Gloucestershire, BS30 7HA	<b>Date Reg:</b> 24th January 2008
<b>Proposal:</b> Erection of single storey rear extension to form additional living accommodation.	<b>Parish:</b> Oldland Parish Council
<b>Map Ref:</b> 65807 72309	<b>Ward:</b> Parkwall



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**N.T.S**

**PK08/0231/F**

## **INTRODUCTION**

This application appears on the circulated schedule due to the receipt of one letter of objection from the parish council and one from a neighbouring resident.

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking full planning permission for the erection of an extension to the rear of the dwelling. The extension as proposed would have a depth of 3 metres, a width of 7.4 metres and a maximum height of 3.6 metres. The purpose of the extension is to provide an extended kitchen and dining room.
- 1.2 During the course of the application, amended plans were requested to reduce the depth of the extension down from 3.94 metres as originally proposed to three metres. Amended plans have been received as requested.
- 1.3 A certificate under Article 7 has been served on the owner of No. 11 Forde Close. The reason for this is that initially the foundations of the proposed extension would need to encroach below the parking bay belonging to No. 11. However whilst revising the plans to show the reduction in depth, the applicant has confirmed verbally that they intend to employ a different construction method that will mean no encroachment onto neighbouring land is necessary.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS 1 Delivering Sustainable Development
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
H4 Development within Existing Residential Curtilages, Extensions and New Dwellings

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

- 3.1 None relevant

### **4. CONSULTATION RESPONSES**

- 4.1 Oldland Parish Council  
Object to the scheme on the grounds of inadequate provision for off-street car parking particularly in a small cul-de-sac

#### **Other Representations**

- 4.2 Local Residents

One letter of objection has been received from a local resident. The letter is from the neighbour who has had the certificate under Article 7 served on them and raised the following points;

- The extension will result in the neighbours garage and parking bay being inaccessible for a period of time
- Any delay in the construction period would cause additional disturbance for the neighbours
- The extension could have possible impacts on foundations, drainage of the neighbours garage and parking bay.
- The letter states that the neighbours will not allow the applicant to enter their land to construct the extension but instead suggest it is constructed entirely on his own land.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

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

### **5.2 Design/ Visual Amenity**

The proposed extension meets an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. The extension is to have a simple lean too roof in keeping with the simple character of the host dwelling. Matching face brick further attributes to its integration. The extension is to replace two existing rear extensions that would be demolished to make way for the extension as proposed. The replacement extension would be of a more simple design and integrate more successfully with the main dwelling than the existing extensions to be removed. It is felt that in this instance, the new extension would improve the appearance of the dwelling.

The structure will be visible from the highway but for the reasons give above, it is not considered that the addition would be visually intrusive. The design of the extension is thus considered to be acceptable.

### **5.3 Residential Amenity**

The extension will have a sensible depth at only 3 metres. Given that this extension is to replace an existing extension also with a depth of 3 metres, the new extension will have no greater impact on the neighbour than the current situation. It is not considered that the extension will have any overshadowing or overbearing effect on the neighbouring dwellings.

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

### **5.4 Transportation Issues**

The Parish Council are concerned about the loss of parking in the cul-de-sac. It is important to note that this is a replacement rear extension that will be constructed entirely within the owner's rear garden. It will not result in the loss of any parking spaces. During construction as deliveries occur and foundations

are dug there may indeed be a temporary impact on parking in the cul-de-sac. This however would be for a short term only and would not be any different to most other extensions constructed.

#### 5.5 Encroachment onto neighbouring Land

Notice has been served on the owner of No. 11 Forde Close whose parking bay is adjacent to the proposed extension. The reason for this is that the foundations of the extension could encroach underneath the parking bay. During the course of the application, the applicant confirmed verbally that they can now actually build the extension with no encroachment at all. The owners of No. 11 have stated that they will not allow access to their land to construct the extension. It is important to remember that neighbour disputes cannot be addressed as part of the planning application. The granting of planning permission does not give the applicant any right to enter or carry out works on that land is not within their ownership. Should the owner of any land affected refuse to grant access to their land, this may ultimately mean the extension cannot be constructed. This however would need to be addressed under civil law and cannot be controlled under planning law. Nonetheless, an informative will be attached to any consent granted to remind the applicant that the granting of planning permission does not give permission to enter other land not within their ownership.

#### 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 1/97 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 1/97 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

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

**Background Papers**      **PK08/0231/F**

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



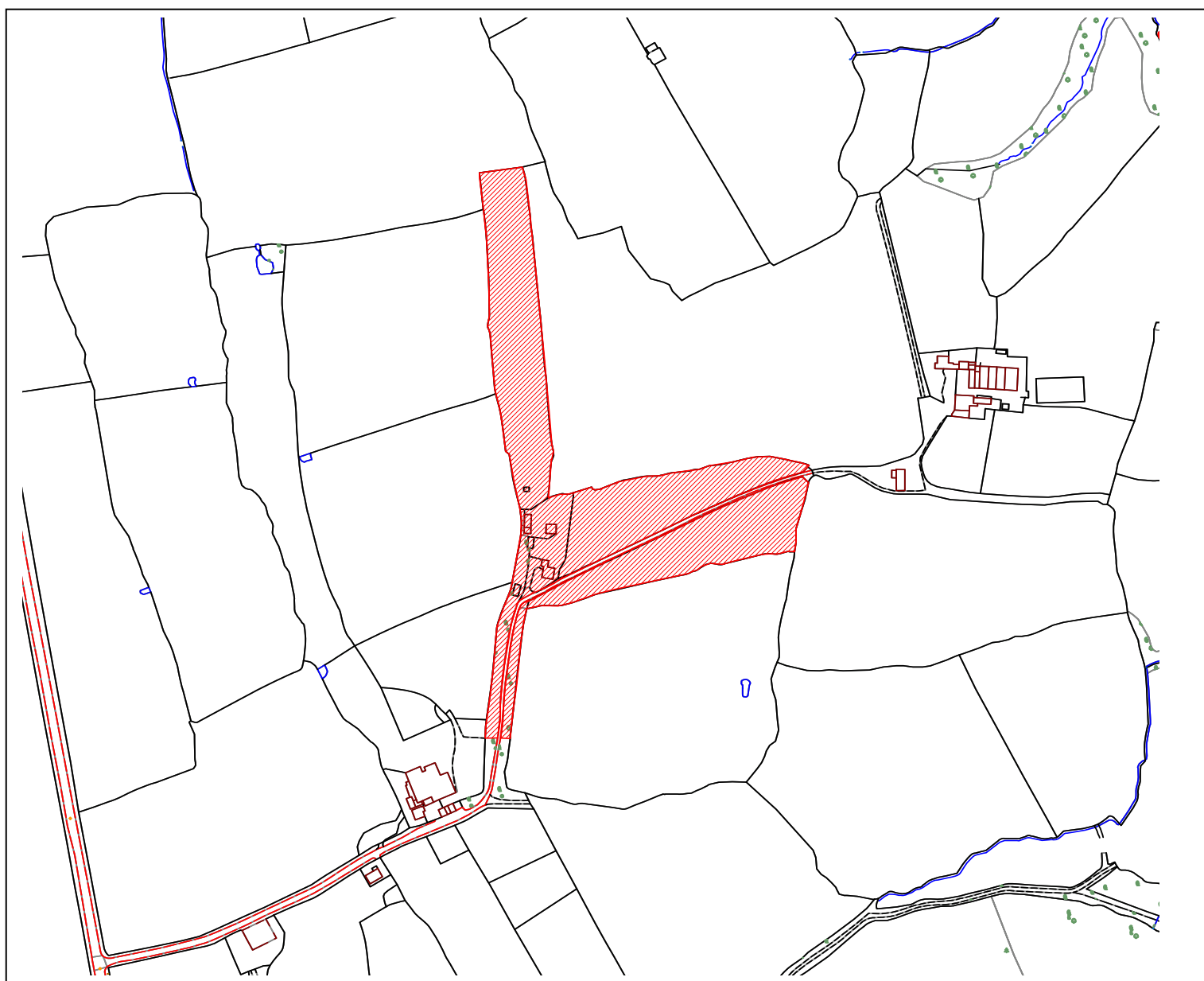
## **CONDITIONS**

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).

## CIRCULATED SCHEDULE NO. 09/08 – 29 FEBRUARY 2008

**App No.:** PK08/0249/F**Applicant:** Mr & Mrs J & L  
Bartram**Site:** Little Shortwood Farm Wickwar Road  
Yate BRISTOL South Gloucestershire  
BS37 6PA**Date Reg:** 28th January 2008**Proposal:** Change of use of agricultural land to  
land used for the training and exercising  
of dogs (sui-generis) as defined in the  
Town and Country Planning (Use  
Classes) Order 1987 (as amended)  
(Retrospective). Change of use of  
agricultural land to residential curtilage.**Parish:** Wickwar Parish  
Council**Map Ref:** 72963 86424**Ward:** Ladden Brook

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## **INTRODUCTION**

This application is placed upon the Circulated Schedule in accordance with procedure given that an objection has been raised.

### **1. THE PROPOSAL**

1.1 The applicant seeks consent to change the use of the majority of some 3.26 hectares of agricultural land (Grade 2) to use for dog training and the change of use of a small area of the site to residential curtilage, (situated immediately to the east of the existing curtilage), at Little Shortwood Farm situated between Yate and Wickwar. The farm is accessed via Birds Bush Lane, a cul-de-sac off Wickwar Road. The site is partly used for dog training at present hence the application is in part retrospective. This application does not consider the erection or conversion of any structures. The site is situated within the open countryside, outside of the Green Belt and with no landscape designation.

1.2 The site comprises open grassed areas either side of Birds Bush Lane and a wire fence marks the eastern boundary of the proposed residential curtilage extension. A long narrow field extends to the north to the rear of the residential area (with a parking area to the rear of the house). This field is surrounded by tall hedges interspersed with trees. There are a few small huts/sheds and jumps within this area.

1.3 Supporting information supplied by the applicant and requested by the Case Officer, indicates that the site has “gradually diversified” into using some of the land for dog walking and training purposes since 2005. It is indicated that the enhanced operation will help finance the enhancement and stewardship of the land. The applicant has indicated the following hours for each class (class size approximately 8 dogs):

Dog Obedience: Monday 18.30-19.30, Thursday 13.30-14.30, Sunday 11.00-12.00

Agility: Monday 19.30 to 20.30, Tuesday 13.30 to 14.30, 15.00 to 16.00, Friday 13.30 to 14.30 and Sunday 9.45 to 11.00.

### **2. POLICY CONTEXT**

2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPS7 Sustainable Development in Rural Areas

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

L1 Landscape

T12 Transportation Development Control Policy for New Development

EP1 Environmental Pollution

### 3. RELEVANT PLANNING HISTORY

- 3.1 N409 Extension to existing bungalow and erection of domestic garage (approved)  
409/1 Domestic Garage and Front Entrance Porch (approved)

### 4. CONSULTATION RESPONSES

#### 4.1 Wickwar Parish Council

No specific objection but following comments made:

We believe that this application should be broken down into separate parts and respond accordingly. 1. The two small areas along Birds Bush Lane approaching Little Shortwood Farm we find no objection as long as the trees and the vegetation remain undisturbed. 2. The long stretch of land lying in a northerly direction at the rear of the farm, we believe is in very close proximity to a public footpath. We therefore question the compatibility of dogs being trained and walkers using the same piece of land. 3. The field to the right hand side of the Lane looking towards Shortwood farm. We believe that this field is not necessary on the basis of the stated number of dogs likely to be trained at any one time. 4. Field on left hand side of lane intended to be used as dog training, we have no objection to. 5. The area that the applicants wish to change from agricultural to residential curtilage seems unnecessary in the view of the Parish Council.

In view of the expected number of dog owners who will arrive in vehicles there seem insufficient parking facilities at the site. We would be happy for some of the land applied for to be changed to residential curtilage to be dedicated as parking area. In fact as we do not have expertise in dog training we would suggest someone with more knowledge for their opinion.

#### 4.2 Sustainable Transport

The proposal would increase traffic turning movements to and from the junction between Birds Bush Lane and Wickwar Road. Having visited the site, I am satisfied that there is adequate visibility from Birds Bush Lane onto the Wickwar Road although, I noticed that the lane itself is relatively narrow and there are very limited passing bays on this lane. Subject to appropriate planning conditions to restrict:

a) the numbers of dogs attending any lesson to say 10 dogs and b) to prevent public shows or dog competition which can be attended by larger wider public then, there is no highway objection to the proposal.

#### 4.3 Public Rights of Way Team

It appears that there is unlikely to be any impact on the nearest recorded public right of way reference **LYA 24 and LYA 28** that runs through the boundary of the area concerned. Advisory notes reminding the applicant of their duties with respect to these public rights of way are recommended to be attached to the decision notice as informatives.

There is no objection to the proposal. The landowner has agreed to restore the original line of a footpath and to have a kissing gate installed (LYA 24). We have

had no complaints of dogs adversely affecting the use of this footpath and the situation should be easily managed when the kissing gate is installed.

### **Other Representations**

#### 4.4 Local Residents

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

- The proposal is detrimental to visual amenity given that some fencing has been erected adjacent to roads, footpaths and boundaries
- The exercising of dogs results in noise and disturbance to the adjoining property where animals are kept
- The proposal results in light pollution from floodlights
- The development results in congestion problems in the lane given the vehicle movements associated with the development
- This is not an appropriate activity in a rural setting

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy L1 of the South Gloucestershire Local Plan (Adopted January 2006) seeks to ensure that the character, distinctiveness, quality and amenity of landscapes are conserved and enhanced. Policy T12 considers the impact of development upon the surrounding highway network. Policy EP1 considers the environmental impact of development and indicates that development would not be permitted which would unacceptably harm the environment, health, safety and amenity of the site or surrounding land having regard among other criteria to light and noise.

### 5.2 Landscape Issues/Visual Amenity

Concern has been raised regarding the visual impact of the proposal. There are some aspects, (erection of a building and installation of fence), that are being investigated by the Council Enforcement Officers, however it is not considered that in terms of the current proposal to change the use of the land from agriculture to the use of dog training that this would in itself have any adverse impact upon the landscape. Some jumps and very small sheds have been installed in the north facing field. This field is considered the most appropriate for this activity as it is completely surrounded (side from the narrow southern boundary by tall hedges/trees).

With respect to the extension to the residential curtilage, some minor domestic paraphernalia has been installed in this area. This is considered a logical extension to the curtilage given its location and a low wire fence marks its eastern boundary. Subject to a condition removing all permitted development rights (to require consent for any built form of development in the interests of visual amenity), this aspect is considered acceptable in landscape terms.

It is considered that the proposal is in accord with the aims and objectives of Policy L1 of the South Gloucestershire Local Plan (Adopted January 2006).

### 5.3 Residential Amenity

Given the nature of the development and its location it is not considered that the proposal would have any impact upon the amenity of neighbouring occupiers.

### 5.4 Environment

Policy EP1 of the South Gloucestershire Local Plan (Adopted January 2006) states that development will not be permitted that would unacceptably effect the environment, or the health and safety and amenity of users of the site or surrounding land as a result of, among other criteria, noise and light.

Concern has been raised regarding the nature of the activity in respect of noise and disturbance and light pollution. The applicant has indicated that training takes place on a long narrow field running north from the residential property with other areas used for dog walking. The training area is located at distance from any adjoining residential properties and is bounded by tall hedges as described above.

Subject to conditions to restrict the dog training (as opposed to dog walking) to the long narrow field running to the north from Little Shortwood Farm, to restrict the hours during which dog training and exercising takes place and requiring full details of lighting (with the requirement that floodlights are kept below the height of the hedge towards the middle of the field to prevent light spillage) there is no objection to the proposal from the Council Environmental Protection Team. An informative will be attached to the decision notice to remind the applicant that notwithstanding the conditions attached to the decision notice the Council will act under the powers set out in the Environmental Protection Act 1990 if any activities on site give rise to a Statutory Nuisance.

### 5.5 Transportation

Policy T12 of the South Gloucestershire Local Plan (Adopted January 2006) indicates among other criteria that development will be permitted provided that in terms of transportation the proposal provides safe, convenient, attractive and secure access and facilities for all road users. Concern has been raised that the proposal will/does lead to congestion problems in the lane outside the site.

There is a parking area to the rear of the house within the residential curtilage. Access is from Birds Bush Lane a no through road off Wickwar Road.

Officers acknowledge that the proposal would increase traffic turning movements to and from the junction between Birds Bush Lane and Wickwar Road, however there is considered to be satisfactory from Birds Bush Lane onto the Wickwar Road. It is acknowledged that the lane itself is relatively narrow and there are very limited passing bays available.

Subject to appropriate planning conditions to restrict the numbers attending each class there is no transportation objection to the proposed development.

## 5.6 Public Rights of Way

No objection to the proposed development has been raised by the Council's Public Rights of Way Team. A kissing gate is to be installed shortly to restore the correct route of LYA 24 and this would take the footpath away from the north facing field to the rear of the dwelling and in so doing will return the route to that indicated on the definitive map. There have been no complaints received by the Council from users of either footpaths regarding any adverse impact from the dogs. An informative will be attached to the decision notice to remind the applicant of their duties with regard to Public rights of Way.

## 5.7 Other Issues

Concern has been raised regarding the erection of fencing and some sheds. These matters are currently the subject of investigation by the Council Enforcement Team.

## 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.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

- 7.1 Planning Permission be granted subject to the following conditions

**Background Papers**      **PK08/0249/F**

**Contact Officer:**    **David Stockdale**  
**Tel. No.**                **01454 864533**

### **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. Obedience and Agility training classes shall only take place in the field to the north of Little Shortwood Farm as shown on Drawing 0745-02 Rev A hereby approved, with the other areas used for dog walking.

Reason:

To safeguard the amenity of the locality, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Dog Training and exercising shall be restricted to the following hours;

Monday to Friday 10.00 to 20.30 hours

Saturday/Sunday/Bank Holidays 10.00 to 1600 hours

Reason:

To safeguard the amenity of the locality, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Full details of any floodlighting, including lux levels and measures to control light spillage, shall be submitted to and approved in writing by the Local Planning Authority before the development commences. Development shall be carried out in accordance with the approved details.

