



**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. 05/09

Date to Members: 06/02/09

Member's Deadline: 12/02/09

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 5pm)**. If there has been no member request for referral within the time period, the decision notices will be issued in line with the recommendation in this schedule. **Before referring an item to the Committee, Members may wish to speak to an officer about the issue, in order that any problems can perhaps be resolved without the need for referral to a Committee.**

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 (eg, if the schedule is published on a Friday, comments have to be submitted by the end of Thursday) (see cover page for the date). A proforma is attached for your use and should be forwarded by fax to the appropriate Development Control Support Team, or by sending an email with the appropriate details to PlanningApplications@southglos.gov.uk

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE

DATE: 06/02/09

SCHEDULE NO. 05/09

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 5pm), to the appropriate Development Control Support Team. For the Kingswood area, extension 3544 (fax no. 3545), or the Development Control Support Team at the Thornbury office, on extension 3419 (fax no. 3440), or email Planningapplications@southglos.gov.uk.

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

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

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

Please note: - Reason for Referral

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

SIGNATURE

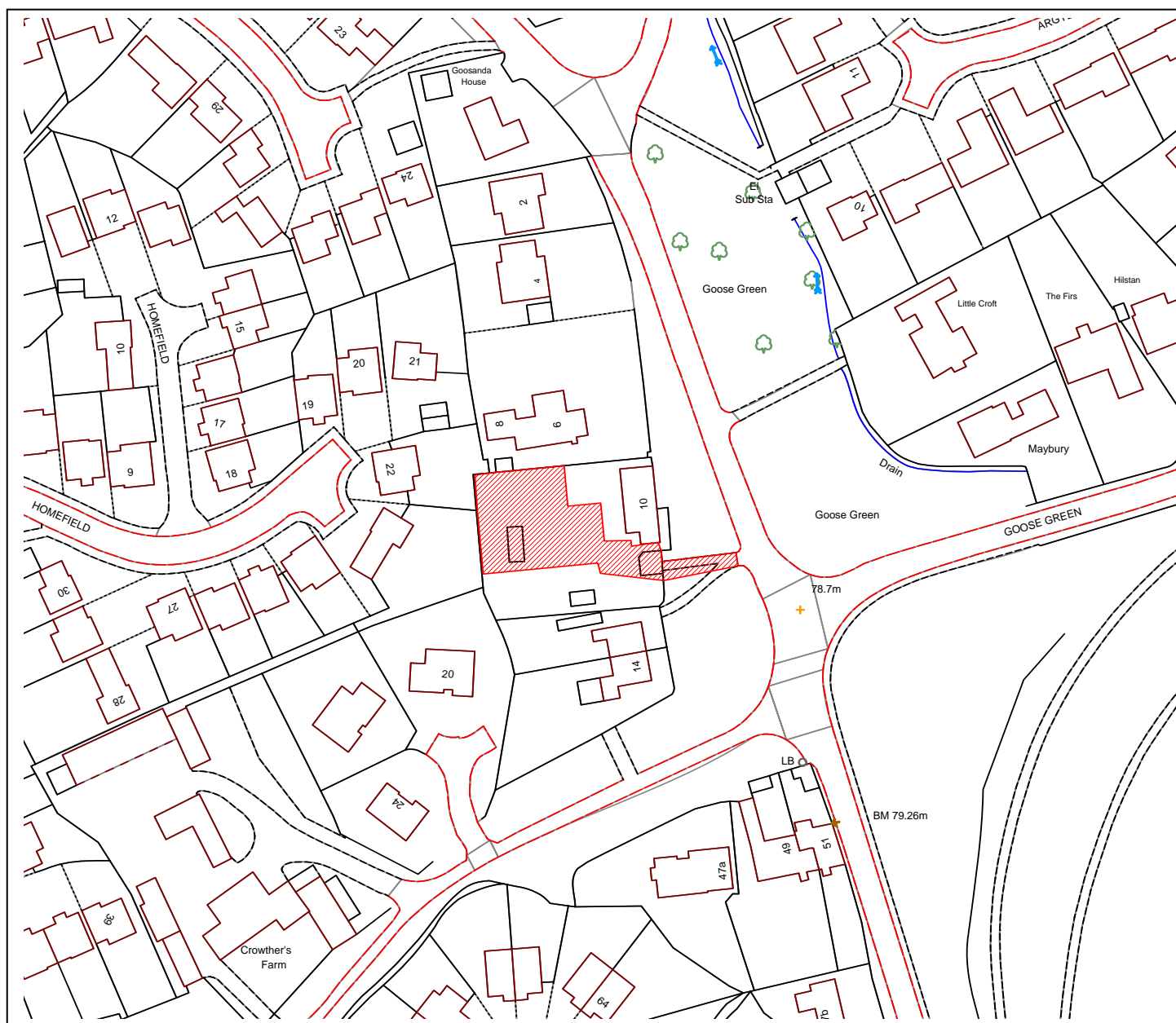
DATE

Circulated Schedule 06 February 2009

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK08/3205/F	Approve with conditions	Land rear of 10 Goose Green, Yate, South Gloucestershire, BS37 5BJ	Yate North	Yate Town Council
2	PK08/3253/F	Approve with conditions	The Leap, 294A Badminton Road, Downend, South Gloucestershire, BS16 6NY	Emersons Green	Mangotsfield Rural Parish Council
3	PK08/3254/F	Approve with conditions	74 Abson Road, Pucklechurch, South Gloucestershire, BS16 9SB	Boyd Valley	Pucklechurch Parish Council
4	PK09/0010/F	Approve with conditions	11 Pullin Court, North Common, South Gloucestershire, BS30 8YL	Oldland Common	Bitton Parish Council
5	PK09/0014/F	Approve with conditions	Land opposite 33 Colston Street, Soundwell, South Gloucestershire, BS16 4PF	Staple Hill	
6	PK09/0024/F	Approve with conditions	9 Grimsbury Road, Kingswood, South Gloucestershire, BS15 9RZ	Woodstock	
7	PK09/0027/F	Approve with conditions	89 Bellevue Road, Kingswood, South Gloucestershire, BS15 9TU	Woodstock	
8	PK09/0053/ADV	Approve with conditions	River Island Unit A1A, Gallagher Retail Park, Aldermoor Way, Longwell Green, South Gloucestershire, BS30 7ES	Longwell Green	Oldland Parish Council
9	PT08/3184/F	Refusal	Windmill House, Alveston Road, Old Down, South Gloucestershire, BS32 4PH	Severn	Olveston Parish Council
10	PT08/3198/F	Refusal	The Workshop, Elberton Garage, Redhill Lane, Olveston, South Gloucestershire, BS35 4AQ	Severn	Aust Parish Council
11	PT08/3252/F	Approve with conditions	The Old Post Office, Gloucester Road, Rudgeway, South Gloucestershire, BS35 3RY	Thornbury South and Alveston	Alveston Parish Council
12	PT09/0002/F	Approve with conditions	The Eastwood Park Womens Prison, Eastwood Park, Falfield, South Gloucestershire, GL12 8DB	Charfield	Falfield Parish Council
13	PT09/0083/ADV	Approve with conditions	Almondsbury Filling Station, Gloucester Road, Almondsbury, South Gloucestershire, BS32 4HY	Severn	Olveston Parish Council