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. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, E, F, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason:

To maintain the open nature of the landscape and to preserve visual amenity to accord with Policy D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The number of dogs attending classes or any events at the site shall at no time exceed 10 in number.

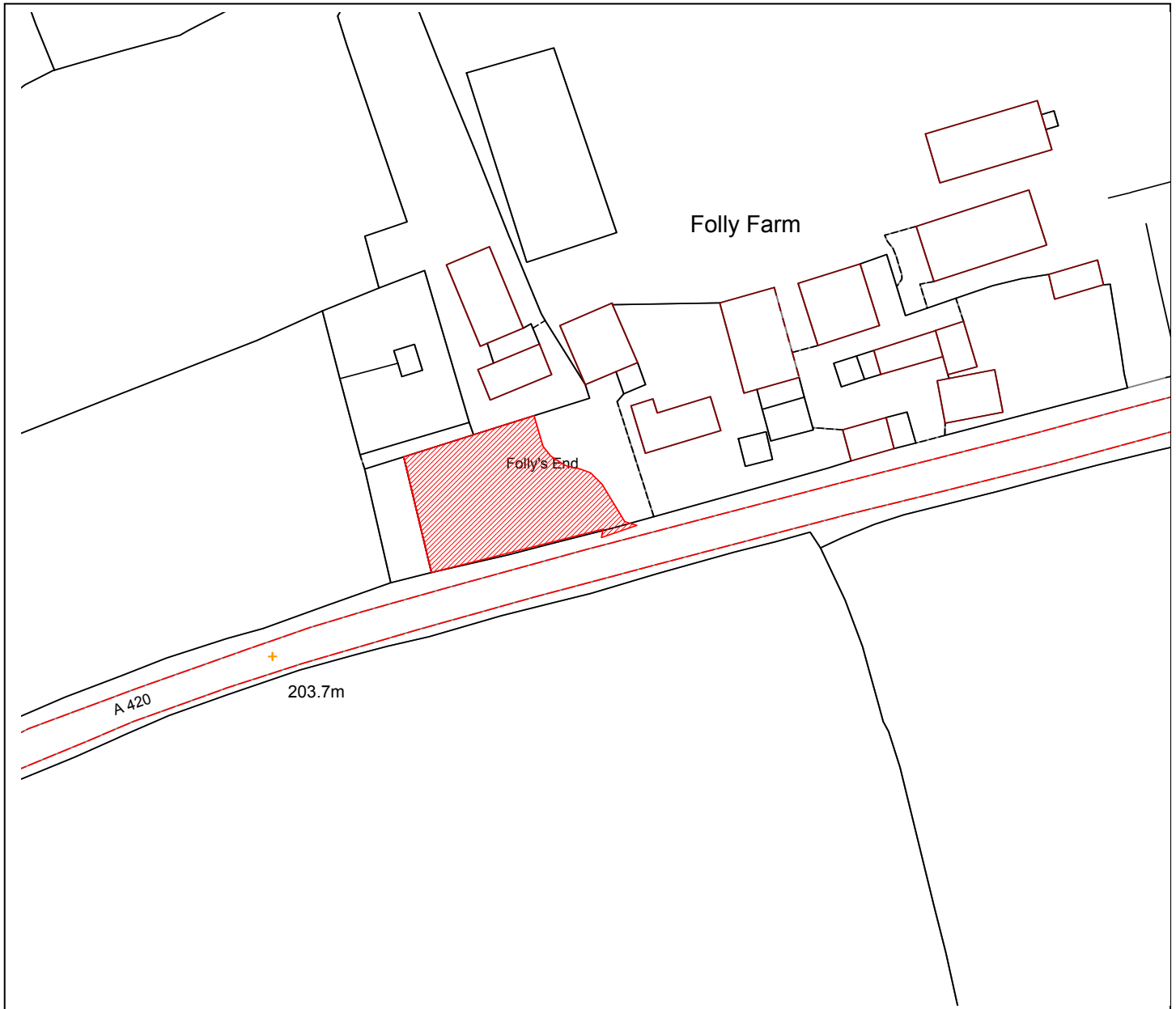
Reason:

To restrict the number of vehicles movements in the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.



## CIRCULATED SCHEDULE NO. 09/08 – 29 FEBRUARY 2008

<b>App No.:</b> PK08/0253/F	<b>Applicant:</b> Mr T E J Patch
<b>Site:</b> Folly's End Farm, Chippenham Road, Cold Ashton, South Gloucestershire, SN14 8JR	<b>Date Reg:</b> 28th January 2008
<b>Proposal:</b> Erection of single storey farm shop with associated parking. (Re-submission of PK07/3291/F).	<b>Parish:</b> Cold Ashton Parish Council
<b>Map Ref:</b> 75187 73049	<b>Ward:</b> Boyd Valley



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**N.T.S**

**PK08/0253/F**

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 Full planning permission is sought for a single storey farm shop with associated parking.
- 1.2 The site is located in the open countryside, outside of a Defined Settlement Boundary, and in the Green Belt. In addition, the proposal is located within the Cotswolds Area of Outstanding Natural Beauty.
- 1.3 The application is a resubmission following a withdrawal in December 2007(PK07/3291/F). Officers considered that the original application proposed a farm shop that was excessively large for the purpose of selling goods produced on the farm – 70 cubic metres in size. This resubmission will need to overcome this concern in order to achieve a favourable outcome to be achieved.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS 1	Delivering Sustainable Development
PPG 2	Green Belts
PPS 7	Sustainable Development in Rural Areas

#### **2.2 Development Plans**

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

D1	Achieving good quality design
E8	Farm Diversification
GB1	Development within the Green Belt
L2	Cotswold Area of Outstanding Natural Beauty
T12	Transportation Development Control Policy for New Development

#### **2.3 Supplementary Planning Guidance**

Development in the Green Belt. Adopted June 2007.

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

- 3.1 P86/2867                      Erection of single storey side extension to provide enlarged kitchen and living/dining room. Erection of porch. Erection of detached double garage.  
Approval full planning: 11<sup>th</sup> March 1987
- 3.2 PK00/2670/F                Erection of roof over existing silage clamp.  
Approve with conditions: 29<sup>th</sup> June 2001
- 3.3 PK01/0944/F                Erection of single storey extension to form two additional bedrooms, one en-suite bathroom and covered walkway.  
Approve with conditions: 29<sup>th</sup> June 2001

- 3.4 PK04/1285/F Conversion of farm shop to self contained annexe ancillary to dwelling house.  
Approve with conditions: 26<sup>th</sup> May 2004
- 3.5 PK07/3291/F Erection of single storey farm shop with associated parking.  
Withdrawn: 21<sup>st</sup> December 2007

#### 4. CONSULTATION RESPONSES

##### 4.1 Cold Ashton Parish Council

One letter has been received during the consultation period associated with this planning application. The comments can be summarised as follows:

- no need for another building as previous building was for a farm shop
- no reason why existing buildings on site cannot be used or converted – shed is already used as a shop so why have another?
- concern over vehicular movements
- no proof that they produce the products to sell – very small holding to justify a shop.
- Will this one be turned into a bungalow at a later date.

##### 4.2 Other Consultees

###### Environmental Services

No adverse comments.

###### Other Representations

##### 4.3 Local Residents

No comments received.

#### 5. ANALYSIS OF PROPOSAL

##### 5.1 Principle of Development

Policy E8 of the South Gloucestershire Local Plan (Adopted) January 2006 is of most relevance to the determination of this planning application. The policy indicates proposal for farm diversification, such as farm shops, will be permitted subject to the following considerations:

##### 5.2 **A. THE VOLUME AND NATURE OF GOODS SOLD WOULD NOT HAVE A SIGNIFICANT ADVERSE EFFECT ON SHOPPING FACILITIES AVAILABLE IN NEARBY SETTLEMENTS; AND**

Concern has been raised that the small holding is too small to produce a sellable amount of goods. With regard to this issue, and in order to limit any effect that the proposed shop would have on local shopping facilities, a condition will be imposed on the decision notice to ensure that only goods produced on the site will be sold in the shop. Subject to this condition the proposal is considered to comply with criterion A,

##### 5.3 **B. IN THE CASE OF NEW BUILDINGS, THERE ARE NO EXISTING SUITABLE, UNDERUSED BUILDINGS CAPABLE OF CONVERSION; AND**

The Parish Council have commented that existing buildings on the site should be converted and used as a shop without erecting a new structure. In this instance, the agent has confirmed, in a letter received by the Council on 28<sup>th</sup> November, that there is no opportunity to use any of the existing farm buildings as a shop. Officers have conducted a site visit and concur with the agent's statement. It is therefore considered that the proposal complies with this criterion.

5.4 **C. THE PROPOSAL WOULD NOT GIVE RISE TO UNACCEPTABLE LEVELS OF TRAFFIC ON UNSUITABLE LOCAL ROADS AND ACCESS, SERVICING AND PARKING ARRANGEMENTS WOULD NOT PREJUDICE HIGHWAY SAFETY; AND**

Concern has been raised over vehicle movements to and from the site. In this instance the Council's Transportation Officers have assessed the proposal and not raised an objection. As a result it is considered that the application complies with this criterion.

5.5 **D. THE PROPOSAL IS OF A SCALE WHICH IS CONSISTENT WITH ITS RURAL LOCATION AND WHICH DOES NOT HAVE AN UNACCEPTABLE IMPACT ON RESIDENTIAL AMENITY OR THE ENVIRONMENT.**

5.6 The proposed garage will measure 6.5 metres X 6.5 metres and the roof profile will be gabled. The walls will be finished in render and the roof with pantiles. Accordingly, its scale is considered to be acceptable given the rural context of the site. In addition, it will be located 30 metres from the nearest dwelling. As a result, it will not have an unacceptable impact on residential amenity.

5.7 In respect of new shopping development Policy E8 goes on to state:

5.8 **PROPOSALS FOR NEW SHOPPING DEVELOPMENT THAT ARE UNRELATED TO AND NOT SUBSIDIARY TO EXISTING HOLDINGS AND OUTSIDE THE BOUNDARIES OF SETTLEMENTS, AS DEFINED ON THE PROPOSALS MAP, WILL NOT BE PERMITTED**

5.9 The agent has certified that the applicant is the owner of the agricultural holding. Consequently, the new farm shop is part of an existing holding and therefore complies with this criterion.

5.10 Green Belt Analysis

GB1 and PPG 2, states that within the Green Belt, permission will only be given for, amongst other things, the construction of new buildings for agriculture and forestry. Officers consider that the new building is directly related to agriculture and can therefore be classified as appropriate development in the Green Belt. However, an assessment of the impact on the visual amenity of the green belt is still required; the Council's landscape officer has assessed the proposal and commented that the impact on the surrounding landscape character will be negligible. The one storey structure will not be visible from the A420 Road due to the close board fencing and the trees and hedgerow along the site boundary with the road. In light of this, the proposal is considered to not hamper the visual amenity of the Green Belt.

5.11 Other matters arising

The parish have commented that the previous shop was converted into a dwelling, so why have another? In this instance officers consider that the fact

that a shop was not required in 2004 (when permission was granted to convert the previous shop into a dwelling) is not sufficient reason to refuse a new shop. Concern was also raised that if this proposal is approved it will be converted into a dwelling at a later date. For the avoidance of doubt, planning permission would be required to change the use of the shop to a dwelling. In addition, a condition will be imposed to ensure that the building is not be used for any purpose within the A1 Use Class other than for a farmshop.

#### 5.12 Section 106 Requirements

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

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

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

**Background Papers**      **PK07/3291/F**

**Contact Officer:**    **Edward Purnell**

**Tel. No.**                **01454 863056**

### CONDITIONS

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

Reason:

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

2. Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 and the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting those Orders with or without modification) the premises shall not be used for any purpose within the A1 Use Class other than the farmshop hereby authorised without the prior written consent of the Local Planning Authority.

Reason:

To prevent separate uses arising which may be inappropriate or over-intensive, and to accord with Policy E8 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Only produce or goods that originate from the agricultural holding within which the farm shop is located shall be available for sale.

Reason:

The retail unit is only being permitted because it sells produce and goods from the agricultural holding within which the farm shop is located, and to ensure that the retail unit hereby approved is used for its intended purpose, and to accord with policy E8 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 09/08 – 29 FEBRUARY 2008

<b>App No.:</b> PK08/0282/CLP	<b>Applicant:</b> Mr J James
<b>Site:</b> 40 Maple Walk, Pucklechurch, South Gloucestershire, BS16 9RJ	<b>Date Reg:</b> 30th January 2008
<b>Proposal:</b> Application for Certificate of Lawfulness for the proposed installation of 1 no. dormer window to side elevation.	<b>Parish:</b> Pucklechurch Parish Council
<b>Map Ref:</b> 70166 76293	<b>Ward:</b> Boyd Valley



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N.T.S

PK08/0282/CLP

## **INTRODUCTION**

This application for a Certificate for Proposed Development is reported on the Circulated Schedule in accordance with the standard procedure for the determination of such applications.

### **1. THE PROPOSAL**

1.1 This application seeks clarification that a proposed side dormer would not require planning permission. The site is a semi detached dwelling in a Radburn-type estate, which has accommodation in the roof and therefore has one roof slope, which faces to the side. The house presents half a gable to the footpath at the front of the site and half a gable to the rear. There are no previous extensions evident to the dwelling, although the planning history below should be noted.

### **2. POLICY CONTEXT**

2.1 Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 1995

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

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

3.1 PK08/0306/F                      Erection of rear conservatory                      Approved 2008

### **4. CONSULTATION RESPONSES**

4.1 Pucklechurch Parish Council  
No objection

#### **Other Representations**

4.2 Local Residents  
No replies received

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

5.1 Principle of Development

It must be ascertained whether the proposal would exceed those limits set within the General Permitted Development Order Class B, Part 1 of Schedule 2 (the enlargement of a dwelling house consisting of an addition or alteration to its roof) by means of its size and positioning.

5.2 General Permitted Development Order Class B

Class B1 of the General Permitted Development Order restricts additions and alterations to the roof of a property. These restrictions limit proposed changes to those which do not exceed the highest part of the roof and to those which, as a result of the work undertaken, do not extend closer to a highway than any part of the existing roof slope. Further, alterations and additions to the roof should not exceed 50 cubic metres in volume, whilst total extensions to the property as a whole must not exceed 70 cubic metres or 15%, whichever is greater.



5.3 Height of Dormer

With regard to the height of the proposal, no part would exceed the highest part of the existing roof structure with the proposed dormer set slightly down from the ridgeline. This section of the legislation is therefore satisfied.

5.4 Proximity to Highway

The application site has a vehicular access from the rear, where the highway passes the site. The proposed side dormer would therefore not front a highway. Instead it would face the adjoining dwelling. Accordingly, the proposal is considered to satisfy this section of the legislation.

5.7 Volume Considerations

The volume of the proposal has been calculated at 9.3 cubic metres. The unit has however recently benefited from planning permission for a conservatory. This has not been erected yet. The conservatory which was approved measures less than 50 cubic metres. In this regard, the combined size of these two additions is below the 70 cubic metre allowance for additions to the dwellinghouse. This section of the legislation is therefore satisfied.

5.8 Conclusion

It is therefore considered that the proposal falls within the categories of development which are permitted development, for which planning permission is not required.

6. **RECOMMENDATION**

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

**Background Papers**      **PK08/0282/CLP**

**Contact Officer:**      **Edward Purnell**

**Tel. No.**                      **01454 863056**

**CIRCULATED SCHEDULE NO. 09/08 – 29 FEBRUARY 2008**

**App No.:** PK08/0283/F

**Applicant:** Downend Builders  
(Bristol) Ltd

**Site:** 26-28 Hollyguest Road, Hanham, South  
Gloucestershire, BS15 9NW

**Date Reg:** 30th January 2008

**Proposal:** Demolition of 2no. existing dwellings to  
facilitate the erection of 14no. self  
contained flats with car parking, access  
and associated works.

**Parish:** Hanham Parish  
Council

**Map Ref:** 65127 72484

**Ward:** Hanham



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**N.T.S**

**PK08/0283/F**

## **INTRODUCTION**

This application is referred to the Circulated Schedule in accordance with procedure given that it is a “major” submission and given that objections have been raised.

### **1. PROPOSAL**

- 1.1 The applicant seeks consent for the demolition of two existing buildings (bungalows) and their replacement with 14 no. self-contained flats. The new building would be part two storey and part three-storey with the lower element to the south. The development will provide private and communal amenity, car parking and refuse bin and cycle storage. The development would provide 10 no. 2 bed apartments and 4 no. 1 bed apartments and would be served by 16 no. car parking spaces and 14 no. bicycle spaces.
- 1.2 The access to the site would be from Tyler Close to the west, with an under-croft arrangement leading cars through to the rear (east) of the site. The access would cross an area of Council owned land and necessitate the removal of a single tree on this land. Areas of landscaping are indicated and this includes the planting of two semi-mature trees adjacent to the entrance to the site. Four ground floor apartments would have access to private amenity space with communal areas situated to the east and front of the site.
- 1.3 The proposal adopts a modern, contemporary design. Materials include red brick, render and cedar cladding with the roof finished in natural slate. The applicant indicates agreement to an assessment of the development under the Code for Sustainable Homes.
- 1.5 The application site comprises 1317 sq.m of land situated on the eastern side of Tyler Close with two properties and their associated garden space. The site is sited approximately 800 metres from the centre of Hanham with facilities and public transport within the vicinity of the site.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

#### **2.2 Development Plans**

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

D1	Design
L1	Landscape Protection and Enhancement
L18	The Water Environment
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy
H2	Proposals for Residential Development within the Existing Urban Areas
H6	Affordable Housing

- LC1 Provision for Built Sport, Leisure and Community Facilities (Site Allocations and Developer Contributions)
- LC2 Provision for Education Facilities (Site Allocations and Developer Contributions)
- LC8 Open Space and Children's Play in Conjunction with New Residential Development

Supplementary Guidance

The South Gloucestershire Design Checklist (Adopted August 2007)

**3. RELEVANT PLANNING HISTORY**

- 3.1 K2806/1 Construction of a bungalow and garage (Outline - Approval)
- K2806/1 Construction of bungalow and detached garage (Approval)
- PK06/3264/F Erection of detached bungalow with car parking access (Refusal)
- PK07/1211/F Erection of detached bungalow (Approval)

**4. CONSULTATION RESPONSES**

- 4.1 Parish Council  
This area is unparished
- 4.2 Other Consultees  
Wessex Water have stated that the development is located within a sewered area, with foul and surface water sewers.
- 4.3 Sustainable Transport

The proposal is to demolish the existing dwellings and instead to construct two buildings comprising 14 no. one and two bedroom apartment. The proposal includes 10 no. 2 bedroom apartment and 4no. 1bedroom apartment.

The vehicular /pedestrian access is proposed to be taken from Tyler Close. Visibility splays from the site access onto Tyler Close is considered to be acceptable. However, width of the proposed access is considered restricted for two-way traffic movement. Proposed entry gates also cause additional restrictions to free movements through the access. The planning details submitted with this application do not show any pedestrian link between Tyler Close and the site itself.

*Recommendation (i): widen the access to minimum width of 5m with a separate footway. it is also suggested that the gate be removed.*

*Recommendation(ii): provide a footway2m wide between Tyler Close and the site and continue that through the new site access road.*

In respect of parking for the scheme, the applicant proposes to provide 16 spaces. However, if the SGC parking standards is applied to the full then a total 19 spaces are required for this particular proposal. Manoeuvring space on site is restricted and needs to be reviewed.

*Recommendation (iii): increases the parking on the site to 19 spaces.*

*Recommendation (iv): increase reversing distance between two rows of parked vehicles to minimum of 6m.*

The proposed size of the bin store appears to be too small given the level of development on the site.

*Recommendation (v): increase the size of the bin store on the site. Alternatively, the applicant should obtain written approval from SITA that the size of the bin store is adequate for the development.*

Entrance door that leads to the lift / stairways opens outwards onto pedestrian /vehicle paths. That is not good design practice.

*Recommendation (vi): door should be hung to be inward opening.*

In absence of improvement to access, manoeuvring area and parking or mitigating measures then the following refusal reasons is recommended;

The proposed development and its density on the site would lead to unsatisfactory access, restricted parking and turning facilities thereby increase safety conflict between different users and would lead to increased standing and manoeuvring of vehicles thereby add to on-street congestion on the public highway all to detriment of highway safety and it is contrary to policy T12 of the SGC Local Plan.

#### 4.4 Community Services

It is calculated that this development of 12 dwellings would generate an average population increase of 18 people. If this development is implemented it would create a need for extra community facilities. In order to offset this increased demand on community facilities we would request contributions towards the following:

Guidelines from the National Playing Field Association recommends a minimum of 24m<sup>2</sup> of public open space per person and Policy LC8 of South Gloucestershire Local Plan (Adopted) January 2006 requires provision for informal open space, we consider 5m<sup>2</sup> per person to be reasonable to improve the quality of the environment in this area. Therefore the total public open space required from this development to include formal open space, unequipped and equipped children's play space and informal open space equates to: 480sq.m. The total contribution towards off-site enhancements of public open space would be £11,505.60. The developer would be required to contribute towards future maintenance of the enhancements, which equates to £10,286.40 giving a total requirement of £21,792.00. Enhancements are to be carried out within 2km of the development. It is likely to be spent at Greenbank Road/Cock Road Ridge, but the right to allocate accordingly at the relevant time is reserved.

#### 4.5 Education Services

There is a projected surplus of places at primary schools in the local area. No contribution is required for additional primary provision. Current DfES cost calculators give a figure of £13,860.30 per additional secondary school pupil place. A secondary level there are insufficient projected surplus places in the local area. The proposed mix of 43 dwellings will generate an additional two secondary school pupils based on the pupil number calculator. A contribution of £27,720.60 is required for additional secondary school provision.

## **Other Representations**

### **4.6 Local Residents**

There have been 54 letters of objection received. The grounds of objection can be summarised as follows:

- The proposal is overbearing and would be out of character with the form of development in the area
- The increase in traffic will exacerbate existing congestion and would detract from highway safety
- The proposal would result in loss of privacy to neighbouring occupiers
- The proposal would result in the loss of trees/hedgerow to the detriment of wildlife
- The buildings will be visually intrusive/dominant by reason of its scale, materials, design, mass and overall appearance
- The proposed off-street parking would lead to increased noise, light pollution and disturbance to neighbouring occupiers
- There are restrictive covenants in place
- There is insufficient parking provided to serve the number of units proposed
- The proposal would encourage vandalism

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Policy H2 allows for residential development within existing urban areas, subject to certain criteria, including environmental and transportation effects, effects on residential amenity, the maximum density is achieved for the site's location, with a minimum density of 30 dwellings per hectare, and provision for education, leisure, recreation and other community facilities is adequate to meet the needs arising from the proposals.

5.2 The proposed density on site is 106 dwellings per hectare. This is significantly over the minimum density level set out in Policy H2 and PPS3, however PPS3 indicates that this is not necessarily grounds to object to a development and that such a density may be appropriate in some circumstances particularly in a sustainable location, close to local services and public transport routes. In these circumstances however very careful consideration must be given to the visual and residential impacts from the proposal and the impact upon the surrounding highway network.

5.3 The principle of development is therefore acceptable, subject to the following detailed assessment.

### **5.4 Residential Amenity**

Policy H2 of the South Gloucestershire Local Plan (Adopted January 2006) states that the residential amenity of existing occupiers is to be assessed when determining applications for new residential development. Amenity is assessed in terms of whether the development would appear oppressive or overbearing when viewed from that property and also includes whether overlooking/loss of privacy would result. The residential amenity of future occupiers of the

development in terms of amenity space provision is discussed in the design section below.

It is considered that the principle impact, in the above terms, upon properties to the north of the proposed new building, would be to the new bungalow (extant permission PK07/1211/F) and No's 28a, 30 and 32 Hollyguest Road. The side of the proposed building would face towards these properties with a gap of approximately 13.9m, 24.3m, 28.8m and 36 metres respectfully. Given these distances, albeit with the building being three storeys in height (but set at a lower level given the drop in levels), on this elevation it is not considered that the building would appear oppressive or overbearing to an extent that would justify the refusal of the application. In terms of privacy, high level windows on the north facing elevation to flats 5 and 10 on the first floor and 11 and 14 on the second floor would prevent overlooking of the extant bungalow and the other properties highlighted albeit the distances to these properties would also secure their privacy in any case.

Properties to the east lie on the opposite side of the carriageway, with No.44, No.47 and No.48, approximately 24.5m, 34m and 25 metres from the proposed building. This relationship is considered acceptable both in privacy and amenity terms and is considered a normal residential relationship even accounting for the three storey element proposed.

To the south and west, No.1, No.2 and No.3 Tyler Close are the buildings against which given their location any impact must be assessed.

No.2 and No.3 would be located approximately 30 metres and 24 metres from the building. Significant impact to No.2 would be reduced by No.1 Tyler Close shielding it to the immediate north from the new development. The building is two storey in height on the southern elevation with high level windows to Flats 7 and 8 and no windows on the receded second floor (flats 12 and 13). It is not considered that the refusal of the application could be justified in terms of the physical impact of the building or impact in terms of loss of privacy upon No.2 and No.3 Tyler Close.

With respect to No.1, the closest property to the building and sited immediately to the south of proposal, this would be sited alongside a garage and although projecting (at two storey height) by between 4 and 5 metres beyond the rear of No.1 there would be a gap of approximately 10 metres to the rear of the main part of that building. As indicated above high level windows will be used at first floor level on the southern elevation. It is not considered that the relationship between the new building and that proposed is such that there would be significant direct impact upon the amenity of the occupiers of No.1 Tyler Close.

In summary therefore, while it is acknowledged that there would be some impact upon residential amenity, given the distance to adjoining properties and the type and positioning of windows, it is not considered that any impact would be such that the refusal of the application could be justified.

## 5.5 Design/Visual Amenity

Policy D1 of the South Gloucestershire Local Plan (Adopted January 2006) seeks to achieve good design in all new development. Policy H2 considers the environmental impact of new development, the density of the development and

the extent to which the development takes into the account the amenity of future and neighbouring occupiers.

Policy D1 states that proposals will be required to demonstrate that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality. This is supported in the South Gloucestershire Council Design Checklist (Adopted August 2007) requiring development to be a compatible and quality response to landscape/townscape character.

All the buildings within the vicinity of the site are two-storey, (the two bungalows that comprise the application site are the only exception within the street scene). To the north lie 1930's semi-detached housing while to the south, east and west are more recent residential development comprising two-storey detached properties.

It is considered that the proposed development by reason of its three-storey height combined with its mass and bulk will appear out of character with the development in the area. While the use of different materials and the visual breaking up of the roofscape will to a degree lessen any impact, the sheer size of the proposal in relation to neighbouring properties, not aided by the topography whereby the visual impact of the height and bulk of the building, positioned in a prominent location almost at the head of the road would be reinforced when viewed from the south at a lower level.

It is acknowledged that the key objective of the planning system is to make effective use of land and this is emphasised in PPS3 however para 16 also indicates that all development should be "well integrated with and compliment, the neighbouring buildings and the local area in terms of scale, density, layout and access" with the objective of achieving high quality housing. It is considered that the design of the proposed development is unacceptable in this respect is therefore contrary to the aims and objectives of Policy D1 and H2 of the South Gloucestershire Local Plan (Adopted January 2006).

## 5.6 Landscaping

Policies D1 and L1 seek to conserve those aspects of the landscape that make a significant contribution to the character of the landscape and where possible to conserve these elements. Landscaping should be integral to the entire scheme. At present landscaping largely comprises a wide grassed area set back from the road with a laurel hedge and four street trees. This area is considered to benefit the visual amenity of the area. One of these trees would be removed, however two replacement trees are shown on the submitted plans.

A detailed landscape scheme has not been submitted with the application, however indicative plans indicate planting around the boundary of the site and some element within communal areas within the site itself. Landscape Officers raise no objection to the proposal subject to the attachment of conditions to secure details of hard and soft landscaping prior to the commencement of any work on the site. In terms of soft landscaping, this is considered essential in order to mitigate against the loss of the street tree required to create the access, to ensure appropriate landscaping in the northern communal area which will be heavily shaded by the building and to ensure that further planting



is introduced into the proposed parking area to soften the views from neighbouring properties.

In addition a condition requiring the submission of hard landscaping details is required to ensure that suitable permeable hard landscaping materials are used for all hard surfacing in order to minimise runoff particularly given the sloping location.

Subject to these conditions, the proposed development is considered to accord with the aims and objectives of Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted January 2006).

## 5.7 Trees

There are four significant, early-mature trees on the Tyler Close frontage of the proposed site and these are in Council-owned verge. The proposed access for the site necessitates the removal of one of these trees – an Ash.

Officers in Street Care that are in effect the owners of these trees, are prepared to allow the removal of the Ash and accept the replacement planting. The Council Tree Officer raises no objection to the removal of the tree subject to replanting however concern is indicated over the proposed positioning of the new trees which lie very close to the access. If the proposal were acceptable in other respects the repositioning of these trees prior to approval would be sought.

## 5.8 Transportation

Policies T7 and T8 of the South Gloucestershire Local Plan (Adopted) January 2006 consider standards for both cycle and car parking respectively. Policy T12 indicates that new development will be permitted provided that the new development makes adequate, safe and appropriate provision for the transportation demands that it will create with the paramount aim of preserving highway safety and minimising the impact of motorised traffic.

The vehicular /pedestrian access is proposed to be taken from Tyler Close. It is considered that the visibility splays from the site access onto Tyler Close are acceptable, however the width of the proposed access is considered restricted for two-way traffic movement. It should also be noted that the proposed entry gates also cause additional restrictions to the free movement of vehicles through the access. The planning details submitted with this application do not show any pedestrian link between Tyler Close and the site itself.

If the proposal were acceptable in other respects, alterations would be sought to widen the access to a minimum width of 5m with a separate footway. The gate should also be removed. In addition a 2 metre wide footway should be provided between Tyler Close and the site and this should continue through the new site access road.

In respect of parking for the scheme, the applicant proposes to provide 16 spaces. However, if the South Gloucestershire Council parking standards are applied in full then a total 19 spaces is required. The reversing distance between the two rows of parked vehicles shall be increased to a minimum of 6 metres as manoeuvring space on site is restricted and needs to be reviewed.

The proposed size of the bin store appears to be too small given the level of development on the site and should be increased or approval given in writing by SITA that the bin storage is adequate. In term so other issues it should be noted that an entrance door that leads to the lift /stairways opens outwards onto pedestrian /vehicle paths. That is not good design practice and should be hung to open inwards.

In summary therefore the proposed development and its density on the site would lead to unsatisfactory access, restricted parking and turning facilities thereby increase safety conflict between different users and would lead to increased standing and manoeuvring of vehicles thereby adding to on-street congestion on the public highway all to detriment of highway safety and it is contrary to policy T12 of the South Gloucestershire Local Plan (Adopted January 2006).

## 5.9 Drainage

There is no objection to the proposed development subject to the use of best drainage practice to include the use of Sustainable Urban Drainage systems (Suds). A condition is recommended to secure this.

## 5.10 Community Services

Policy LC8 of the South Gloucestershire Local Plan (Adopted January 2006) considers provision towards open space and Children's Play Space in relation to new residential development. The Policy indicates that where local provision is inadequate to meet the projected needs arising from the future occupiers of proposals for new residential development, the Council will negotiate with developers to secure provision to meet these needs.

It is calculated that this development of 12 dwellings would generate an average population increase of 18 people. If this development is implemented it would create a need for extra community facilities. In order to offset this increased demand on community facilities we would request contributions towards the following:

Guidelines from the National Playing Field Association recommends a minimum of 24m<sup>2</sup> of public open space per person and Policy LC8 of South Gloucestershire Local Plan (Adopted) January 2006 requires provision for informal open space, we consider 5m<sup>2</sup> per person to be reasonable to improve the quality of the environment in this area. Therefore the total public open space required from this development to include formal open space, unequipped and equipped children's play space and informal open space equates to: 480sq.m. The total contribution towards off-site enhancements of public open space would be £11,505.60. The developer would be required to contribute towards future maintenance of the enhancements, which equates to £10,286.40 giving a total requirement of £21,792.00. Enhancements are to be carried out within 2km of the development. It is likely to be spent at Greenbank Road/Cock Road Ridge, but the right to allocate accordingly at the relevant time is reserved.

Given that this matter has not been resolved and the proposal is considered unacceptable for other reasons, the proposals is considered to be contrary to Policy LC8 of the South Gloucestershire Local Plan (Adopted January 2006).

### 5.11 Education Services

Policy LC2 indicates that where local education provision is inadequate to meet the projected need for places arising from the future occupiers of proposals for new residential development, the Council will negotiate with developers to secure provision in scale and kind, (to accord with the tests set out in Circular 05/05), to meet these needs via an appropriate agreement. Having regard to this policy, the Department for Children and Young People have indicated that there is a projected surplus of primary and secondary school places in the area and therefore no contribution is required in this respect.

### 5.12 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 the Urban Area of 15 dwellings or more (or where the site is 0.5 hectares or more). This proposal therefore falls below the threshold at which affordable housing would be sought.

### 5.13 Other Issues

It should be noted that land to the front of the site is within Council ownership. No negotiations have taken place with the council over its sale prior to the receipt of this application. While there is no objection to the removal of a tree and the replacement with two other trees (subject to appropriate siting), the Council must first agree to the sale of the land although there would be a presumption against this sale, (or granting of access rights), of open space unless there is an overriding interest in doing so. The applicant should be aware that there are covenants on the land restricting its use to public open space, so this matter would have to be investigated and any costs borne by the applicant.

If the application were acceptable in other respects a condition would be attached to the decision notice requiring the access to be provided (and thereby the above issues resolved), prior to the commencement of the development.