CIRCULATED SCHEDULE NO. 05/09 – 06 February 2009

App No.:	PK08/3205/F	Applicant:	H& AJ Developments Ltd
Site:	Land rear of 10 Goose Green, Yate, South Gloucestershire, BS37 5BJ	Date Reg:	18th December 2008
Proposal:	Erection of 1no. detached dwelling with access and associated works. (Resubmission of PK08/1236/F).	Parish:	Yate Town Council
Map Ref:	71359 83470	Ward:	Yate North
Application Category:	Minor	Target Date:	17th February 2009



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S

PK08/3205/F

INTRODUCTION

This application has been forwarded to the Circulated Schedule due to the receipt of objection letters from local residents.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of 1 no. three bedroom detached dwelling with access and other associated works at the rear of No. 10 Goose Green, Yate. The application site concerns an area of land approximately 0.0516 hectare. The site is used a private garden for No. 10 Goose Green and is within a residential area of Yate.
- 1.2 Previous planning permission, Ref. PK08/1236/F, was refused for the following reasons:
- (i) The proposed development at plot 2, because of its scale and proximity to the neighbouring properties and private amenity gardens, would have significant overbearing impact and adverse impact on their amenity.
 - (ii) The proposed development, because of the proximity to the neighbouring properties and the host dwelling, No. 10 Goose Green, and the position of habitable windows on the first floor level, would cause significant loss of privacy upon the neighbouring properties and host dwelling.
 - (iii) The proposed development by reason of its siting would be out of character with the pattern of development in the area.
- 1.3 There are a number of differences of the current proposal in terms of the siting, design, scale, height and the locations of habitable windows.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	Landscape Protection and Enhancement
H2	Proposals for Residential Development within Existing Urban Area and Defined Settlement Boundaries
H4	Development with Existing Residential Curtilages, including Extensions and New Dwellings
T8	Parking Standards
T12	Transportation Development Control Policy for New Development

3. RELEVANT PLANNING HISTORY

- 3.1 N2052 Use of land and buildings as a bird farm (renewal of temporary consent) Approved 13.11.75
- 3.2 N2052/1 Use of land and buildings as a bird farm Approved 15.02.79
- 3.3 P88/3376 Erection of two single storey rear extensions to provide lounge / sun room. Approved 11.01.89
- 3.4 PK06/3310/F Erection of 1 no. dwelling with integral garage and additional detached garage for use by No. 10 Goose Green. Approved 05.04.07
- 3.5 PK08/1236/F Erection of 1 no. detached dwelling with access and associated works. Refused 19.06.08
- 3.6 PK08/1239/F Erection of 1 no. detached dwelling with associated works. (Amendment to previously approved scheme PK06/3310/F) Approved 20.06.08
- 3.7 PK08/1242/F Erection of two storey, first floor and single storey rear extensions and first floor side extension to form garage and additional living accommodation. Approved 05.09.08
- 3.8 PK08/3091/F Erection of 1 no. detached dwelling with associated works. (Amendment to previously amended scheme PK08/1239/F) Approved 23.01.09

4. CONSULTATION RESPONSES

(a) Statutory Consultees

4.1 Yate Town Council

Both initial and revised proposal: Object, and raised the following concerns:

- The host building, 10 Goose Green has first floor windows that could adversely impact on the amenity of the proposed new dwelling.
- There is no legal access to the proposed dwelling and if this situation should continue, parking would have to be on the public highway to the detriment of the amenity of Goose Green Common. If legal access is acquired then the access fixed at 2.5 metres would have to serve 3 properties which could be to the detriment of highway safety.
- The impact of the build from all these properties would be detriment to the amenity of Goose Green Common.
- The host cottage dates from the 18th Century and is an important building in the town. Inspection for listing purposes is requested by Yate Town Council.

4.2 Technical Services Unit - Drainage
The Unit has no objections in principle.

(b) Other Representations

4.3 Local Residents

Seven letters of objections have been received from a number of local residents objecting the proposal and the following concerns are raised:

- Loss of privacy
- Devaluation of neighbouring property
- Loss of amenity
- The existing access may be too narrow to cope with the extra vehicular movements
- Insufficient off-street parking: there are more cars parking on Goose Green in the vicinity of No. 10, which limits visibility. With more infilling this will only get worse
- The proposal is a tandem development, therefore should be refused.
- The current development works already have negative impact upon highway safety.
- There is no footway and forcing pedestrians out into the narrow roadway. The proposal will cause further problems.
- The maximum legal vehicular access across the village green is less than 2 metres wide. The proposal would break statutory law by providing 4.1 metres wide access.
- Already subdivided the garden by the erection of fencing
- Loss of privacy due to the difference of ground level of No. 6 and No. 8
- Noise and disturbance caused by three families
- Out of character
- Overdevelopment of the site

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

PPG3 – Housing encourages the erection of dwellings of brownfield land wherever possible and encourages the use of higher housing densities where appropriate. Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for development within existing residential curtilages including new dwellings subject to there being no adverse impact on the existing visual and residential amenities within the immediate area. Therefore subject to these constraints, the proposal is considered acceptable in principle.

With regard to the siting of the proposed new dwelling, the applicant raised that that there is no established pattern of development within the locality, it is considered that there would be no substantial reason to refuse the application on grounds of out of character, in terms of pattern of development.

The South Gloucestershire Local Plan (Adopted) identifies the site as being within the settlement boundary. Policy H4 allows for new residential development providing that that following criteria are complied with:-

5.2 Density

There would be one unit on the 0.052 ha site, which equates to a density of 20 units per hectare.

Paragraph 58 of Planning Policy Guidance Note 3 – Housing encourages housing development that makes more efficient use of land (between 30 and 50 dwellings per hectare). Although the proposed density would fall outside the recommended density, it is considered that a higher density development in this location would have an adverse impact upon the residential and visual amenity, and would be out of keeping with the character of the area. It is therefore considered that the proposed density would be acceptable in principle.

5.3 Scale and Design

There is a mix of house types and ages in the vicinity, which results in a mix of architectural vernacular. The proposed dwelling would be a single storey building with living accommodation on the first floor. The front elevation of the dwelling would be finished in natural stonework and other elevations would be finished in render. The roof would be constructed of matching tiles to the host dwelling. In term of the character and appearance of the building, the new dwelling and the existing dwelling, No. 10, would have similarities in style and design. Officers therefore consider that it would not cause significant harm to the character and appearance of the area to warrant a refusal of this application.

With regard to the provision of amenity space, the new dwelling would have approximately 167 square metres private garden while the existing dwelling would have approximately 104 square metres. Officers therefore considered that the proposal would provide adequate private amenity space for both properties.

5.4 Impact upon Residential Amenity

A number of rooflights are proposed on the first floor level of the new dwelling. On the front elevation, there would be three rooflights serving two bedrooms and the landing area. These windows would be more than 10 metres away from the rear extension of the existing dwelling, No. 10, and these windows would be overlooking the rear extension, a small part of kitchen/garden and 2 small secondary bedroom windows. Vice versa, the windows on the rear elevation of No. 10 Goose Green would be more than 11 metres away and they would be overlooking the garden of the new dwelling. Whilst there would be some degree of overlooking upon the garden areas, it is not considered that the proposal would cause significant loss of privacy to warrant a refusal of this application.

A high level roof-light is proposed to the side (north) elevation. As it would be a bathroom window, it is considered that it would not cause any loss of privacy to the adjacent properties, No. 6 and No. 8. These neighbouring properties have a number of windows on the rear elevation, which would be overlooking the garden of the new dwelling. Due to there are mature vegetations along the northern boundary (within the curtilage of No. 6 and No. 8), provided that there would be adequate fencing along this boundary, it is considered that the proposal would not cause significant issue of overlooking.

Two roof-lights are proposed to the side (south) elevation of the new dwelling. These roof-lights would be installed at Bedroom No. 3. As these roof-lights would be installed at a high level and they would be approximately 8 metres from the southern boundary, it is therefore considered that it would not cause significant loss of privacy to the dwelling at Plot 1.

One roof-light is proposed to the rear (west) elevation of the new dwelling, and this roof-light would be installed at an en-suite of Bedroom No. 1. As this roof-light would be installed at high level, it is considered that it would not cause significant loss of privacy to the neighbouring properties in Homefield.

The new dwelling would be approximately three metres from the western boundary and the southern boundary. On the rear (west) elevation, the ridge of the building would be approximately 5.5 metres above the ground level (approximately 3.2 metres to the eaves). On the side (south) elevation, it would have a gable wall. As the new dwelling would be more than 20 metres and 12 metres from the adjacent properties in Homefield and No. 6 and No. 8 Goose Green respectively, it is therefore considered that it would not cause significant overbearing impact upon the adjacent properties, including the new dwelling in plot 1, to warrant a refusal of this application.

5.5 Transportation Issues

This proposal is a resubmission of PK08/1236/F which sought to erect a five-bed dwelling on land to the rear of No 10 Goose Green, Yate. Transportation objection was raised to this proposal on the lack of turning proposed within the site boundary.

The current proposal is for the erection of a three-bed dwelling and now provides an adequate turning area for both the new and existing dwelling.

The garage has now been removed and two tandem parking spaces are now provided for the new dwelling. This level of parking is within the maximum standards set out in Policy T8 of the SGLP and is therefore considered acceptable.

In light of the above, there is no transportation objection to this proposal.

5.6 Tree Issues

There are no significant trees in the rear garden that would be affected by the proposed development. At the front of the property there is a young sycamore tree standing on the existing driveway; this is a good tree with the potential to become a significant tree contributing to the character of the locality therefore it should be retained, protected and managed in a way that ensures their long-term viability in accordance with South Gloucestershire Council adopted policy L1.

There is a row of mature Lime trees growing along the edge of the road in front of the property; these are significant trees contributing to the character of the locality therefore they should be retained, protected and managed in a way that ensures their long-term viability in accordance with South Gloucestershire Council adopted policy L1.

Access to the site for development traffic and storage of materials near the trees should be avoided, protective fencing inline with BS5837: (2005) should be erected around the Sycamore and the Limes either side of the driveway before the development commences and maintain until its completion. A planning condition is imposed to ensure that this is the case.

5.7 Drainage

The Council's Drainage Engineer raised no objection to the principle of the development.

5.8 Other issues

The proposal appears to be tandem development, which consist of one house immediately behind another and sharing the same access, which is generally unsatisfactory because of difficulties to access to the house at the back and the disturbance and lack of privacy suffered by the house in front.

In this instance, the proposal would have a communal turning facilities and it demonstrates that there would be no significant harmful impact upon the residential amenity of the host dwelling, No. 10. It is therefore considered that there are no substantial reasons to warrant a refusal of this application.

With regard to the legal issue of the current access, it would be a private civil matter for the applicant and the owner to resolve the issue.

A concern has been expressed with regard to the devaluation of neighbouring properties however this is not a material consideration of planning application.

Local residents informed the Council that a garden fence is recently constructed to subdivide the garden. As the construction of garden fence would be permitted development provided that it would not be more than 2 metres above ground level. The Council is currently investigating the matters and will take appropriate action.

As the site is within a residential area of Goose Green, it is not considered that the additional families living within this site would cause detrimental impact to warrant a refusal of this application.

Yate Town Council requested that the building should be inspected for listing purposes due to the historic character. This request for listing should however be made to the English Heritage, which will examine the case and make a recommendation, but the decision on whether to list is taken by the Secretary of State for Culture, Media and Sport.

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 Council's Design Checklist Supplementary Planning Document.

5.10 Section 106 Requirements

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

6. CONCLUSION

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

The recommendation to 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 **PK08/3205/F**

Contact Officer: **Olivia Tresise**
Tel. No. **01454 863761**

CONDITIONS

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

Reason:

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

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

Reason:

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

3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the north, south and west elevations of the property.

Reason:

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

4. The existing Sycamore tree standing / overhanging the driveway shall be retained.
5. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
6. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the same place and that tree shall be of such size, species and shall be planted at such times, as may be specified in writing by the Local Planning Authority.
7. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, material and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

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

8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority an arboricultural impact assessment including method statement and Tree Protection Plan of the existing Sycamore tree and Lime tree. The proposed works shall comply with British Standard 5837: Trees in Relation to Construction.

Reason:

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

9. The vehicular parking area and turning space to have a permeable bound surface and be satisfactorily maintained as such.