### 5.14 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 South Gloucestershire Council Design Checklist (Adopted August 2007)

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

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

## **7. RECOMMENDATION**

That planning permission be refused for the following reasons

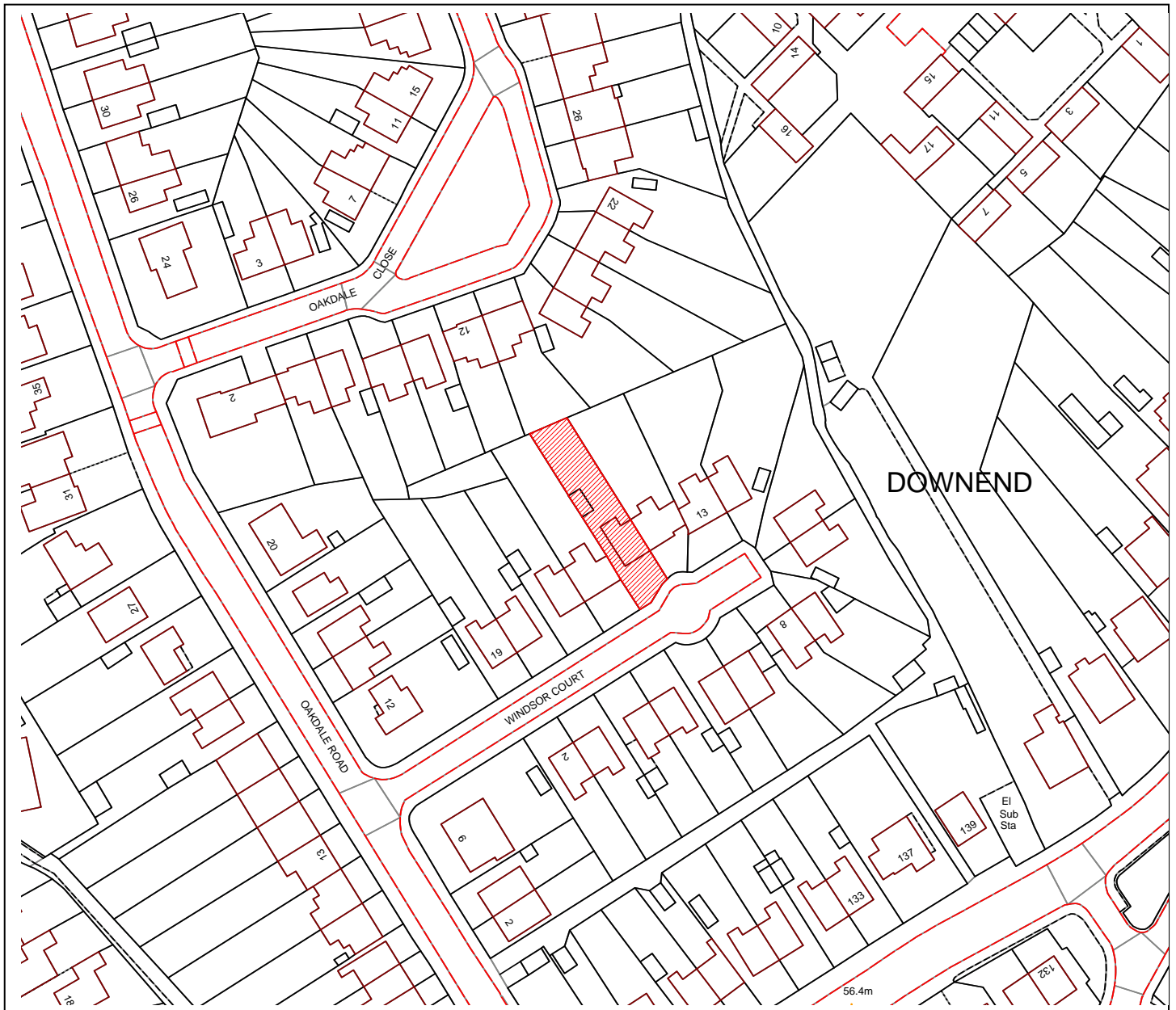
**Background Papers**      **PK08/0283/F**

**Contact Officer:**    **David Stockdale**  
**Tel. No.**                **01454 864533**

## **REFUSAL REASONS**

1. The proposed building because of its height and bulk would be out of character with the type of building in the area characterised by two-storey detached properties and as such represents an incongruous feature in the street scene to the detriment of the visual amenity of the locality. As such the proposal is considered contrary to Policy D1 and H2 of the South Gloucestershire Local Plan, PPS3 and the South Gloucestershire Design Checklist (Adopted August 2007).
2. The proposed development and its density on the site would lead to unsatisfactory access, restricted parking and turning facilities thereby increase safety conflict between different users and would lead to increased standing and manoeuvring of vehicles thereby add to on-street congestion on the public highway all to detriment of highway safety and it is contrary to policy T12 of the South Gloucestershire Local Plan.
3. In the absence of a Section 106 Agreement or Unilateral Undertaking to secure contributions towards community services requirements resulting from the development the proposal would be contrary to Policy LC1 of the South Gloucestershire Local Plan (Adopted).

## CIRCULATED SCHEDULE NO. 09/08 – 29 FEBRUARY 2008

**App No.:** PK08/0290/F**Site:** 15 Windsor Court, Downend, South Gloucestershire, BS16 6DR**Proposal:** Installation of 1 no. side and 1 no. rear dormer windows to facilitate loft conversion. (Amendment to previously approved scheme PK07/2099/F).**Map Ref:** 65199 77428**Applicant:** Mr & Mrs M English**Date Reg:** 31st January 2008**Parish:** Downend and Bromley Heath**Ward:** Downend

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N.T.S

PK08/0290/F

## **INTRODUCTION**

This application is placed on the Circulated Schedule to Members, in accordance with procedure given that an objection has been raised.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks consent for the erection of a dormer window on the side elevation and one to the rear. The side dormer would have a width of 2.5 metres, height of 2.5 metres (being set up from the eaves by approximately 0.4 metres but extending from the main ridge of the roof). To the rear, smaller structure is proposed with a width of 1.8 metres and height of 1.7 metres (set up from the eaves and down from the roof by 1.1 and 0.2 metres respectfully). The structures will be finished with hanging tiles.
- 1.2 The application site comprises a semi-detached property situated on the northern side of Windsor Court. The application represents an amendment to a previously approved scheme PK07/2099/F. The difference between the two proposals being that with the approved scheme the dormer roof extension on the side elevation was set down by approximately 0.4 metres as opposed to the current scheme, where as indicated above, the now ridge extends from the original roof ridgeline. The dormer to the rear is unchanged. At the time of the site visit the work on the extension was started.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering sustainable development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
Policy D1 Achieving Good Quality Design in New Development  
Policy H4 Development within Existing Curtilages, Including Extensions and New Dwellings

South Gloucestershire Council Design Checklist (Adopted August 2007)

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

P80/4602 Erection of single storey rear extension (Approved)  
P87/4434 Erection of garage, conservatory and front porch (Approved)  
PK07/2099/F Installation of 1 no. side and 1 no. rear dormer windows to facilitate loft conversion (Approved)

### **4. CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Heath Parish Council

No objection raised

- 4.2 Local Residents

One letter of objection has been raised. The grounds of objection are as follows:

- The proposed roof extension will result in loss of privacy.
- Building works are complete prior to the end of the consultation period

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 specifically relate to extensions and other development within residential curtilages. Policy H4 also specifically considers the impact of development upon residential amenity. The policies indicate that such domestic development is acceptable in principle subject to the following considerations.

### 5.2 Design

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 also considers the scale, proportions, materials in relation to the original building and the character of the street. Policy D1 seeks to ensure that a high level of design is achieved.

The proposed development represents a bulky addition to the side of the property. Previously the visual impact of the proposal was mitigated by being set down from the ridge line by 0.4 metres. It should be noted however that the structure will be set up from the eaves. While a greater degree of subservience would be preferred, it should be noted that Policy D1 indicates that consideration must be made to the impact of a development upon the visual character of the area. It is important to note that this form of development is prevalent within the area and it is considered that it would be unreasonable to refuse the application on design grounds. A condition will be attached to the decision notice to require the use of matching materials to ensure that the extensions integrate successfully with the original property. The proposed rear extension is considered appropriate in design terms.

Subject to this condition the proposed development is considered acceptable in design terms and is therefore in accord with the aims and objectives of Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

### 5.3 Amenity

Concern has been raised that the roof extension would overlook a property to the rear at No.14 Oakdale Close in particular patio area and this would result in loss of residential amenity.

Accepted amenity distance standards refer to 21 metres from window to window as being an acceptable distance to ensure the preservation of amenity. The requirement for higher densities in new residential development has led to a relaxation in this standard, however where as in this case the development is in an established residential area it is considered correct to apply this standard. The distance from the roof extension on the rear elevation to the rear of No.14 Oakdale road is approximately 38 metres. While the concerns of the neighbouring occupier are noted, it is not considered possible to refuse the application given this considerable distance between the properties and to sustain that decision at an appeal.

It is not considered give the scale and the location of the proposed development that any significant loss of amenity to neighbouring occupiers will result from the proposal and therefore the scheme is in accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

#### 5.4 Other Issues

Concern has been expressed that work is substantially complete prior to the end of the consultation period. It should be noted that work often starts prior to the issue of a Planning Decision. It is not an offence to do this however all work is undertaken at the developer/applicants own risk (of a refusal notice being issued and possible enforcement action resulting from this).

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

7.1 Planning Permission be granted subject to the following conditions

**Background Papers**      **PK08/0290/F**

**Contact Officer:**    **David Stockdale**  
**Tel. No.**                **01454 864533**

#### 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.



## CIRCULATED SCHEDULE NO. 09/08 – 29 FEBRUARY 2008

**App No.:** PK08/0301/F  
**Site:** 88 Poplar Road, Warmley, South Gloucestershire, BS30 5JU

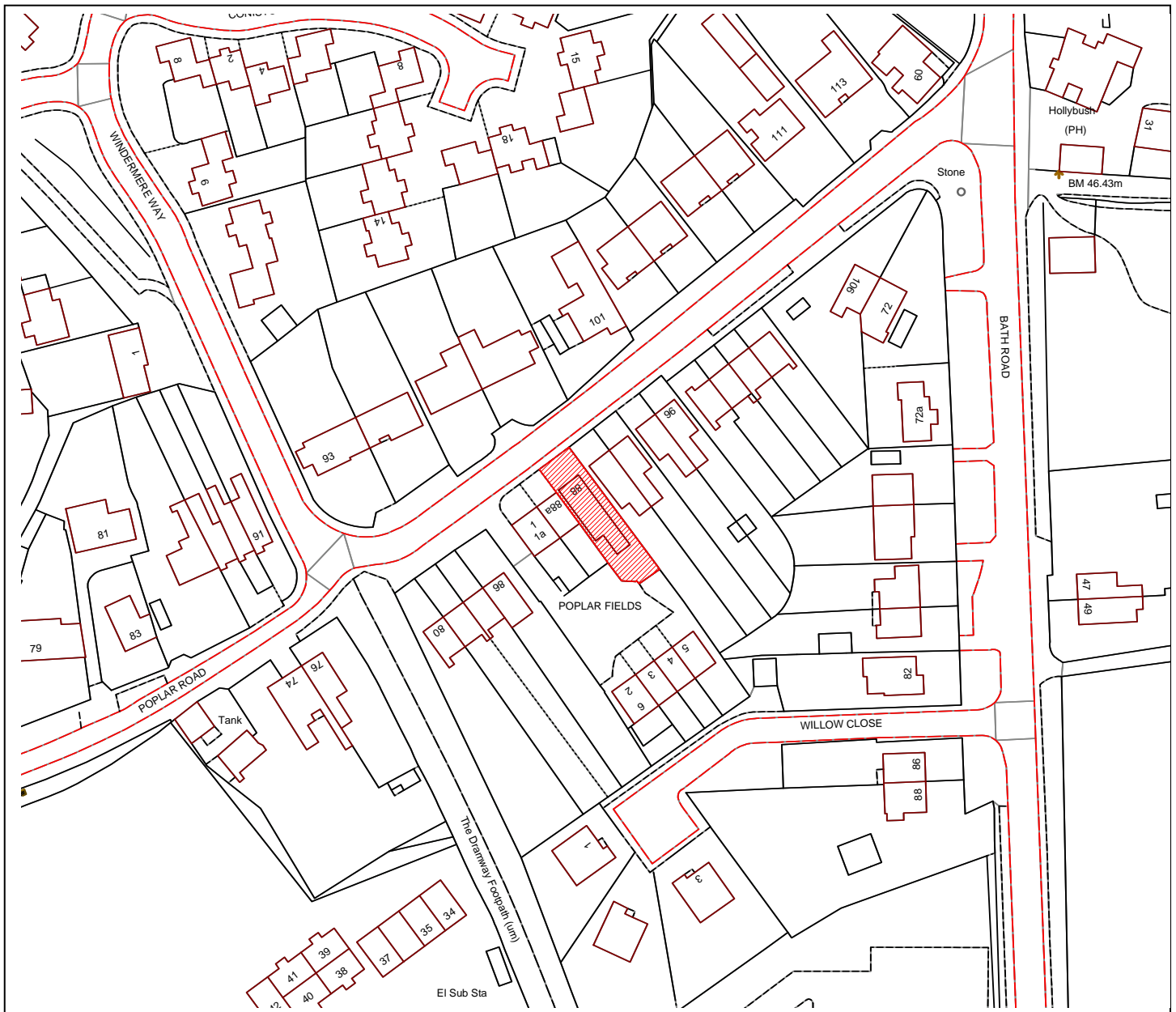
**Applicant:** Mr R Taylor  
**Date Reg:** 31st January 2008

**Proposal:** Subdivision of existing dwelling to form 1 no. two bedroom house and 1 no. one bedroom flat with additional parking space and associated works. Erection of 1.8 metre high privacy screen to side elevation. (Resubmission of PK07/3009/F).

**Parish:** Bitton Parish Council

**Map Ref:** 67811 72724

**Ward:** Oldland Common



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## **INTRODUCTION**

This application is placed upon the Circulated Schedule to Members in accordance with procedure, given that an objection to the proposal has been raised.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks consent for the conversion of a detached single dwelling house situated on the southern side of Poplar Road, to a 2 bed house and a 1 no. bed flat to the rear at ground floor level.
- 1.2 Access to the house situated to the front would be from the front while a gate along a side corridor gives access to a garden at the rear to be used in associated with this unit. The flat to the rear is also accessed by this corridor and has access to a private courtyard. Room for three car parking spaces is indicated.
- 1.3 There are no significant external alterations required apart from the installation of a 1.8 metre privacy screen to separate the private courtyard from the garden associated with the house. 3 no. parking spaces are to be provided to the front of the property.
- 1.4 This application represents an amended scheme following the refusal of Application no. PK07/3009/F (see planning history below). The current scheme differs from that previously refused in so far as a balcony/terrace has been removed, an additional area of window has been added to the second bedroom to the house and internally the proposed living room would be on the first floor at the front of the property.

### **2. POLICY CONTEXT**

- 2.1 National Guidance
  - PPS1 Delivering Sustainable Development
  - PPS3 Housing
  - PPG13 Transportation
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
  - D1 Achieving Good Quality Design in New Development
  - H2 Proposals for Residential Development
  - H5 Residential Conversions, Houses in Multiple Occupation and Re-use of Buildings for Residential Purposes
  - T7 Cycle Parking
  - T8 Parking Standards
  - T12 Transportation Development Control Policy for New Development
  - EP4 Noise sensitive development

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

P91/4495 Single Storey Side Extension Approved  
PK02/0806/F Erection of 4 No. 2 bed dwellings and 4 no. 1 bed flats(Approved)  
PK02/2464/F Erection of 1 no. dwelling house and 2 no. self-contained flats  
(Approved subject to conditions)

PK07/3009/F Subdivision of existing dwelling to form 1 no. two bedroom house and 1 no. one bedroom flat with additional parking space and associated works. Creation of first floor terrace with 1.8 metre high privacy screen to side elevation and steel balustrade (Refused – on the grounds that:

- The development would result in loss of privacy to the adjoining occupiers as a result of overlooking from the proposed balcony to the rear.
- The development would not provide an adequate outlook for future occupiers to the detriment of their residential amenity.

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

##### **4.1 Bitton Parish Council**

Object very strongly to the proposed development. They consider that none of their previous objections have been addressed. The dwelling is totally unsuited to sub-division as proposed, the use of the site would be over-intensified and the natural light to the flat's living area would be extremely poor.

##### **4.2 Sustainable Transport**

This proposal is a resubmission of a previously refused planning application (PK07/3009/F). No transportation objection was raised but additional info on bin and cycle storage was requested. Vehicular parking arrangements remain the same as the previous proposal.

Although the bin store has been enlarged it is still considered too small for the storage of bins for both of the dwellings. Revised details are again requested to be submitted for approval by the Council. It would appear that no cycle storage has been provided for either of the dwellings. At least two cycle parking spaces need to be provided in a secure covered and overlooked position, one for each dwelling. A plan showing this cycle storages needs to be submitted for approval by the Council. Subject to revised details being submitted as outlined above, there is no transportation objection to this proposal.

##### **4.3 Local Residents**

There have been no objections raised

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

##### **5.1 Principle of Development**

PPS3 (Housing) identifies the planning system as a means of widening housing opportunity and choice, maintaining a supply of housing and creating sustainable residential environments. Paragraph 10 of PPS3 indicates among other criteria that the planning system should deliver a mix of housing, both market and affordable, particularly in terms of tenure and price to support a wide variety of households in all areas, provide a sufficient quantity of housing taking into account need and demands and seeking to improve choice. Furthermore the planning system should provide housing developments in suitable locations, which offer a good range of community facilities with good access to jobs, key services and infrastructure. It is considered that the current proposal is appropriate within this context.

5.2 Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006 reflecting the aims and objectives set out in this guidance considers the criteria for proposals for the conversion of existing residential properties into smaller units of self-contained residential accommodation. The policy recognises the important contribution that smaller units can make to the supply, range and mix of housing provision in South Gloucestershire and supports the conversion where appropriate of larger properties subject to consideration of the following criteria.

5.3 Character of Surrounding Area

Policy H5A of the South Gloucestershire Local Plan (Adopted) January 2006 allows for such development provided that there is no adverse impact upon the character of the area. The surrounding area predominantly consists of single (family) dwellings within this predominantly residential area. Within this context it is not considered that the addition of a further an additional units would adversely affect the character of the surrounding area, particularly given the guidance in PPS3 (para 10) that has been outlined above that seeks to create mixed and inclusive communities.

5.4 Design

Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to achieve a high standard of design in all new development having regard to scale, form and materials both in relation to the original property and within the wider context.

5.5 There are no significant external works to the building proposed. Should the scheme be acceptable in other respects a condition would be attached to the decision notice requiring full details of refuse storage provision, to ensure that this is installed prior to the first occupation of the units.

5.6 Residential Amenity

Policy H5B of the South Gloucestershire Local Plan (Adopted) January 2006 considers that such development should be permitted provided that it would not prejudice the amenities of nearby occupiers.

There are no extensions included within the proposed development. It is not considered that the addition of a ground floor unit would cause any significant increase in noise and disturbance. Insulation between the units would be considered under the Building Regulations.

A concern previously raised by neighbouring occupiers and a reason why the application was refused was the provision of a balcony and the impact that this would have had in terms of loss of privacy from overlooking. With the removal of the balcony area it is considered that this issue has been addressed and it is not now considered that the proposed development would result in the loss of amenity to adjoining occupiers and therefore this previous reason for refusal has been addressed satisfactorily. A condition will be attached to the decision too ensure that this area is not used as a balcony without the future express permission of the Council.

In considering applications for new residential development it is necessary to assess the amenity of future occupiers. Policy H2 (para 8.163), indicates that all new development should “have regard to the amenities of existing residents in the vicinity of the site and to those of future occupiers of the development”.