Reason:

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

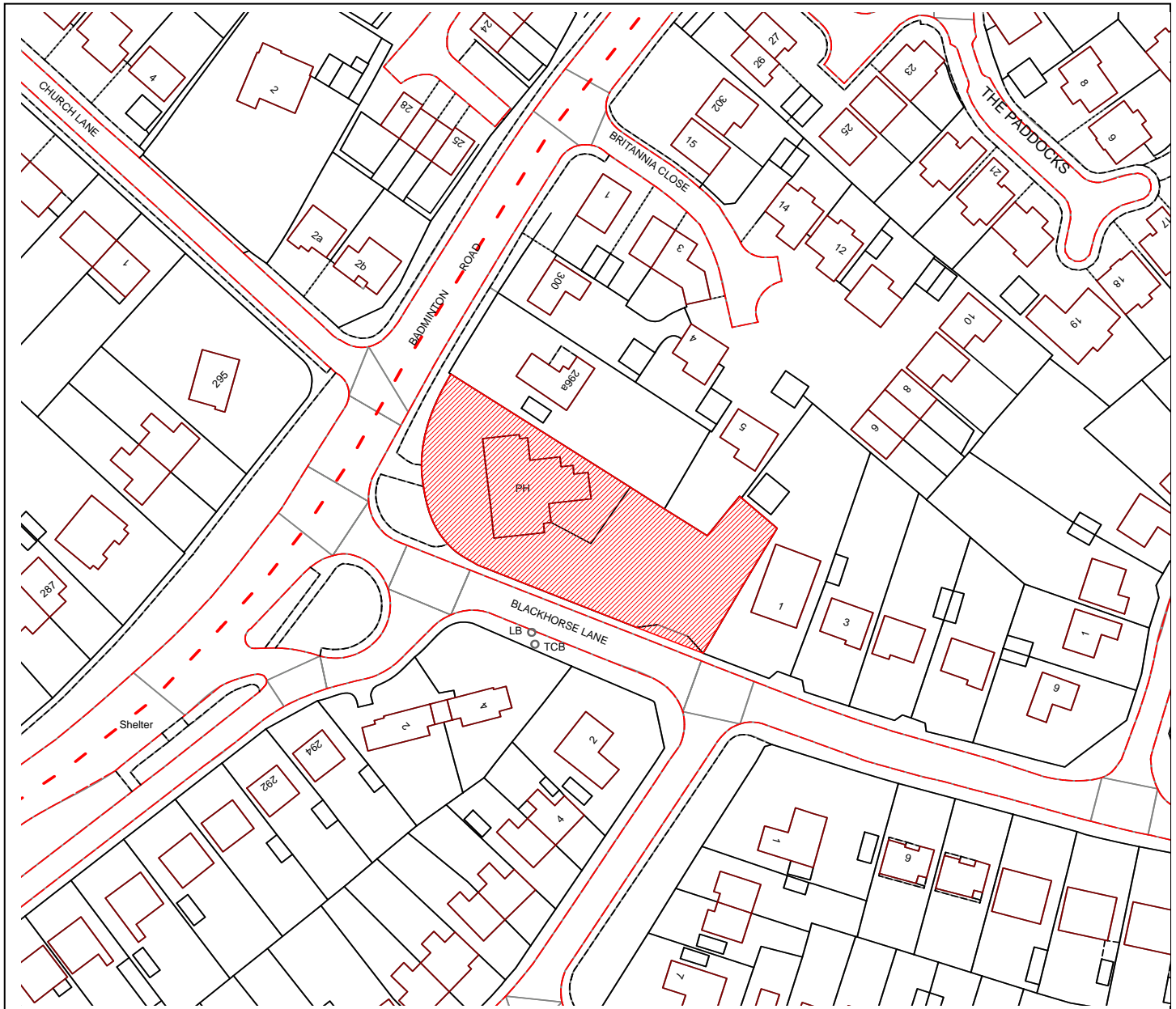
10. Notwithstanding submitted detail and prior to the commencement of development a plan indicating the positions, design, materials and type of boundary treatments (including the boundary treatment between the new dwelling and the existing dwelling, No. 10 Goose Green) to be erected shall be submitted to the Local Planning Authority for approval. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details.

Reason:

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policies D1/H2/H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 05/09 – 06 February 2009

App No.:	PK08/3253/F	Applicant:	Mrs S Evans
Site:	The Leap, 294A Badminton Road, Downend, South Gloucestershire, BS16 6NY	Date Reg:	30th December 2008
Proposal:	Erection of single storey side extension to form smoking shelter.	Parish:	Mangotsfield Rural Parish Council
Map Ref:	65957 78051	Ward:	Emersons Green
Application Category:	Minor	Target Date:	17th February 2009



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S

PK08/3253/F

INTRODUCTION

This application has been referred to the circulated schedule due to the receipt of one letter of objection from a local resident.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a smoking shelter at The Leap, 294A Badminton Road, Downend. The proposed smoking shelter would measure a maximum of 3.2 metres wide by 5.5 metres in depth and would have an overall height to ridge of 3.2 metres.
- 1.2 The application site is a large detached public house and is located within a residential area of Downend.
- 1.3 During the course of the application amended plans were requested to reduce the timber panelling on the sides of the smoking shelter so that it would meet the Smoke-free Regulations 2006. Amended plans were received as requested.

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
EP1 Environmental Pollution
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 P75/4542 Alterations to existing licensed premises to provide additional lounge area. (Previous ID, K965)
Approved 1975
- 3.2 P89/4448 Illuminated flat wall sign (Previous ID, A440)
Approved 1989

4. CONSULTATION RESPONSES

- 4.1 Mangotsfield Rural Parish Council
No objections

Other Representations

- 4.3 Local Residents
One letter of objection was received raising the following concerns:
 - Front door and side windows are immediately adjacent to the proposed smoking area

- Shelter would cause smoke inhalation and noise to the front of the property
- Loss of privacy from smokers standing on top step.
- The side door has never been used until recently and there never used to be tables and chairs in this particular area.
- It would be more feasible for the smoking shelter to be adjacent to the bar area and main car park to the right rather than the restaurant.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy D1 of the South Gloucestershire Local Plan (Adopted) 2006 advises that development will only be permitted provided 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. Policy EP1 does not permit development that would unacceptably harm the environment as a result of pollution to water, air or soil or through noise, vibration, light, heat or radiation.

5.2 Design / Visual Amenity

The shelter is sited on the side elevation of the building at a location readily visible from Badminton Road. It is considered that the proposed smoking shelter is of an appropriate standard in design. The proposed smoking shelter is of modest dimensions and unobtrusive in appearance, as such it is not considered that the proposal would detract from the character and appearance of the host property or the visual amenities of the locality. The shelter is considered acceptable in terms of scale, design and external materials, furthermore the proposed shelter complies with the 50% rule in terms of its design so as to comply with the Smoke Free Regulations 2006.

5.3 Residential Amenity

The law requires smokers to be outside the building if they are to smoke. The proposed site of the smoking shelter to the north of the property is currently a paved area with tables and umbrellas which could currently be used by customers of the public house. Concern has been raised that smokers are currently exiting from the fire exit on the northern elevation of The Leap public house resulting in noise, smoke and loss of privacy.

The boundary with the nearest dwelling, No. 296a Badminton Road, is defined by 1.8 metre high closed board fencing, and would be approximately 1 metre from the proposed smoking shelter at its closest point. The proposed smoking shelter would be adjacent to front driveway and detached garage of this neighbouring property. Whilst the smoking shelter would formalise the area for this use, there is a large seating area to the front of the Leap public house, it is considered that this is an alternative to the shelter and likely to be more attractive to customers who wish to sit outside when the weather is fair. Whilst officers are sympathetic to the concerns raised by neighbouring residents, given that the area as existing has seating and can be used by customers wishing to stay outside to smoke, drink and converse, it is not considered that the proposal would result in an increase in noise and disturbance that would have unacceptable adverse effects on the living conditions of nearby residents.

As such the proposal complies with the Local Plan and is considered acceptable.

5.4 Environmental Issues

The Councils Environmental Protection Officer raised concern about the location of the smoking shelter being so close to No. 296a Badminton Road. However given that the area is currently laid out as an outdoor seating area it is not considered that an objection can be substantiated. The proposal therefore meets the criteria set out in Policy EP1.

5.5 Other Issues

The agent was invited to investigate alternative locations for a smoking shelter away from the boundary with No. 296a Badminton Road. No change of location was suggested, as such the scheme has been assessed as submitted.

Access to the smoking shelter would be via an existing fire exit. This issue would be covered by building regulations.

5.6 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers PK08/3253/F

Contact Officer: Kirstie Banks
Tel. No. 01454 865207

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. 05/09 – 06 February 2009

App No.:	PK08/3254/F	Applicant:	Mr M Rawlins
Site:	74 Abson Road, Pucklechurch, South Gloucestershire, BS16 9SB	Date Reg:	30th December 2008
Proposal:	Erection of single storey front and first floor side extension to form additional living accommodation.	Parish:	Pucklechurch Parish Council
Map Ref:	70272 76188	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	17th February 2009



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S

PK08/3254/F

INTRODUCTION

The application has been forwarded to the Circulated Schedule for Member consideration as representations have been received which are contrary to the Officer recommendation.

1. THE PROPOSAL

- 1.1 The application site is situated on the eastern edge of Pucklechurch village, within a modern housing estate. The site is rectangular in shape and is bounded by residential development on three sides with vehicular access onto Abson Road to the east. The site comprised a modern two storey semi detached dwelling with single storey garage addition to the side and single storey extensions to the rear.

The site is outside but adjacent to the Green Belt which abuts the east boundary. The site is situated within a settlement boundary as defined in the adopted Local Plan.

- 1.2 The applicant has requested that a dormer extension to the rear roofslope be removed from the application. Therefore the amended application proposes erection of single storey front and first floor side extension to form additional living accommodation.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

GB1 Green Belt

H4 Development within Existing Residential Curtilages

- 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist – August 2007

Development in the Green Belt – June 2007

3. RELEVANT PLANNING HISTORY

- 3.1 P84/2413 Erection of two storey side extension to form garage and utility room with two bedrooms above. Erection of single storey rear extension to form enlarged kitchen and dining room.
Approved 07.11.1984

- 3.2 PK01/0668/F Erection of single storey rear and side extension and pitched roof over existing attached garage.
Approved 09.04.2001
- 3.3 PK08/0426/F Erection of rear conservatory.
Approved 13.03.2008

4. CONSULTATION RESPONSES

4.1 Pucklechurch Parish Council

Councillors object strongly to the proposed front and rear dormer and the rear two storey extension.

4.2 Other Consultees

None

Other Representations

4.3 Local Residents

Two letters of objection received from the occupiers of 49 and 82 Hawkrige Drive raising the following concerns:
Loft extension would be out of keeping with the area; dormer would be poorly designed and oversized; overdevelopment of the site; possible change of use; application description is incorrect missing 'and proposed loft extension'; loss of privacy; dormer would be overbearing.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity. The application site is also situated adjacent to the designated Green Belt where development conspicuous from the Green Belt which would have an adverse impact on the visual amenity of the Green Belt will not be permitted.

5.2 Visual amenity

Policy D1 of the Local Plan requires all new development to be well-designed. The dwelling is situated within a suburban residential context. The proposal would provide a modest lean to front extension along the full front elevation of the resultant dwelling. Additionally, a first floor or two storey side extension is proposed in place of the existing side garage. It is noted that a similarly designed two storey side addition has been erected at no. 70 Abson Road. The design and materials would be of good quality in keeping with the character of the existing dwelling and would respect the character distinctiveness and amenity of the surrounding area. As such it is considered

that the amended design of the proposal which no longer includes a rear dormer accords with the criteria of Policy D1.

5.3 Residential amenity

The proposed single storey front extension would be modest in scale (1.4m front projection, 3m height to eaves, 2.1m height to ridge). Therefore the front extension is considered not to result in any adverse impact on the amenity of the neighbouring occupiers.

The neighbouring dwelling to the south (no. 76) has no side windows in the north elevation. The proposed side extension would project no further forward than the existing front and rear elevations of the existing dwelling. As such the proposal would not impact significantly on the amenity enjoyed by the adjacent neighbours to the north and south. The proposed side extension would be situated some 23m from the adjacent dwelling to the rear. The proposal would result in no additional ability to overlook the neighbour's private gardens. Therefore the proposal is considered not to result in a material increase in overlooking or loss of amenity in general to the adjacent dwelling no. 82.

Concern has been raised with regard to change of use - to confirm the development is for residential purposes with no change of use proposed.

5.4 Green Belt

On the basis of the above consideration that the extensions are considered to be in keeping with the character of the existing dwelling and the character and appearance of the area, the proposal is considered not to adversely impact on the visual amenity or openness of the adjacent Green Belt.

5.5 Design and Access Statement

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

5.6 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 Consent is GRANTED subject to the following conditions and informatives:

Background Papers **PK08/3254/F**

Contact Officer: **Sean Herbert**
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 extensions hereby permitted shall match those used in the existing dwelling.

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. 05/09 – 06 February 2009

App No.:	PK09/0010/F	Applicant:	Mr & Mrs P Hull
Site:	11 Pullin Court, North Common, South Gloucestershire, BS30 8YL	Date Reg:	5th January 2009
Proposal:	Erection of two storey side extension to provide additional living accommodation and garage.	Parish:	Bitton Parish Council
Map Ref:	67697 72014	Ward:	Oldland Common
Application Category:	Minor	Target Date:	16th February 2009



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S

PK09/0010/F

INTRODUCTION

This planning application has been referred to the Council's 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 semi detached dwelling within North Common.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 Extensions
- 2.3 Supplementary Planning Guidance
SPD Design Checklist

3. RELEVANT PLANNING HISTORY

- 3.1 P87/4252 Single storey rear extension
Approved My 1987
- 3.2 P87/4659 Single storey rear extension
Approved November 1987

4. CONSULTATION RESPONSES

- 4.1 Bitton Town Council
Councillors objected to the proposed development which they felt would dominate the adjacent property and be detrimental to the street scene. It was noted that the roof of the proposed extension was not subservient to the existing property.