Policy H5 also considers residential amenity. PPS3 seeks to achieve high quality housing (paras 12-19) that meets the needs of people.

Previously it was considered that the proposed internal layout failed to comply with the above criteria, with ground floor level, very little effective openings being provided for the living room, given the close proximity of properties on either side. Concern has again been raised that this issue has not been addressed however, an additional window space is provided to the second bedroom associated with the house. In addition to this, the living room for this unit has been moved to the first floor and thus it benefits from windows in the front elevation. This arrangement is considered to be satisfactory and would not vary from most living rooms in residential development.

The rear flat remains unaltered in terms of openings but although light to the living room would be restricted given its position close to the boundary on balance the arrangements here are considered acceptable. It is considered that the previous reason for refusal has now been addressed satisfactorily.

It is considered that the proposal is in accord with Policy H2 and H5 of the South Gloucestershire Local Plan (Adopted January 2006) and PPS3.

#### 5.7 Transportation

Policy H5C of the South Gloucestershire Local Plan (Adopted) January 2006 considers that such a development would be acceptable provided an acceptable level of parking is identified. Policy T12 assesses development in terms of the impact of the development upon the wider highway network with the priority being highway safety.

This proposal is a resubmission of a previously refused planning application (PK07/3009/F). No transportation objection was raised but additional info on bin and cycle storage was requested. Vehicular parking arrangements remain the same as the previous proposal. Although the bin store has been enlarged it is still considered too small for the storage of bins for both of the dwellings. Revised details have been submitted and are considered acceptable. Given the scale of the development cycle parking provision has not been sought on this occasion. The proposed development is considered in accord with Policy T12 of the South Gloucestershire Local Plan (Adopted January 2006).

#### 5.8 Amenity Space Provision

External amenity space will be provided for both the house and the ground floor flat. The space provided is considered adequate and will afford an acceptable level of privacy.

#### 5.9 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 South Gloucestershire Council Design Checklist (Adopted August 2007)

#### 5.10 Section 106 Requirements

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

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 Planning Permission be granted subject to the following conditions

### **Background Papers      PK08/0301/F**

**Contact Officer:**    **David Stockdale**  
**Tel. No.**                **01454 864533**

### **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 roof area at first floor level of the dwelling hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason:

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H2 and H5 of the South Gloucestershire Local Plan (Adopted) January

3. Prior to the first occupation of the development hereby approved, the refuse bin storage shown on Drawing No. 018 PO2 C shall be installed and retained as such thereafter.

Reason:

To ensure the provision of adequate refuse storage and to accord with Policy D1 (H) of the South Gloucestershire Local Plan (Adopted).

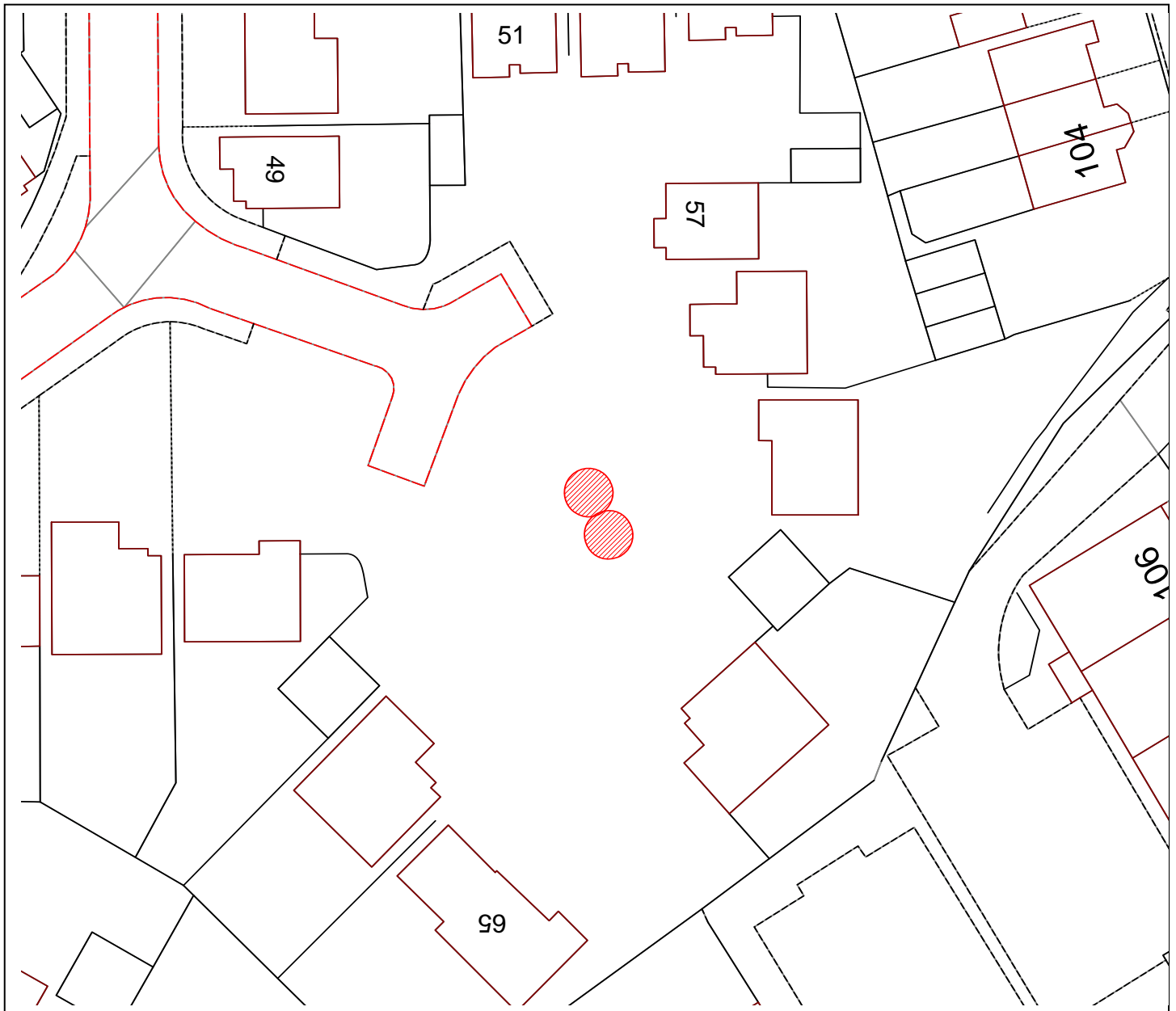
4. The off-street parking facilities shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason:

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

**CIRCULATED SCHEDULE NO. 09/08 – 29 FEBRUARY 2008**

<b>App No.:</b> PK08/0321/TRE	<b>Applicant:</b> Mr N Eaton
<b>Site:</b> 61 Adderly Gate, Emersons Green, South Gloucestershire, BS16 7DR	<b>Date Reg:</b> 4th February 2008
<b>Proposal:</b> Works to crown reduce by 25% and remove dead wood 1no. Oak Tree and crown reduce by 25% and remove dead wood 1no Ash tree, covered by Tree Preservation Order KTPO3/91 dated 29 July 1991.	<b>Parish:</b> Mangotsfield Rural Parish Council
<b>Map Ref:</b> 66963 77255	<b>Ward:</b> Emersons Green



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## **INTRODUCTION**

This application is placed upon the Circulated Schedule in accordance with procedure given that a letter of support has been received.

### **1. THE PROPOSAL**

The applicant seeks consent to crown reduce by 25% and remove dead wood from 1no. Oak Tree and to crown reduce by 25% and remove dead wood from 1no. Ash tree, both covered by Tree Preservation Order KTPO3/91 dated 29 July 1991.

The applicant indicates that the ash and oak trees are close to the edge of the driveway and with branches that overhang the drive there is a concern that there is potential to damage cars or property should there be a storm.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1            Delivering Sustainable Development
  
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1              Achieving Good Quality Design in New Development  
L1              Landscape Protection and Enhancement

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

PK00/2590/TRE Reduce lateral crown by 20% to 1 no. oak and reduce weight and height by 10% to 1 no. Ash (Refused)

### **4. CONSULTATION RESPONSES**

#### 4.1 Mangotsfield Rural Parish Council

No objection raised

Tree Officer

The trees are growing on an area of open space adjacent to 61 Adderley gate. The trees appear to be in good health. There is some deadwood throughout the crowns of both trees. The removal of deadwood is exempt from TPO guidelines and therefore may be carried out without permission. The proposal is to reduce the crowns of the Oak & Ash trees by 25%, the canopies of the trees are not compromising persons or property at this time and therefore I do not consider wounding the trees by reducing them to be necessary. It is recommended that the application is refused.

#### 4.2 Local Residents

A letter of support for the proposal has been received stating “the trees will be improved by reducing in height and removing deadwood. It will rejuvenate them and ensure that they are more in scale with the surrounding environment”.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Policy L1 seeks to protect those attributes of the landscape that make a significant contribution to the character of the landscape.

The application has been assessed by the Council's Tree Officer who has indicated that while the removal of deadwood can take place as this is not covered by the Tree Preservation Order guidelines, the other works to the trees are considered unnecessary as they are not compromising persons or property at the present time and the work if it were to go ahead would potentially cause harm to these healthy trees.

It is therefore considered that the amenity value of the trees would be affected if the proposed works were to take place and that the proposal is therefore contrary to Policy L1 of the South Gloucestershire Local Plan (Adopted January 2006).

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

- 7.1 Permission be refused for the following reason

**Background Papers**      **PK08/0321/TRE**

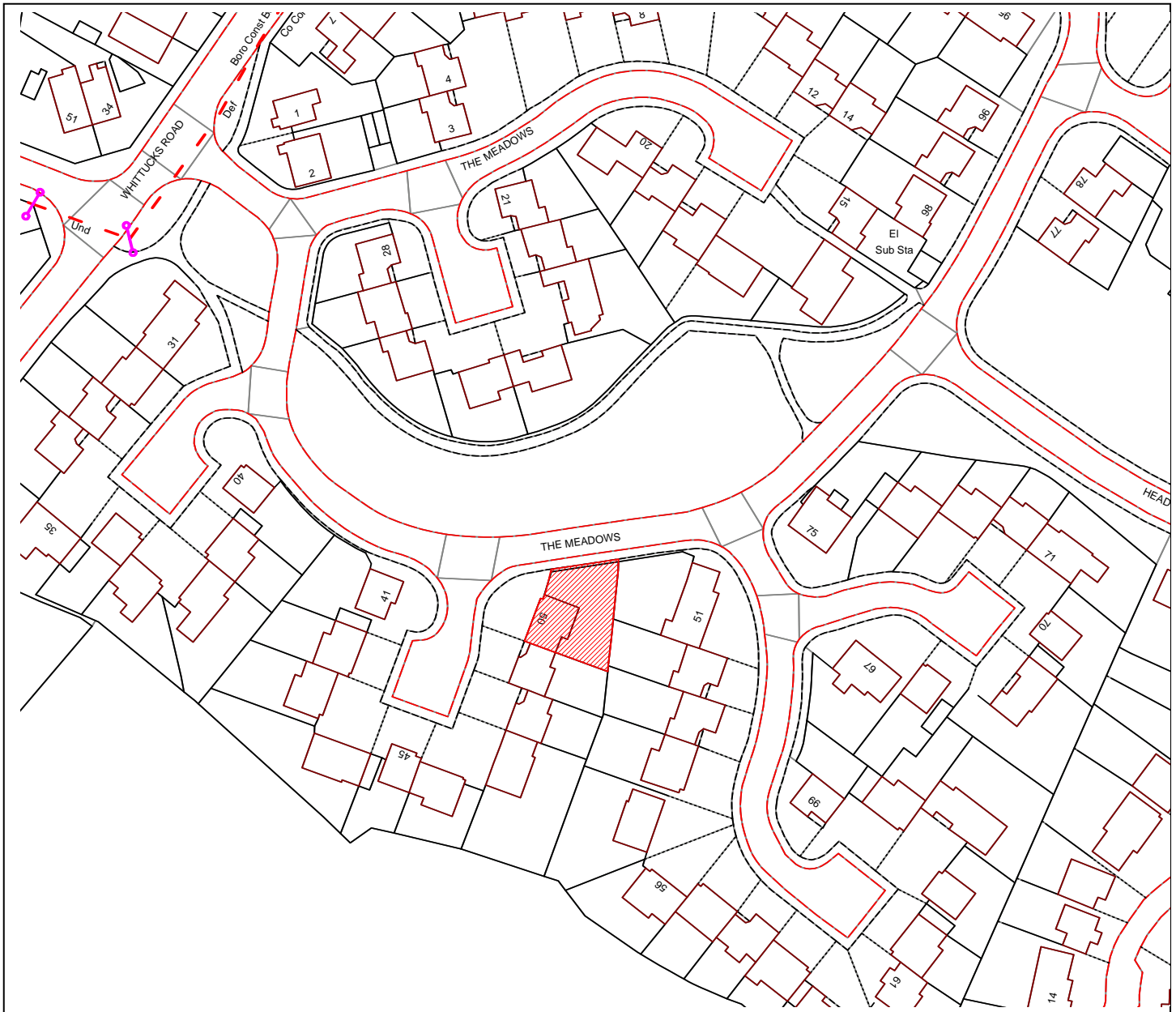
**Contact Officer:**    **David Stockdale**  
**Tel. No.**                **01454 864533**

## **REFUSAL REASONS**

1. The proposed works are considered unnecessary and would if undertaken potentially affect the future health of these trees to the detriment of the visual amenity of the locality. As such the proposal is considered contrary to Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 09/08 – 29 FEBRUARY 2008

<b>App No.:</b>	PK08/0338/F	<b>Applicant:</b>	Mr R McCormick
<b>Site:</b>	50 The Meadows, Hanham, South Gloucestershire, BS15 3PA	<b>Date Reg:</b>	5th February 2008
<b>Proposal:</b>	Erection of two storey side extension to form additional living accommodation.	<b>Parish:</b>	Hanham Abbots Parish Council
<b>Map Ref:</b>	64672 71791	<b>Ward:</b>	Hanham



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PK08/0338/F

## **INTRODUCTION**

This planning application has been referred to the Councils' Circulated Schedule Procedure as objections have been received from the parish Council regarding the proposed development.

### **1. THE PROPOSAL**

- 1.1 This planning application seeks planning permission for the erection of a two storey side extension.
- 1.2 The application site relates to a two storey dwelling sited within the residential area of Hanham.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design  
H4 Extensions

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Advice Note no.2 Extensions

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

- 3.1 No planning history relates to the application site:

### **4. CONSULTATION RESPONSES**

- 4.1 Hanham Abbots Parish Council  
Objections. The proposed development would have an overbearing effect on neighbouring properties. It is suggested that the width of the extension be reduced and a proposed window which would result in the loss of privacy to the neighbouring property be removed from the plan or fitted with obscured glass.  
Town/Parish Council.

#### **Other Representations**

- 4.2 Local Residents  
No response received

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

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

## 5.2 Visual Amenity

The application site relates to a two storey modern dwelling attached to the adjoining property by an integral garage. The property is sited at the junction of a cul-de-sac and the main road and is highly visible within the street scene.

- 5.3 This application proposes the erection of a two storey side extension on the northern elevation of the dwelling adjacent the road side. The Planning officer had raised an objection regarding the overall width of the proposed extension and revised plans have been submitted which have reduced the overall width of the extension from 4.0m to 3.5m. The proposed two storey side extension is considered to be of a design and scale in keeping with the character of the existing dwelling and the immediate surrounding area.

## 5.4 Residential Amenity

The Parish Council has raised an objection on the grounds that the extension would have an overbearing impact and result in a loss of privacy. As the proposed extension would be set back at a distance of 20.m from the rear elevation of no.51 and proposes a bathroom window on the rear elevation, it is considered that the proposed extension by reason of its scale, design and siting would not have an adverse impact on the existing amenities of the neighbouring occupiers in terms of overbearing impact or loss of privacy.

## 5.5 Section 106 Requirements

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

**Background Papers**      **PK08/0338/F**

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

## **CONDITIONS**

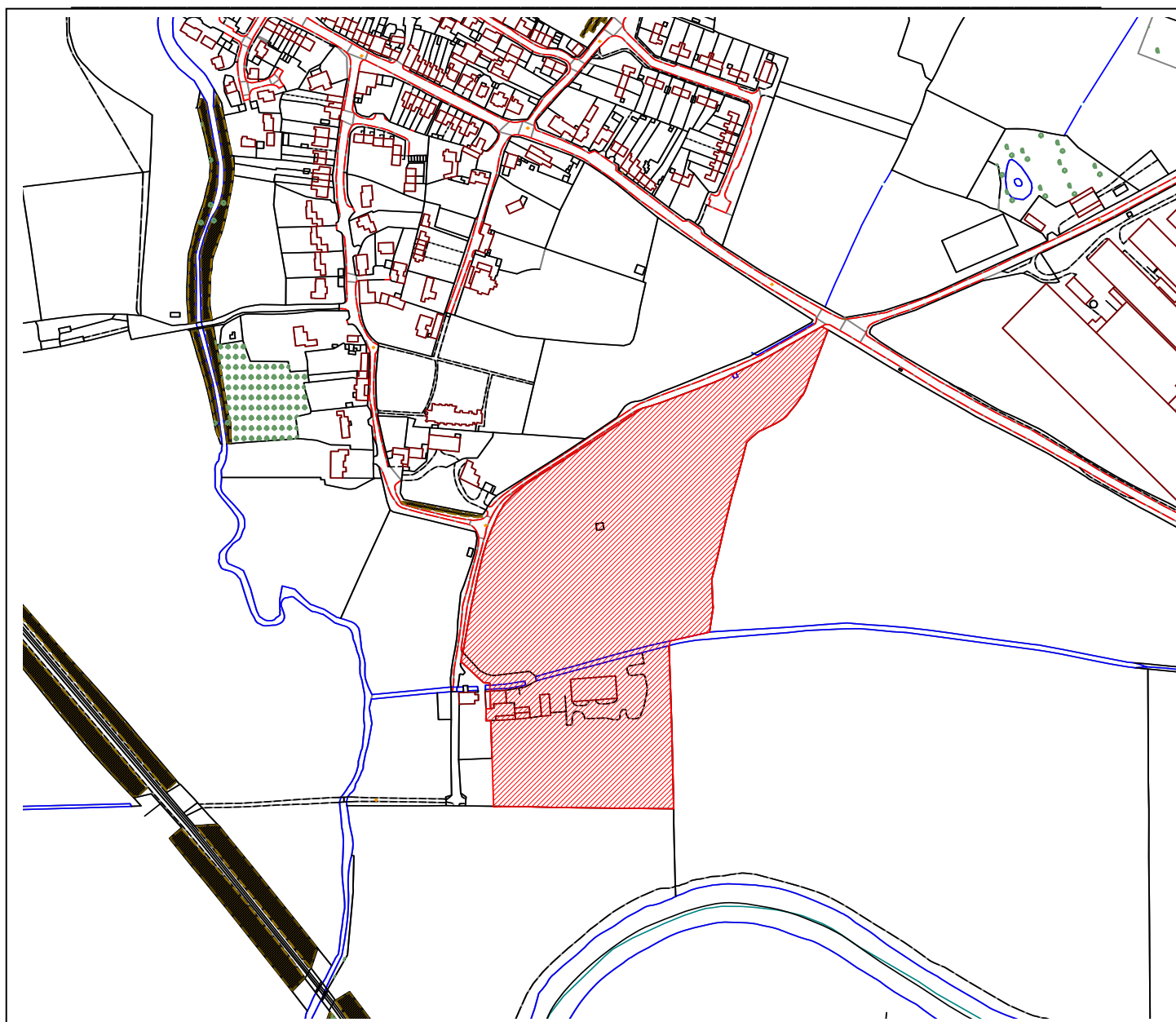
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:

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

## CIRCULATED SCHEDULE NO. 09/08 – 29 FEBRUARY 2008

<b>App No.:</b>	PK08/0377/F	<b>Applicant:</b>	Mr Hayman
<b>Site:</b>	The Meadows Church Road Bitton BRISTOL South Gloucestershire BS30 6LJ	<b>Date Reg:</b>	8th February 2008
<b>Proposal:</b>	Change of use of agricultural land to land for the keeping of horses. Repairs and alterations to 2 no. agricultural buildings to facilitate change of use to livery use. Replacement of field shelter and erection of boundary fencing.(Retrospective)	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	68350 69209	<b>Ward:</b>	Bitton



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## **INTRODUCTION**

This application appears on the Circulated Schedule, in accordance with procedure, given that it forms a major submission.

### **1. THE PROPOSAL**

1.1 The application site comprises approximately 5.8 hectares of land situated to the south and west of Church Road. The site is within the ownership of the Dower House but this area does not form part of the application site. A small tributary from the River Boyd crosses the site and to the south of this there are a number of structures. A number of trees lie around the boundary of the site and these are covered by Tree Protection Orders (TPO's). The site lies within the Bitton Conservation Area and the Bristol/Bath Green Belt. The site also lies within a Flood Zone as defined by the Environment Agency (part Zone 2 and part Zone 3).

1.2 The applicant proposes the adaptation and change of use of 2no. agricultural buildings situated on the southern side of the site to provide for a livery use, with the change of use of the remaining area from agriculture to the keeping of horses. Consent is sought for a field shelter erected centrally in the northern part of the site.

The two barns are to be repaired and part re-built, the stone barn on the western boundary is to be marginally reduced in size, stone tiling replacing sheeting on another building and a natural stone wall to replace concrete blockwork to the immediate north of these buildings. No new buildings or extensions are proposed. Concrete surfacing will be form the yard area. The timber clad field shelter measures 7.2 metres by 6.1 metres and 3.1 metres to the height of the ridge. The structure has replaced an existing building.

1.3 In support of the application, the applicant has submitted a Transport Statement and Flood Risk Statement. The applicant has indicated the following information in support of the proposal:

- There is a need to find an economically viable venture in order to fund the upkeep of the site and buildings
- While it is acknowledged that there is some flooding to the south of the site, this is for a short period of time, there has been no danger to people and stock can be moved to the northern area of the site at those times
- Vehicle usage will not exceed current levels.
- Some planting is proposed between buildings to reduce the impact of the concrete surfacing

1.4 It should be noted that at the time of the Case Officer's Site Visit, significant work was in progress in relation to the barns (see analysis below).

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPS7	Sustainable Development in Rural Areas



PPG15 Planning and the Historic Environment  
PPS25 Flood Risk and Development

2.2 South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design in New Development  
L12 Conservation Areas  
L13 Listed Buildings  
GB1 Development within the Green Belt  
L1 Landscape Protection and Enhancement  
E10 Horse Related Development  
EP1 Environmental Pollution  
EP2 Flood Risk and Development  
T12 Transportation Development Control Policy for New Development

Supplementary Planning Documents

Development in the Green Belt June 2007  
South Gloucestershire Council Design Checklist (Adopted August 2007)  
The Bitton Conservation Area Statement Advice Note 7b

**3. RELEVANT PLANNING HISTORY**

The site has a long planning history. Of the relevant planning applications, the following are considered of the most relevance:

P96/4078 Change of use of agricultural buildings to provide 7 no. stables and ancillary facilities, change of use of agricultural land to land for grazing (Approval)

P99/4152/CL Certificate of lawfulness for existing mixed use of site for agriculture, maintenance storage and repair of motor vehicles. Storage of skips, trailers, scrap computers and assorted goods (Refusal)

PK03/1360/F Alteration to roof to increase height of agricultural building from 5.4 metres to 8.4 metres (Approved with Conditions)

PK04/1786/CLE Certificate of lawfulness for existing mixed use of site for agriculture, maintenance storage and repair of motor vehicles and storage of skips, trailers and other associated goods and machinery (Refusal)

**4. CONSULTATION RESPONSES**

4.1 Bitton Parish Council

No objections. Councillors asked for a management plan for the site to ensure its future upkeep. Officers were asked to ensure that there was adequate parking on site for the proposed change of use.

4.2 Other Consultees

Environment Agency

The Agency has no objection in principle to the proposed development subject to conditions and informatives being attached to the decision notice. The recommended conditions relate to floor levels of the barns and the ground level of the field.

### Sustainable Transport

The proposal is to create 15 do it yourself livery stables within the yard.

The site is served via a private lane accessed from Church Road which is an unclassified loop road of variable width. Church Road accesses the wider highway network at both ends with the Bath Road (i.e. the A431 Bath Road). The north western section of Church Road is considered acceptable for the development traffic but the eastern section which is more rural in nature, is considered less desirable for increased traffic.

The anticipated traffic movements by the development could be as high as 2 visits per day per horse. However, given close proximity of this facility to Bitton village, it is reasonable to assume that local residents with horses in these facilities would walk to this place. In consideration of the access and given the low number of horses involved, the officer assessment is that traffic impact of the development would not be significant in this case.

Off-street parking is available on the site and therefore, the proposal would not cause on-street congestion. In view of the above-mentioned therefore, there are no highway objections to this proposal.

- 4.3 Local Residents  
No comments received

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy E10 cites that proposals for horse related development will be permitted outside of the urban areas and settlement boundaries provided that:

- Development would not have an unacceptable environmental impact; and
- It would not prejudice neighbouring residential amenity; and
- Adequate provision is made for vehicular parking, turning & manoeuvring; &
- Safe and convenient access to bridleways/ riding ways is available; and
- There is no existing suitable underused building; and
- The design of the building, its size and the number of horses would have proper regard to the safety and comfort of the horses.

- 5.2 The application site is situated within the Bitton Conservation Area. Policy L12 advises that all development should ensure that the character and appearance of the Conservation Area is preserved. Part of the site lies within the setting of The Dower House, The Grange and St Mary's Church all Listed Buildings, as such Policy L13 indicates that development (including alterations or additions) affecting a listed building or its setting will not be permitted unless the building and its setting would be preserved.

- 5.3 The site is within the Green Belt thus policy GB1 applies. Policy GB1 following guidance in PPG2, indicates the change of use of land or buildings is permitted provided that there is no greater impact upon openness, the defining characteristic of the Green Belt. In addition proposals should not detract from the visual amenity of the Green Belt. This assessment is made below. Where development is inappropriate (and therefore by definition would harm the open character of the Green Belt), the onus is upon the applicant to demonstrate that there are very special circumstances that would justify a departure from the Green Belt policy.

The proposed development is situated within a Flood Zone (Zone 2/3). Policy EP2 following guidance in PPS25 indicates that development will not be permitted where the development could be at risk of flooding or result in flooding elsewhere.

Subject to the following considerations therefore the proposed development is considered acceptable in principle.

#### 5.4 Green Belt

At the time of the Site Visit made by the Case Officer (and Conservation Officer), substantial work was underway in respect of the two agricultural buildings. The historic barn has been largely re-built with only approximately a third of the eastern elevation retained. An inner wall has been built, this has been re-faced with natural stone with brick apertures. It is not possible to ascertain the structural condition of the original building however the work clearly constitutes "major" if not complete reconstruction of the buildings. It is not considered therefore that the design and access statement is accurate when it states "*we have sought to utilise the existing buildings on site rather than erect new buildings...this will have walls repaired*" rather it is considered that the development is tantamount to new build. As such the development does not fall within the limited categories of development permitted by Policy GB1 (following guidance in PPG2) and therefore this aspect of the development is contrary to these policies and would by definition harm the open character of the Green Belt. No special circumstances have been demonstrated in this case.

With respect to other aspects of the development, it is considered that the field shelter is situated within an inappropriate location within the middle of the field. It is acknowledged that there was a structure on the site previously however it is considered that the shelter now erected is different in scale and character being fully enclosed. A tree has been removed that gave some screening. The shelter should be sited in a less prominent location, however as erected it is considered that it would have an adverse impact upon the visual amenity of the Green Belt given its prominent location. It is also considered that the large areas of wooden fencing (see further analysis below) would be detrimental to the visual amenity of the Green Belt. The change of use of land for the keeping of horses, is considered an appropriate use within the Green Belt and would in itself not affect its openness.

It is therefore considered that the proposal is contrary to the aims and objectives of Policy GB1 of the South Gloucestershire Local Plan (Adopted January 2006) and PPG2.

#### 5.5 Listed Building/Conservation Area/Landscape Considerations

The application site is situated within an important area of the Bitton Conservation Area and represents an area of open countryside at the eastern side of the settlement. To the west of the site lies St Mary's Church which is Grade 1 Listed, The Dower House (Grade II) and The Grange (Grade II\*).

The prevailing character of Bitton is its landscape setting. It is important that development does not spill beyond the clearly distinct boundaries of the developed area. To the south (front) of The Dower House and The Grange, which both look directly over the application site, is a ha-ha. The land beyond

(to which this application relates) was clearly intended to be read as open parkland. Whereas other parts of Bitton, in particular the High Street, have an overriding sense of enclosure and order, with buildings raised above the road, a uniform building line and formal kerbing, the character at Church Lane and Church Road to the south east of the village is one of much more openness and informality. Beyond the historic stone walls enclosing the dwellings, the verges are informal, and field boundaries natural hedging, with the exception being land to the front of The Dower House and The Grange, where historically the ha-ha was intended to allow for unspoilt, open views across the landscape. The Bitton Conservation Area statement specifically highlights the unobstructed views of the village and the church from the east and the openness of the landscape, and the importance of preserving these views through the careful control of development and boundaries.

It is considered that the fencing that has been erected (referred to as structural landscaping) that uses a timber post and rail style is inappropriate. It dominates the boundary of the site and disrupts the open character of the landscape resulting in an obstruction into an out of the village. A high quality narrow section iron estate railing would be more appropriate.

With respect to the field shelter, it is considered that this has not replicated the original structure, is bulky and situated in this prominent central location detracts from the visual amenity of the landscape, Conservation Area and the setting of the nearby Listed Buildings. The structure should be located close to the existing buildings at the southern end of the site.

In terms of the alterations to the buildings, it is recognised that visually there could be some enhancement, in particular the re-cladding of the single storey brick building with clay tiles however it is not possible to assess whether the original building was capable of conversion given the extent of works that have taken place.

## 5.6 Horse Welfare

In considering proposals for the horse development, the Council takes account of British Horse Society recommendations which provide advice tailored to the comfort and welfare of horses.

The sizes of some of the stabling in particular stables No's 4 and 12 are below the required minimum size of 3 metres by 3.7 metres. The stable doors do not meet minimum requirements of 1.3 metres minimum width. In addition proposals for livery stables should also include toilet facilities, disabled access and secure parking for cycles at a rate of 2 for every two horse boxes. If the proposal were acceptable in other respects these are issues that would have been the subject of negotiations with the applicant.

## 5.7 Residential Amenity

Presently, only Green Farm stands within close proximity of the build although the aforementioned approval would introduce a further unit between. To this extent, whilst the proposal would be within close proximity of the conversion, it is not considered that this provides any good reason upon which to refuse this application. Amenity issues also did not provide for a refusal reason in respect of the previous refusal.

In view of the above, it is not considered that any significant adverse impact in residential amenity would be caused.

#### 5.8 Additional Outbuildings

There appear no further outbuildings in close proximity of the proposed stable building that would be suitable for conversion.

#### 5.9 Transportation

Policy T12 of the South Gloucestershire Local Plan (Adopted January 2006) considers the impact of development upon the surrounding highways network, with the requirement that new development preserves highway safety.

The site is served via a private lane accessed from Church Road which is an unclassified loop road of variable width. Church Road accesses the wider highway network at both ends with the Bath Road (i.e. the A431 Bath Road). The north western section of Church Road is considered acceptable for the development traffic but the eastern section which is more rural in nature, is considered less desirable for increased traffic. The anticipated traffic movements by the development could be as high as 2 visits per day per horse. However, given close proximity of this facility to Bitton village, it is reasonable to assume that local residents with horses in these facilities would walk to this place.

In consideration of the access and given the low number of horses involved, the officer assessment is that traffic impact of the development would not be significant in this case. Off-street parking is available on the site and therefore, the proposal would not cause on-street congestion.

It is therefore considered that the proposed development is in accord with the aims and objectives of Policy T12 of the South Gloucestershire Local Plan (Adopted January 2006).

#### 5.10 Flood Risk

The applicant has submitted a flood risk assessment in support of the application and this has been viewed by the Environment Agency. No objection is raised to the proposal and if the proposal were acceptable in other respects, conditions would be attached to the decision notice to ensure that the internal ground levels of the buildings are constructed no lower than the floor level of the existing building and to ensure that no alterations are made to the levels of the field.

#### 5.11 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.

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

## **7. RECOMMENDATION**

- 7.1 Planning Permission is refused for the following reasons

**Background Papers**      **PK08/0377/F**

**Contact Officer:**    **David Stockdale**  
**Tel. No.**                **01454 864533**

### **REFUSAL REASONS**

1. The application is located within Bitton Conservation Area, the character and appearance of which it is important to preserve and enhance; and affects the setting of three Listed Buildings, the architectural and historic interest and setting of which it is important to preserve. The proposed development by virtue of the prominent location of the wooden stable block, the location, extent and design of the "ranch style" post and rail boundary fencing, will harm the open character of the landscape, thereby harming the character and appearance of the Bitton Conservation Area and the setting of the Listed Buildings. As such the proposed development is contrary to Policy L1, L12 and L13 of the South Gloucestershire Local Plan (Adopted) and PPG15.
2. The alterations to the 2 no. Agricultural buildings to facilitate the new use of the site, represent major/complete reconstruction of the buildings. It is considered that this is tantamount to the construction of new buildings for use in association with the keeping of horses. As such the development represents inappropriate development where no special circumstances apply contrary to Policy GB1 of the South Gloucestershire Local Plan (Adopted) and PPG 2.

## CIRCULATED SCHEDULE NO. 09/08 – 29 FEBRUARY 2008

App No.: PT08/0192/F

Applicant: St Mary Primary  
SchoolSite: St Mary's Roman Catholic School,  
Webbs Wood Road, Bradley Stoke,  
South Gloucestershire, BS32 8EJ

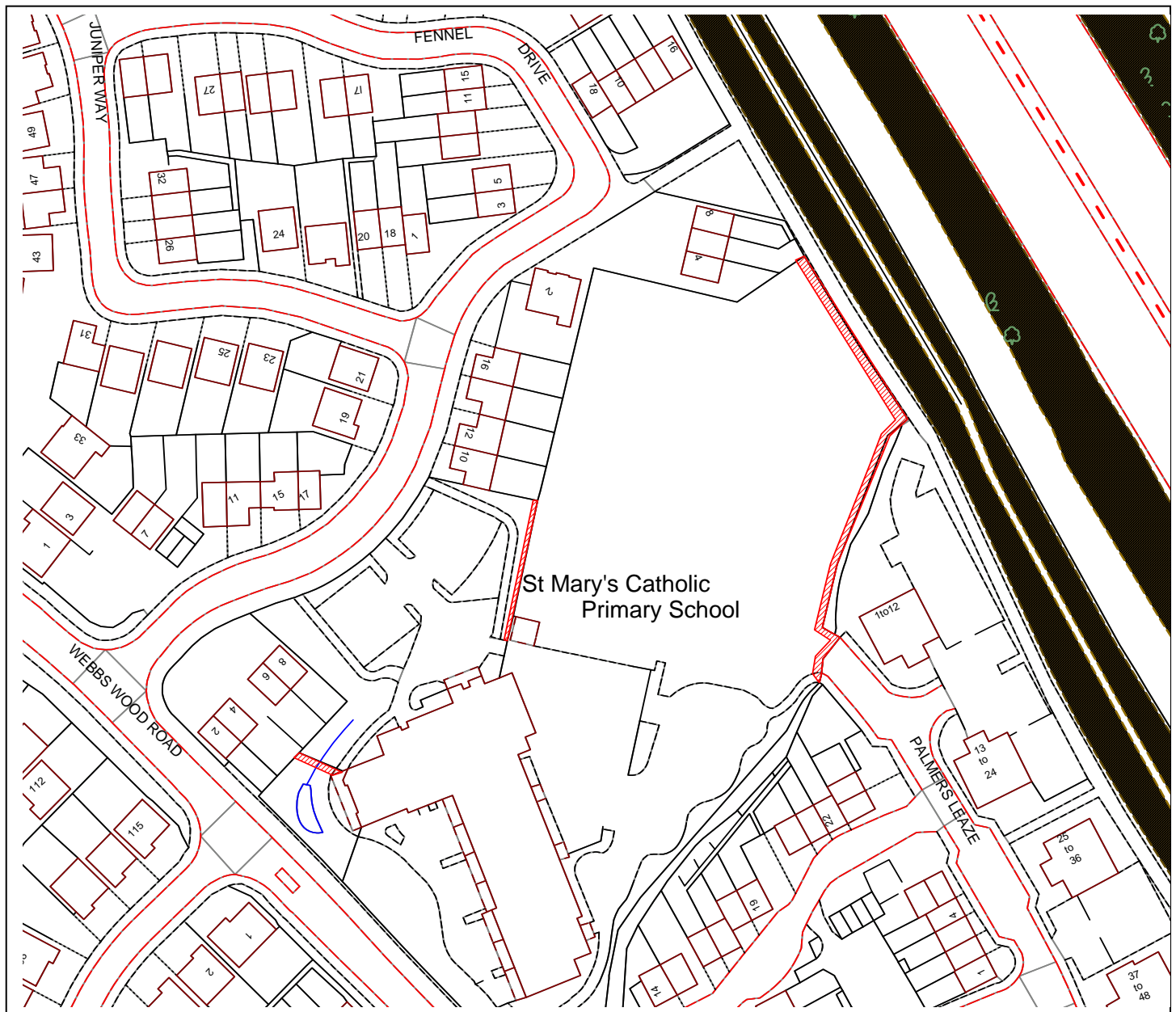
Date Reg: 22nd January 2008

Proposal: Erection of 2.4 metre high fencing

Parish: Almondsbury Parish  
Council

Map Ref: 63158 81192

Ward: Almondsbury



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100023410, 2008.