Other Representations

- 4.2 Local Residents
No response

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan allows for extensions to existing dwellings subject there being no adverse impact on existing visual and residential amenity.

5.2 Visual Amenity

The application site relates to a two storey semi detached dwelling with a single garage which adjoins no. 10's garage. This application proposes to demolish the garage and erect a two storey side extension. The extension will not be attached to next door's garage as the scheme proposes to provide a 1.0m wide walkway.

5.3 An objection has been raised by the Parish Council on the grounds that the extension would be detrimental to the street scene and that the extension is not subservient. Member's are advised to consider that planning permission has been granted and implemented for a flush two storey side extension at no. 3 Pullin Court and therefore it would not be reasonable to insist that this extension be subservient. Notwithstanding this however it is considered that the proposed extension by reason of its design and scale i.e 2.50m in width would be in keeping with the scale and character of the existing dwelling and complies with Policy H4 of the South Gloucestershire Local Plan.

5.4 Residential Amenity

The Parish have objected on the grounds that the extension will dominate the adjacent property. The side elevation of the adjacent property no. 10 comprises of a single garage and single storey side extension with a door with obscure glazing. As the proposed extension will be in line with next door's property, it is not considered that an extension of this scale and in this location would have a dominant effect or result in a loss of privacy.

5.5 Design and Access Statement

Not required with this planning application.

5.6 Section 106 Requirements

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

6. CONCLUSION

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

The 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 **PK09/0010/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 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. 05/09 – 06 February 2009

App No.: PK09/0014/F
Site: Land opposite 33 Colston Street, Soundwell, South Gloucestershire, BS16 4PF

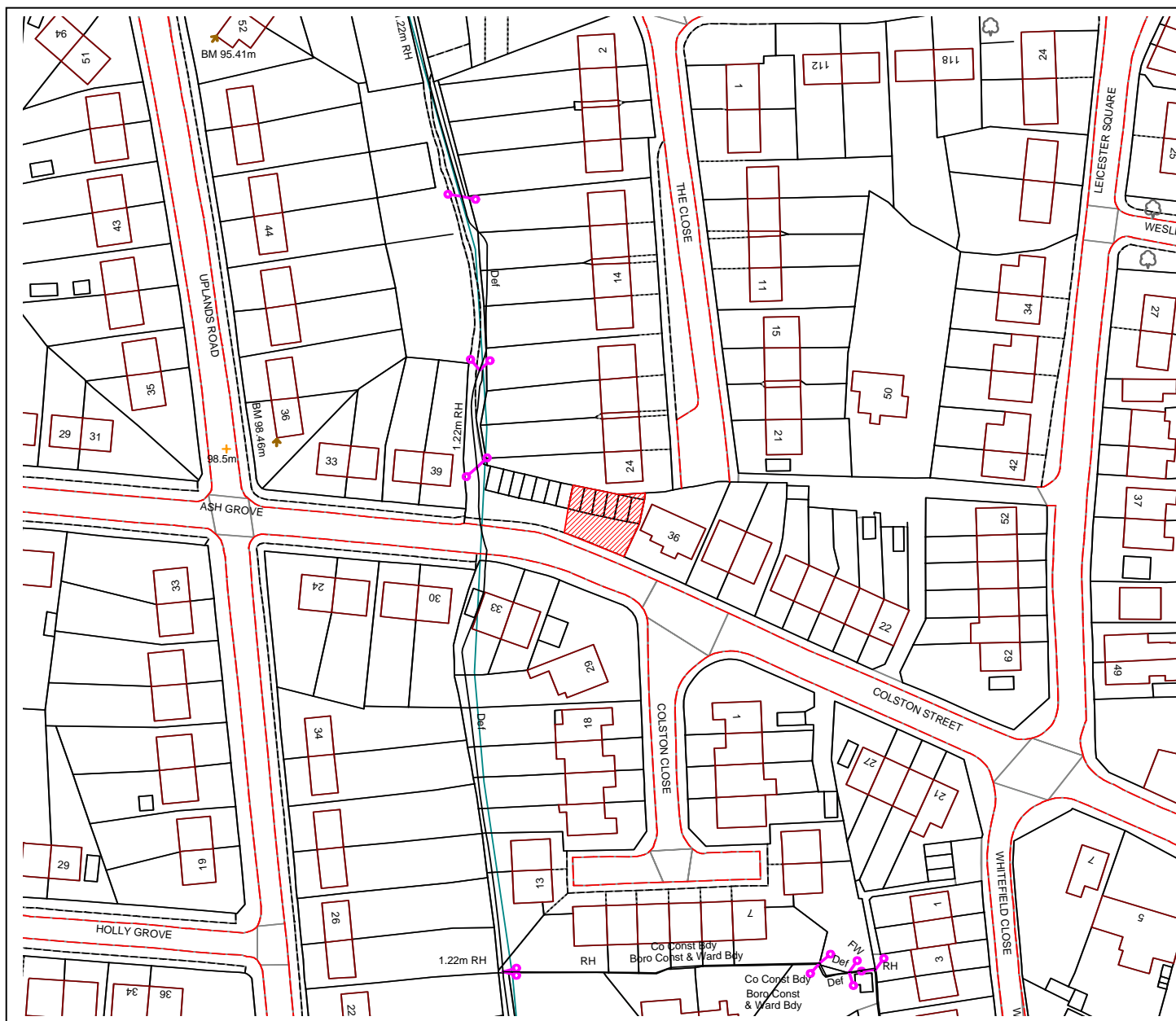
Applicant: Mr M Thornton
Date Reg: 6th January 2009

Proposal: Erection of 2 no. dwellings with access, parking and associated works.

Parish:

Map Ref: 64620 75093
Application Category: Minor

Ward: Staple Hill
Target Date: 12th February 2009



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S

PK09/0014/F

INTRODUCTION

This application has been forwarded to the Circulated Schedule due to the receipt of objections from local residents.

1. THE PROPOSAL

1.1 This application seeks full planning permission for the demolition of 6 existing garages/stores and the erection of 2 no. flats. The proposed building would be two-storey structure with a porch to the side and the front. The building would measure 7.8 metres wide by 5.6 metres deep and 7 metres high to its ridge.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	Landscape Protection and Enhancement
L17 & L18	The Water Environment
EP1	Environmental Pollution
H2	Residential Development in Urban Areas
H4	Development within Existing Residential Curtilages
H6	Affordable Housing
LC1	Provision for Built Sports, Leisure and Community Facilities
LC2	Provision of Education Facilities
T8	Parking Standards
T12	Transportation Development Control Policy

2.3 Supplementary Planning Document Design Checklist

3. RELEVANT PLANNING HISTORY

The site has been subject to a number of planning applications in the past, the following applications are most relevant to the determination of this application.

3.1 K1244/6 Erection of bungalow and garage on 0.09 acre. Construction of new vehicular and pedestrian access. Outline. Refused on 29.10.79 for the following reason:

The development as proposed is unsatisfactory in that the erection of the bungalow on this restricted site would result in a cramped form development poorly related to adjoining development and would, if approved represent a poor environment for the future occupiers of the dwelling.

4. CONSULTATION RESPONSES

- 4.1 Town/Parish Council
The area is unparished.

Other Representations

4.2 Local Residents

Three letters of concern have been received from local residents. A summary of the points of concern are as follows:

- The bins and their associated detritus will detract from the visual appearance of the area
- A waste area right next to the path will inevitably attract further detritus from this traffic
- The boundary wall of No. 36 is only 55cm high at the edge of the pavement. This is insufficient to provide an adequate physical boundary to the waste bin area, even if the hedging were grown.
- The existing garages, which are approximately 3 metres high, also form part of the neighbours' boundary, the replacement 1.8 metres high timber fence would not be adequate.
- The neighbour does not agree with the boundary of the site
- The proposal would cause issues of security
- Loss of privacy
- The proposed materials are less robust than the existing materials
- The overall appearance is not aesthetically in keeping with the materials used on the front of the wall
- Because the ground level is different, between the path and garage wall, it would be possible of path subsidence in the future if not built correctly
- The neighbour's side gate is attached to the garage wall and there will be no permanent fixing.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) allows for development within existing residential curtilages, including new dwellings, subject to there being no adverse impact on the existing visual and residential amenities within the immediate area. Therefore subject to these constraints, the proposal is considered acceptable in principle.

- 5.2 The site is located within the existing built up area, as defined on the Local Plan Proposals Maps. In accordance with Policy H2, new residential development will normally be permitted subject to the land not being used or required for open space or community purposes and the design complying with the development control policies of the plan.

- 5.3 **(a) Development would not have unacceptable environmental or transportation effects, and would not significantly prejudice residential amenity**

Whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this could be adequately mitigated for by imposing a condition to limit the hours of construction. There are therefore no objections on environmental grounds.

Colston Street and the immediately surrounding area is characterised by two storey dwellings, however they are different in style and design. The proposal is to demolish the existing buildings and to erect a detached building for 2 no. flats with 2 no. parking spaces. The applicant states that the existing buildings are currently in use as garages and stores.

The Council Highway Officer has taken into consideration the applicant's statement. As these lock-up garages are not tied to any of the adjoining properties and that they are not used for parking of vehicles, therefore there are no highway's objections to this proposal subject to a planning condition so that the applicant will create two parking spaces as indicated on the submitted and approved plan (i.e. one parking space for each flat) and then maintain these spaces satisfactory thereafter.

The proposed building would be a two-storey structure with gable ends and it would be located to the side of No. 36 Colston Street, which is a two-storey detached dwelling with gable ends. As the area is of mixed style housing, it is considered that the new building would not be completely out of keeping with the character of the area.

With regard to the location of the waste bins, whilst these bins would be visible from public realm, it is not considered that they would have a detrimental impact upon the appearance of the area if adequate screening will be provided. A planning condition is therefore imposed to seek further details of the screening of the bin stores.

Part of the proposal is to erect a 1.8 metres high timber fencing along the rear boundary (adjacent to No. 24 The Close). A local resident is concerned that that the proposed fencing would not provide adequate privacy as the proposed fencing would be lower than the existing garage wall, which will be demolished. The local resident claims that the wall is approximately 3 metres in height. As the proposed new windows on the rear elevation would be opaque opening bathroom windows, it is therefore considered that there would be no significant loss of privacy upon the neighbouring property, No. 24 The Close. No window is proposed on the east side elevation of the new dwelling and the adjacent property, No. 36 Colston Street has no window on the gable wall of the upper floor level, therefore no issue of privacy upon the adjacent property, No. 36 Colston Street. Two high level opening windows are proposed on the west elevation. As these windows would be looking over a garden area of the ground floor flat, it is considered that there is no issue of overlooking.

The proposed new building will be adjacent to a gable wall of No. 24 The Close and a gable wall of No. 36 Colston Street. As there is no window on these gable walls and the new building would only project the rear building of No. 24 very slightly, it is therefore considered that the proposal would not have significant overbearing impact upon the residential amenity of these neighbouring properties.

An enclosed amenity space, which is approximately 20 square metres, will be provided to the ground floor flat, and there is no outdoor amenity space for the first floor. Officers consider that the provision of a private garden for the first floor flat would not be practicable in this instance. In addition, this is not unusual layout in urban areas, officers therefore consider that the provision of amenity spaces is acceptable.

With regard to the proposed materials for the new buildings, officers consider that they are acceptable in principle. However, it is considered that a sample of these materials will need to be submitted to the Council for approval to ensure that the proposed materials would be in keeping with the character of the area. A planning condition is therefore imposed to ensure that appropriate materials will be used.

5.4 **(b) The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved.**

PPS3 seeks to avoid development, which makes an inefficient use of land. PPS3 indicates that a national indicative minimum density of 30 dwellings per hectare should be used and whilst not prescribing any maximum figure the PPS encourages the highest density that can be achieved within the various local considerations that need to be taken into account. The proposal equates to 100 units per hectare.

The proposed density is substantially higher than the general density of the area, it is due to the proposal is related to the provision of flats instead of dwellings. Given that the site adjacent to other residential properties it is unlikely that a higher density development could reasonably be accommodated on the site and in this respect the proposal represents the most efficient use of the land.

5.5 **(c) The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination.**

The site is located within a primary residential area of Kingswood and the existing buildings are currently used as garages/storages, it is therefore considered that the site is not subject to any unacceptable levels of disturbance or nuisance.

5.6 **(d) Provision for education, leisure, recreation and other community facilities within the vicinity is adequate to meet the needs arising from the proposals.**

With regard to the provision of above facilities, the proposal is for 2 no. flats only, which is below the Council's threshold for requesting contributions.

5.6 Other Concerns Raised

Of the concerns raised that have not been addressed in the above paragraphs:

- Boundary disputes are private civil matters and are not resolved through the planning system.
- With regard to the neighbour's side gate, it would be the onus for the applicant and the neighbouring owners to resolve the issue.

- The concern raised with regard to the potential path subsidence would be subject to relevant legislations and regulations.

5.5 Design and Access Statement

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

5.6 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK09/0014/F**

Contact Officer: **Olivia Tresise**
Tel. No. **01454 863761**

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 commencement of the development hereby approved drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

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

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

Reason:

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

4. The off-street car parking facilities, shown on the Proposed Plan No. 101108/1 hereby approved shall be provided before the first occupation of the flats so approved, and thereafter retained as such and used only in conjunction with the occupation of the buildings' purpose.

Reason:

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

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

Reason:

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

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

7. Immediately following the ground clearance works, a slope stability survey shall be conducted of the site boundaries. If slope instability is found, no further works shall be carried out on the site until a scheme of mitigation has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in full accordance with the details so approved and prior to the first occupation of the dwellings hereby approved.