N.T.S

PT08/0192/F

## **Introduction**

This application appears on the Circulated Schedule as a representation was made contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of 2.4 metre high fencing.
- 1.2 The application site relates to a primary school located within the well established residential area of Bradley Stoke.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1 Delivering Sustainable Development

#### **2.2 Development Plans**

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design

L1 Landscape Protection and Enhancement

T12 Transportation Development Control Policy for New Development

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

No relevant history.

### **4. CONSULTATION RESPONSES**

#### **4.1 Bradley Stoke Town Council**

No objection raised.

#### **Other Representations**

#### **4.2 Local Residents**

One objection raised on the grounds that the proposed fence would obstruct maintenance access to a neighbouring property.

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

#### **5.1 Principle of Development**

Policy D1 of the Gloucestershire Local Plan (Adopted) January 2006 considers general design principles and ensures good quality design.



Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to conserve and enhance the character, quality and amenity of the landscape and to retain and protect trees which contribute to the overall character or distinctiveness of the area.

## 5.2 Design and Visual Amenity

The proposed fence is to be located at three different locations around the existing site of the primary school and its associated playing fields. The height of the fencing is to be 2.4 m, which will match a stretch of existing security fencing located adjacent to Webbs Wood Road. The first stretch of fencing is to be located on the east side of the school playing field at the bottom of Palmers Leaze road and alongside the railway track. The fence will be adjacent to a block of flats and it is considered that by virtue of the fence's siting and scale it would have no adverse impact on the visual amenities. The two other stretches of fencing are to be located within the site boundaries and it is not considered that the fencing will have an adverse visual impact.

## 5.3 Other Issues

A local resident's objection to the scheme noted that the proposed fence would run alongside the side and rear of an adjacent property. This is however not the case and the fence will in fact run away from the corner of no. 10 Juniper Way towards the school's main building. It is therefore considered that the property's access for maintenance is unlikely to be affected adversely. However, this is not a planning consideration but a civil matter.

## 5.4 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.

## 5.5 Section 106 Requirements

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

## 6. CONCLUSION

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

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

## **7. RECOMMENDATION**

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

**Background Papers**      **PT08/0192/F**

**Contact Officer:**    **Will Collins**  
**Tel. No.**                **01454 863819**

## **CONDITIONS**

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

Reason:

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

**CIRCULATED SCHEDULE NO. 09/08 – 29 FEBRUARY 2008**

**App No.:** PT08/0204/F  
**Site:** 32 Gloucester Road North, Filton, South Gloucestershire, BS7 0SJ  
**Proposal:** Demolition of existing garage to facilitate erection of replacement garage with annexe above.  
**Map Ref:** 59918 78260

**Applicant:** Mrs P Jogia  
**Date Reg:** 22nd January 2008  
**Parish:** Filton Town Council  
**Ward:** Filton



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**N.T.S**

**PT08/0204/F**

This application appears on the Circulated Schedule after the receipt of an objection from the Parish Council and one objection from a local resident.

## 1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the demolition of an existing garage and store to facilitate the erection of a garage and store with living accommodation over.
- 1.2 The application site relates to a flat above a shop facing onto Gloucester Road A38. To the rear of the property there is a prefabricated garage. Access is via an un-adopted rear lane.
- 1.3 This application is similar to the previous refused application PT06/1077/F which was refused and dismissed at appeal (See history below).

## 2. POLICY CONTEXT

- 2.1 National Guidance  
PPS1: Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1: Achieving Good Quality Design in New Development  
H4: Development within Existing Residential Curtilages  
RT8: Small Scale Retail Uses within Urban Areas  
T12: Transportation Development Control Policy in New Development
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) August 2007

## 3. RELEVANT PLANNING HISTORY

- 3.1 P90/2786 Demolition of existing store and erection of two storey rear extension to form store with bedroom, bathroom, kitchen and patio over; construction of two vehicular parking.  
**Refused** 18 December 1990

*Refusal Reason:*

*1) The proposal represents an over-development of the site which would be cramped in appearance and detrimental to the amenities of the occupiers of neighbouring residential property and would detract from the visual amenities of the area.*

- 3.2 PT06/1077/F Demolition of existing garage and store to facilitate the erection of garage and store with living accommodation over.  
**Refused** 28 June 2006 – (Appeal dismissed on 02/03/07)

*Refusal Reasons:*

*1) The proposal represents an over-development of the site which would be cramped in appearance and detrimental to the amenities of the occupiers of neighbouring residential property and would detract from the visual amenities of*

*the area. The proposal is therefore contrary to Policy D1 and RT8 of the South Gloucestershire Local Plan (Adopted) January 2006.*

*2) The proposed development would be capable of separate occupation, which could not be sufficiently prevented by use of a condition. The introduction of a separate dwelling in this location would result in an overdevelopment of the site and would be detrimental to the occupiers of neighbouring dwellings and the visual amenity of the area. According the proposal is contrary to Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.*

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

##### **4.1 Filton Town Council**

Over intensive and overlooking garden of 3 Northville Road. Access onto already congested retail access.

##### **4.2 Local Residents**

One letter of objection received, stating:

- a) No material change to previously refused applications;
- b) side windows and roof lights would overlook rear garden and would remove what privacy we currently enjoy;
- c) The un-surfaced rear access lane and not an adopted road is unsuitable as a main entrance for the flat;
- d) It is separate from the shop, making it a stand-alone dwelling and not an annex;
- e) We already suffer from excess traffic on this lane from parking to the rear of Connexions and the industrial use of a retail unit at 34 Gloucester Road North;
- f) It is almost impossible to get in and out of Park Road and Northville Road because of the amount of traffic;
- g) Whilst there is currently a garage on the proposed site for the shop premises, there is no parking for any visitors or for the flat itself;
- h) Due to the over intensive development of the garden of 32 Gloucester Road North, the value of our property will be seriously reduced if consent is given; and
- i) The development would result in a loss of light over part of our garden.

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

##### **5.1 Principle of Development**

As existing the garage and store support a ground floor flat and a first floor dwelling, the proposed development for a new store, domestic garage with living accommodation over would impinge on both Policy H4 Developments within the Residential Curtilage, and Policy RT8 Small Scale Retail Uses. Essentially both of these policies accept the general principle of development subject to compliance with a number of criteria specified below.

##### **5.2 Residential Amenity**

The application site is adjoined by two properties to the side (Nos. 30 and 34 Gloucester Road North) and an un-adopted access lane to the rear (adjoined by No. 3 Northville Road). The Town Council and a local resident have raised concerns that the proposal would result in a loss of privacy and an overbearing impact on No. 3.

- 5.3 The land adjoining the proposal to the south relates to an area of parking and the land to the north is occupied by a large workshop. As such the main relationship between nearby neighbours would be with No. 3 Northville Road.
- 5.4 The proposed development would be approximately 20 metres at its closest point to the rear elevation of No. 3. Notwithstanding the representations, it is considered that this distance would mitigate any overbearing impact. The Inspector stated in the previous application (PT06/1077/F) that the proposed Velux windows in the south elevation would allow substantial overlooking of the rear garden of No. 3. However, in this application the number of Velux windows has been reduced from 5 to 3, and the window nearest No. 3 has been removed. As such, the nearest window to the garden would be approximately 10.4 metres rather than 5.4 metres in the previous application. It is therefore considered that any view would be at an oblique angle and would be over a significant distance. This type of the relationship is typical of a residential area. As such, it is considered that this proposal would not materially harm the privacy of No. 3.
- 5.5 Furthermore, it has been suggested that the proposal would result in a loss in property value, this is not a planning consideration, accordingly is not assessed.
- 5.6 Design and Visual Amenity  
The site relates to a back entrance to a ground floor store and first floor flat. The rear areas of the row of shops have a mixture of gravelled parking areas and some gardened plots. The store to the north of the site has been heavily development with pitched roof of the building being highly visible. The flats are accessed via an un-adopted lane with residential dwellings to the east of the site.
- 5.7 The previous application (PT06/1077/F) was refused because it was considered to represent overdevelopment of the site and an incongruous addition within the street-scene. To overcome these issues the applicant has reduced the development footprint from 54m<sup>2</sup> to 47m<sup>2</sup>, staggered the roof, and provided a flat roofed link above the existing balcony.
- 5.8 Since the dismissed appeal pre-application discussions have taken place with Council. It is considered that the proposed development would now occupy the same development envelope as the existing garage. Furthermore, the proposal would extend no higher and no further then the first floor gable of the adjacent building immediately to the north. It is proposed that the development would match the materials of the existing building.
- 5.9 In view of the above, it is considered that the proposal adopts an acceptable design approach which would respect the appearance and character of the existing building and street scene.
- 5.10 Transportation  
The site is located to the rear of an existing shop and is accessed via an unmade un-adopted rear lane. The footprint of the new building broadly mirrors that of the existing garage. The proposal would include two standard parking spaces.

There is concern over the flat over the garage. The access is not appropriate for primary access to a stand-alone dwelling for vehicles, pedestrians,

deliveries, etc. It is narrow, poorly surfaced and unlit. The flat is marked as intended ancillary to the main shop/flat. The flat could be sublet. It is on a primary bus corridor, close to shops, is small in scale and has a link to the main property therefore is difficult to resist. Therefore subject to the development remaining ancillary to the accommodation there are no sustainable transport objections.

#### 5.11 Annex Accommodation

The previous application (PT06/1077/F) was refused because the proposed annex would be capable of separate occupation, which could not be sufficiently prevented by use of a condition. To overcome this issue a flat roofed link has been added to integrate the existing flat with the extension. It considered that this would suitably overcome this refusal reason.

5.12 The proposed development has been described as an 'annex' to the existing residential unit. The amount of living accommodation provided has been reduced in relation to the previously refused application and the proposed "link" would integrate the proposal into the existing flat. It is considered that the size of the residential annex would be too small to offer adequate living accommodation for a separate unit. This would be exacerbated further by use of Velux windows, which would result in poor lighting which would detract from the living conditions. As such, it is considered that the proposed annex would not be suitable for a separate residential use. It is therefore recommended that a condition is attached to ensure the annex remains ancillary to the main dwelling.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

**Background Papers**      **PT08/0204/F**

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

## CONDITIONS

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

Reason(s):

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

2. The proposed extension hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the existing flat within 32 Gloucester Road North.

Reason(s):

Given the size of the extension and its relationship with the adjacent dwelling as a whole, it is not considered that the accommodation is suitable for separate residential accommodation, and in accordance with the requirements of Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.



## CIRCULATED SCHEDULE NO. 09/08 – 29 FEBRUARY 2008

App No.: PT08/0312/F

Site: 34 Kipling Road, Filton, South Gloucestershire, BS7 0QR

Proposal: Conversion of existing dwelling to 2 no. flats with associated works (in accordance with amended plans received on 19 February 2008).

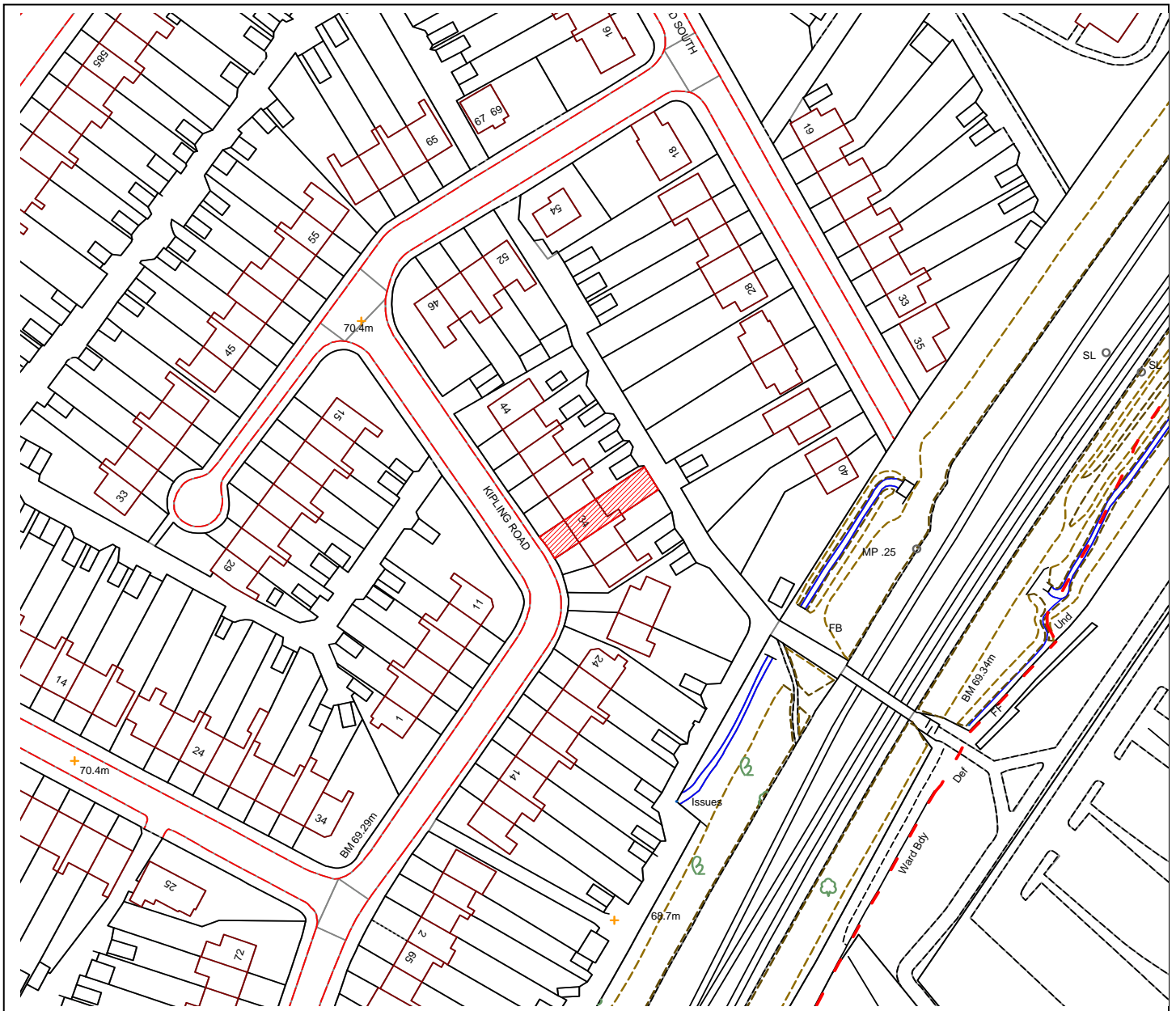
Map Ref: 60764 78251

Applicant: Mr B Walters

Date Reg: 1st February 2008

Parish: Filton Town Council

Ward: Filton



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N.T.S

PT08/0312/F

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

## **1. THE PROPOSAL**

- 1.1 This full application relates to the conversion of existing three bed dwelling to form two self-contained flats at 34 Kipling Road, Filton. The ground floor flat provides two bed accommodation with the rear garden area allocated to this flat. The first floor flat provides one bed accommodation. Both flats are accessed via the front of the property off Kipling Road although the ground floor flat also has rear access. Cycle storage, off-street parking and bin store for both properties is also shown provided.
- 1.2 The application site is a terraced property with off-street parking in the front garden. Access is also available to the rear via an access lane that serves the rear of the properties of Kipling Road and Wallscourt Road South. The rear boundary currently consists of a 2m concrete boundary wall with access gate. The property does not benefit from a rear garage but an off-street parking space for the ground floor flat is proposed within the rear garden. The site lies within the urban area of Filton.
- 1.3 The application has been amended to that originally submitted with the provision of a rear off-street parking space for the ground floor flat within the rear garden area which will involve the removal of the rear boundary wall.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPS3 Housing  
PPG13 Transport
- 2.2 Development Plans  
Joint Replacement Structure Plan  
Policy 1 Sustainable Development Objectives  
Policy 2 Location of Development  
Policy 34 Re-use of Previously Developed Land  
Policy 35 Housing Density
- 2.3 South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
EP1 Environmental Pollution  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
H5 Residential Conversions, House in Multiple Occupation and Re-use of Buildings for Residential Purposes  
T7 Cycle Parking  
T8 Parking Standards  
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted)

### 3. RELEVANT PLANNING HISTORY

3.1 None.

### 4. CONSULTATION RESPONSES

4.1 Filton Town Council  
No response received.

4.2 Sustainable Transport  
No objection.

4.3 Local Residents  
Five letters have been received objecting to the proposal on the following grounds:-  
a) overlooking/ loss of privacy;  
b) traffic and parking;  
c) noise and disturbance from layout of flats;  
d) location of kitchen could result in cooking smells, noise and fire risk;  
e) waste bin stores and cycle sheds are unsightly;  
f) waste bins would increase smell;  
g) security to rear of property;  
h) change of family houses in to flats.

Of the above, g is not a relevant planning matter.

### 5. ANALYSIS OF PROPOSAL

5.1 Principle of Development  
The application site lies within the urban area of Filton. Advice contained within PPS3 encourages the conversion of housing into extra residential accommodation, regarding it as an important source of additional housing, particularly in town centres. This advice is reflected in the Adopted Joint Replacement Structure Plan where policies encourage a mixture of housing types in sustainable locations, especially dwellings for smaller households, subject to compatibility with local amenity and site characteristics. This policy stance is reflected in policy H5 of the adopted local plan. This policy allows for the conversion of existing residential properties into smaller units of self-contained accommodation provided the following criteria are complied with:-

**A. the development would not prejudice the character of the surrounding area;**

5.2 The only elevational change relates to the blocking up of the doorway serving the existing ground floor kitchen to the rear. In terms of the intensified residential use of the site the proposal is considered acceptable. A total of three bedrooms are proposed, which is the same level of accommodation provided by the existing dwelling. The development is therefore of a size that will not significantly impinge upon the character of the area. Off-street parking already exists to the front of the property and the site is of adequate size to accommodate rear off-street parking as well as separate amenity space for the ground floor flat which is the larger of the two flats.

5.3 With regard to the provision of bin and cycle stores to the front of the site this is also considered acceptable. Due to the terraced nature of Kipling Road, all

other properties within the vicinity have bins located to the front of the site and this is a common feature of the area. The proposed cycle store due to its small size and limited height at 1.33m is also acceptable. It will not be unduly obtrusive within the street scene and its location will be screened to a degree by existing planting. The proposal therefore complies with this policy criterion.

**B. it would not prejudice the amenities of nearby occupiers;**

- 5.4 Although the residential use will be intensified, the level of accommodation is not materially increased. Moreover, the degree of overlooking will not be above that which already occurs from this property. In terms of possible noise disturbance and the layout of flats, these issues will be addressed under any building regulations application. However, a condition requiring noise insulation can be included on any planning permission. With regard to loss of privacy to the rear of the site from the removal of the boundary wall, a condition will be imposed requiring details of boundary treatment. This issue can therefore be overcome although the wall could be removed without planning permission in any event. The proposal therefore complies with this criterion.

**C. it would identify an acceptable level of off-street parking;**

- 5.5 The site is located off the unclassified Kipling Road. The proposal features the conversion of an existing three bed dwelling into 1 two-bed and 1 one-bed flat. The development therefore results in no material change in terms of traffic generation. The proposal provides 2 off-street vehicular parking spaces, 1 in the front garden area to serve the first floor flat and 1 to the rear for the ground floor flat. Cycle parking for both flats is also provided. No objections have therefore been raised to the proposal subject to a condition ensuring that the off-street parking areas are provided/maintained and that adequate bin storage is provided. The development therefore complies with policies T7, T8 and T12 of the adopted local plan and complies with this criterion.

**D. it would provide adequate amenity space.**

- 5.6 The proposal provides rear garden to the ground floor flat only. This area is adequate to serve a two bed flat. Although the first floor flat does not benefit from any private amenity space, the flat is small and one bed in nature and as such is not likely to provide family accommodation. Furthermore, areas of public open space are within the vicinity of the site. The proposal therefore complies with this criterion.
- 5.7 Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 is also relevant as it specifically relates to development within existing residential curtilages, including extensions and new dwellings. All the issues relating to this policy have already been addressed under policy H5 above and it is considered that the application is in full accordance with the development plan.

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 (Adopted).

5.9 Section 106 Requirements

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

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

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

**Background Papers**      **PT08/0312/F**

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

## **CONDITIONS**

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

Reason(s):

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

3. Notwithstanding the submitted details, no development shall take place until details of provision of storage for refuse bins and recycling boxes has been submitted to and agreed in writing by the Local Planning Authority. The residential units hereby approved shall not be occupied until the storage areas have been provided in accordance with the agreed details.

Reason(s):

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

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

Reason(s):

To minimise disturbance to occupiers of adjacent dwellings and to accord with Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. No development shall take place until details of a scheme of noise protection and sound insulation has been submitted to and agreed in writing with the Local Planning Authority. The flats hereby approved shall not be occupied until the noise protection and sound insulation measures have been provided in accordance with the agreed scheme.

Reason(s):

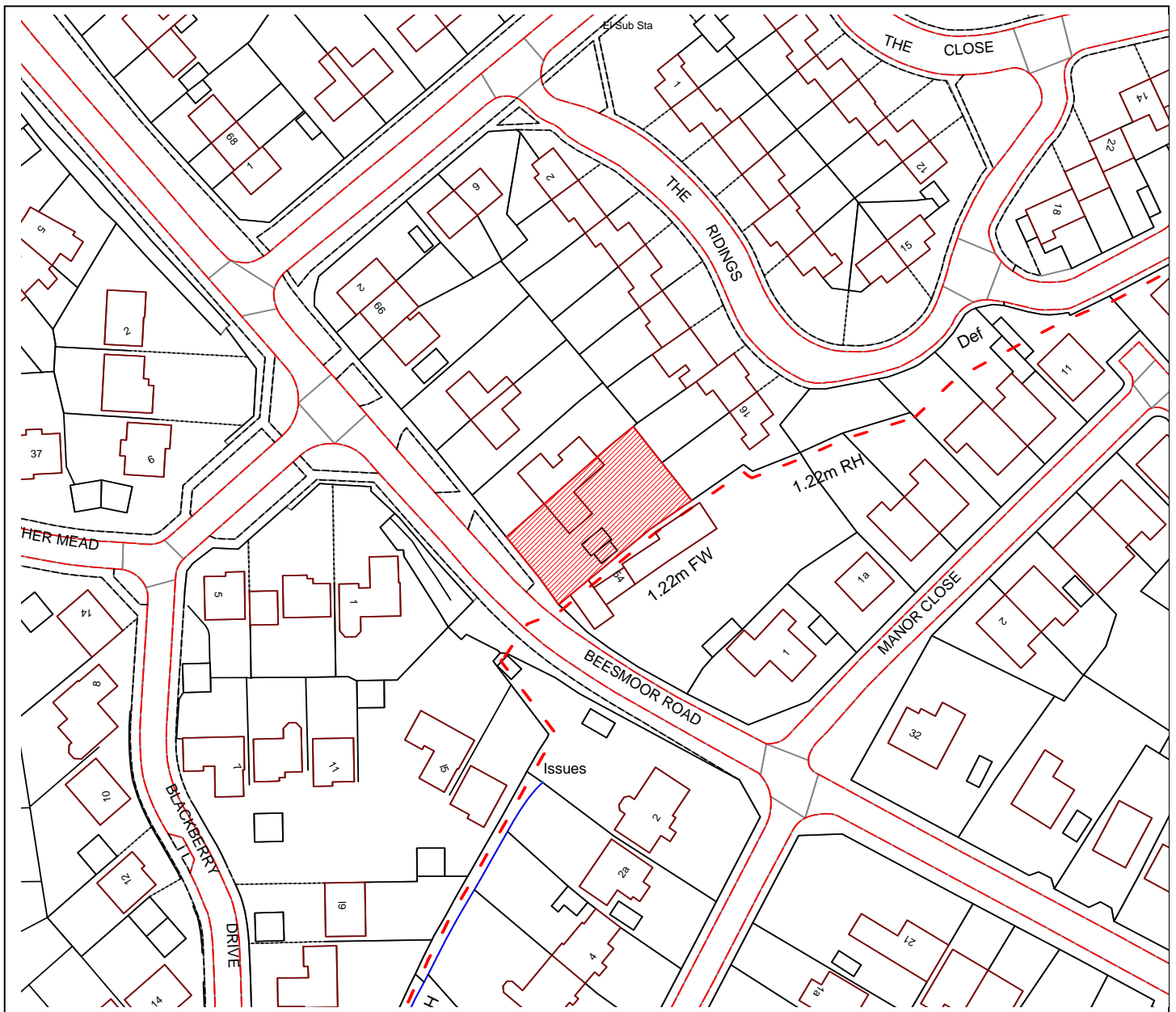
To ensure a satisfactory standard of noise protection for the residential units to accord with policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the flats hereby permitted are occupied and the development shall be carried out in accordance with the approved details.

Reason(s):

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 09/08 – 29 FEBRUARY 2008

**App No.:** PT08/0350/F**Site:** 56 Beesmoor Road, Frampton Cotterell,  
South Gloucestershire, BS36 2RP**Proposal:** Demolition of existing garage to facilitate  
erection of 1 no. detached dwelling and  
integral garage with associated works.  
(Resubmission of PT07/3127/F).**Map Ref:** 67131 80767**Applicant:** Mr T Scrivens**Date Reg:** 6th February 2008**Parish:** Frampton Cotterell  
Parish Council**Ward:** Frampton Cotterell

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N.T.S

PT08/0350/F

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

## **1. THE PROPOSAL**

- 1.1 This full application relates to the erection of one attached three bed dwelling with garage at 56 Beesmoor Road, Coalpit Heath. The proposal requires the demolition of an existing detached garage to facilitate the development. The proposal is two storey in nature with the roof space utilised to form bedroom accommodation. Two roof lights are to be inserted in the rear roof plane. A single garage is attached to the side of the proposed property. The site is to be accessed via a shared drive which will also serve 56 Beesmoor Road to the front of the site. Two off-street parking spaces for the existing and proposed dwelling are provided as well as bin storage.
- 1.2 The application site is a semi-detached dwelling located within the settlement boundary of Coalpit Heath. The site benefits from a large garden area, especially to the side of the property.
- 1.3 This application is a resubmission of PT07/3127/F which related to the erection of a detached dwelling but was withdrawn.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPS3 Housing
- 2.2 Development Plans  
Joint Replacement Structure Plan  
Policy 1 Sustainable Development Objectives  
Policy 2 Location of Development  
Policy 33 Housing Provision and Distribution  
Policy 34 Re-use of Previously Developed Land  
Policy 35 Housing Density
- 2.3 South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
H2 Proposals for Residential Development Within the Existing Urban Area and Defined Settlement Boundaries  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
T8 Parking Standards  
T12 Transportation Development Control Policy for New Development
- 2.4 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted)

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PT07/3127/F Demolition of garage to facilitate erection of 1 no. detached dwelling.  
Withdrawn 12 November 2007.



#### 4. CONSULTATION RESPONSES

- 4.1 Frampton Cotterell Parish Council  
No objection.

##### Other Consultees

- 4.2 Sustainable Transport  
No objection.

##### Other Representations

- 4.3 Local Residents  
1 letter has been received objecting to the proposal on the following grounds:-
- a) dangerous access;
  - b) location of hardstanding would be very intrusive;
  - c) proposal would change the character of my property from semi-detached to an end-terraced dwelling and would lead to a devaluation of my property;
  - d) plans are misleading.

Of the above, c is not a relevant planning objection.

#### 5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development  
Advice contained within PPS3 states that Local Planning Authorities should make effective use of land by re-using land that has been previously developed. Using land efficiently is a key consideration in planning for housing. Additional housing on previously developed land within existing towns and cities promotes more sustainable patterns of development. This policy stance is reflected in policies contained with the Adopted Joint Replacement Structure Plan and the South Gloucestershire Local Plan (Adopted) January 2006. However, such development must be acceptable in terms of its impact upon the character of its surroundings.

- 5.2 Policy H2 of the adopted Local Plan specifically relates to new residential development within the boundaries of settlements provided the following criteria are complied with:-

**A. Development would not have unacceptable environmental or transportation effects and would not significantly prejudice residential amenity;**

- 5.3 i)Transportation Issues  
In transportation terms, the existing vehicular access is to be relocated away from the corner. The proposed dwelling incorporates 2 parking spaces for the existing and proposed dwelling which accords with the Council's parking standards. Visibility from the access is slightly constrained to the east but is considered acceptable on this 30mph residential road. The proposal is therefore acceptable in transportation terms.

- 5.4 ii)Residential Amenity  
With regard to residential amenity issues, the proposal is also considered acceptable. The development will not adversely affect the amenities of the

adjoining property of 56 Beesmoor Road as the majority of the proposal is located to the side of this property. The projecting 2 storey element to the front and the single storey rear extension have depths of only 0.9m and 3m respectively and as such will not result in any overbearing impact. Furthermore, no loss of privacy will result. With regard to the hardstanding to the front garden, this is also considered acceptable. An existing 1.4m hedge encloses the front garden and separates the front gardens of the application site and adjacent property. This is to be retained as part of the development and will adequately screen the hardstanding/turning area. In any event, providing a hardstanding could be undertaken under permitted development rights.

- 5.5 In terms of properties to the rear, a distance of over 31m exists between the rear elevation of the proposal and the nearest property. The rear boundary also consists of 3-4m hedging, further screening any development.
- 5.6 The property of 58 Beesmoor Road is adjacent to the other side of the site. The rear elevation of this property backs onto the entire site boundary. It is also set some 1.5m below the level of the site. Although it has a number of ground floor windows facing on to the site they are obscurely glazed. The distance between this cottage and the proposed dwelling is considered sufficient to not result in any overbearing impact or loss of light to these windows, especially as it is the single storey garage element that is closest to the boundary. In addition, a 2m fence could be erected along this boundary without the need for planning permission.

**B. The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved;**

- 5.7 The application site has an area of some 0.063 hectares resulting in a density of just under 32 dwellings per hectare. A minimum density of 30 dwellings per hectare is advocated within the Local Plan, where local circumstances permit. The proposal is considered to be compatible with its surroundings and the appearance of the street scene and as such is of an acceptable density.

**C. The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination;**

- 5.8 The proposal is not affected by any of the above to a material degree and therefore complies with this criterion.

**D. Provision for education, leisure, recreation and other community facilities within the vicinity is adequate to meet the needs arising from the proposal.**

- 5.9 The proposal is for 1 additional dwelling and as such will not impinge upon levels of service provision within the locality to a significant degree. The application therefore complies with this criterion.
- 5.10 Policy H4 of the emerging local plan is also relevant as it relates to residential development within existing residential curtilages and is concerned with more detailed design issues. This policy allows for new development provided the massing, scale, proportions, materials and overall design and character of the existing property and street scene are respected; the amenities of nearby occupiers are not adversely affected; highway safety/parking is acceptable and adequate private amenity space is available for the existing and proposed

dwelling. Of the above, design and garden area have not been covered in any depth under the preceding paragraphs.

5.11 Design

Advice contained within PPS3 states the importance of good design in housing development and in particular it should be well integrated with, and complement, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access. Consideration of design and layout must be informed by the wider context, townscape and landscape of the wider area. This advice is reflected in Policies D1 and incorporated more generally in policy H4 of the adopted plan.

5.12 It is considered that the application complies with this policy criterion. The proposed dwelling is a continuation of the pair of semi-detached properties, having the same building line and ridge height. It is also to be constructed of materials to match. The only differing feature is a small two storey projecting gable some 0.9m in depth and 2.4m in width which has the effect of visually breaking up what would be a rather featureless and linear appearance to the front elevation. A single storey rear extension and attached side garage is also proposed. The proposal would integrate well within the street scene. There is no prevailing house type or vernacular evident within the locality and the proposal is of a design that is in keeping with the character of the area. The proposal is therefore acceptable in design terms.

5.13 Garden Area

With regard to garden size, the proposed dwelling has a rear garden over 14m in depth with an area in excess of 140m<sup>2</sup>. The garden area for the existing property has a depth of some 18m and an area of 132m<sup>2</sup>. These areas are satisfactory in size and will adequately serve the existing and proposed dwelling.

5.14 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 (Adopted).

5.15 Section 106 Requirements

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

## 6. CONCLUSION

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

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

## **7. RECOMMENDATION**

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

### **Background Papers**      **PT08/0350/F**

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

### **CONDITIONS**

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

Reason(s):

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

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

Reason(s):

To ensure a satisfactory standard of external appearance and to accord with Policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No development shall take place until details of provision of storage for refuse bins and boxes has been submitted to and agreed in writing by the Local Planning Authority. The residential unit hereby approved shall not be occupied until the storage areas have been provided in accordance with the agreed details.

Reason(s):

To ensure a satisfactory standard of external appearance and to accord with Policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

To minimise disturbance to occupiers of neighbouring dwellings and to accord with Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of

boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details.

Reason(s):

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

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

Reason(s):

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

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

Reason(s):

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

8. No development shall take place until the Council has been provided with, and has approved in writing, a Pre-Assessment of the development carried out by a BRE Licensed Code for Sustainable Homes Assessor, providing CSH Level 3 achievement for each dwelling. The building shall then be subject to a post completion check by the BRE Licensed CSH Assessor (after the Design Stage Report has been carried out and an interim certificate obtained) and a final Code Certificate of Compliance for the dwelling shall be submitted to, and confirmed in writing by, the Council prior to first occupation of the dwelling to which the certificate relates.

Reason(s):

To ensure the development minimises the use of energy and natural resources as required by PPS1 and its supplement Planning and Climate Change; Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy G of the draft Regional Spatial Strategy for the South West of England.

9. Prior to the occupation of the dwelling hereby permitted, the parking and turning area shall be formed of a bound surface and shall remain so at all times.

Reason(s):

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