Reason:

To ensure the prevention of subsidence of the site boundaries and to protect neighbouring residential amenity in accordance with Policies EP7 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Prior to the commencement of development details and samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out 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.

9. The boundary treatments shown on the Proposed Plan no.101108/1 hereby approved shall be in place prior to the first occupation of any of the flats hereby approved.

Reason:

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

10. Notwithstanding the submitted details and no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the provision of screening of the waste and recycling store area. The development shall be carried out in accordance with the approved details prior to the first occupation of the building hereby approved.

Reason:

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

CIRCULATED SCHEDULE NO. 05/09 – 06 February 2009

App No.: PK09/0024/F
Site: 9 Grimsbury Road, Kingswood, South Gloucestershire, BS15 9RZ
Proposal: Erection of 1 no. dwelling with access and associated works.
Map Ref: 66200 73516
Application Category: Minor

Applicant: Mr A Phelps
Date Reg: 7th January 2009
Parish:
Ward: Woodstock
Target Date: 16th February 2009



© South Gloucestershire Council 2007. All rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008.

N.T.S

PK09/0024/F

INTRODUCTION

This application has been forwarded to the Circulated Schedule due to the receipt of an objection letter from a local resident.

1. THE PROPOSAL

- 1.1 The applicant seeks consent for the erection of a two-storey detached dwelling with 2 no. off-street parking places situated on the western side of Grimsbury Road. Bin store will be provided to the side of the new dwelling, and the private amenity space would be located at the rear.

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 within the Existing Urban Area and Defined Settlement Boundaries
H4 Residential Conversions, Houses in Multiple Occupation and Re-use of Buildings for Residential Purposes
L17/L18 The Water Environment
T8 Parking Standards
T12 Transportation Development Control Policy for New Development
EP1 Environmental Pollution
EP2 Flood Risk and Development

2.3 Supplementary Planning Document Design Checklist

3. RELEVANT PLANNING HISTORY

- 3.1 PK08/0727/O Erection of two storey side extension to form 2 no. flats and erection of 1 no. detached 3 bed dwelling (outline) all matters reserved. Refused 06.05.08
- 3.2 PK08/0950/F Erection of single storey rear extension to facilitate conversion of existing dwelling to 2 no. self contained flats with associated works. Approved 16.05.08
- 3.3 PK08/2146/O Erection of two storey side extension to form 2no. flats (outline) all matters reserved (Resubmission of PK08/0727/O) Approved 17.09.08

4. CONSULTATION RESPONSES

4.1 Parish Council

This area is unparished

4.2 Sustainable Transport

No objection.

4.3 Local Residents

One letter of objection was received and the local resident raised the following concerns:

There are already too many parking difficulties, without putting a house on the corner. There has already been a big development of houses and flats just across the road and round the corner. Pulling out of Coronation Road is already hazardous as people park right up to the junction, without additional cars and a house.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Paragraph 10 of PPS3 indicates among other criteria that the planning system should deliver a mix of housing to support a wide variety of households in all areas and to 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.

Policy H2 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 residential development within the existing urban area and defined settlement boundaries.

It is therefore considered that the current proposal is appropriate in principle within this context.

5.2 Visual Amenity

Policy H4 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 family dwellings within this predominantly residential area. The officers consider that the proposed detached dwelling would be in keeping with the character of the area.

5.3 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.

The proposed dwelling would be of a similar size with surrounding properties and it would have a fully hipped roof, which would match the roof shape of the

existing properties. It is therefore considered that the form and scale of the proposed dwelling would be acceptable. A rear extension would have a lean-to roof, which would also well integrate with the main dwelling. All materials would match those of the existing property ensuring that the development integrates successfully with the original property.

5.4 Residential Amenity

Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 consider that such development should be permitted provided that it would not prejudice the amenities of nearby occupiers.

The proposed development would involve the erection of a two-storey detached dwelling with a single storey rear extension. The new building would be approximately one metre away from the side of the existing dwelling, No. 9, which is also has a single storey rear extension. Whilst there is a kitchen window and a dining room window on the side elevation of the existing dwelling. It is not considered that the new dwelling would cause significant overbearing impact upon the occupiers of the existing property to warrant the refusal of the application.

A small landing window is proposed to the north (side) elevation, and it would be overlooking the wall of the existing dwelling, No. 7, which has no window on the upper floor. A living room window is proposed on the south (side) elevation and it would be overlooking the garden area. The proposed windows on the rear elevation would be approximately 13 metres away from the side of the adjacent property, No. 61 Coronation Road. It is therefore considered that the proposal would not cause significantly loss of privacy to the existing properties.

5.5 Transportation

There have been a number of previous planning applications on this site. Planning permission has been granted to convert the existing dwelling into two flats (PK08/0950/F) and an extension onto the existing building to form two flats has also been permitted (PK08/2146/O).

This current proposal seeks to erect a three-bed detached dwelling on the same area of land this superseding these consents. Two vehicular parking spaces will be provided to the rear of the site and the existing vehicular access and parking will be retained for the existing dwelling.

The level of parking proposed is within the maximum standards set out in Policy T8 of the SGLP and is therefore considered acceptable.

Given the extant planning permissions on site, it is considered that this proposal would generate a similar level of vehicular traffic to that previously permitted. It should also be noted that the new vehicular crossover and parking is in the same position as that previously permitted as part of PK08/2146/O.

In light of the above, there is no transportation objection to this proposal.

5.6 Amenity Space

Policies H2 and H4 require development to provide adequate amenity space. An enclosed amenity space, which is approximately 35 square metres, will be provided for the new dwelling and a reasonable sized garden will also be retained for the existing dwelling.

5.7 Design and Access Statement

The Design and Access Statement submitted with the application is consistent with the Council's Design Checklist Supplementary Planning Document.

5.8 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK09/0024/F**

Contact Officer: **Olivia Tresise**
Tel. No. **01454 863761**

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

Reason:

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

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

Reason:

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

4. Prior to the commencement of development detailed drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The details shall include full details of the disposal of foul and surface water drainage, and the approved scheme shall be fully implemented prior to the occupation of any part of the development.

Reason:

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

5. Prior to the commencement of work drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the occupation of any part of the development.

Reason:

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

6. Prior to the first occupation of the proposed development hereby approved access, parking and turning facilities shall be provided to serve the proposed development in accordance with details to be submitted and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the agreed details.

Reason:

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

7. The proposed parking spaces hereby approved shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the new dwelling.

Reason:

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

8. All vehicular access shall be by way of Coronation Road and there shall be no direct vehicular access to Grimsbury Road.

Reason:

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

9. Prior to the commencement of the development hereby authorised, details of wheel-washing facilities to be provided on site shall be submitted to and approved by the Local Planning Authority. These facilities shall be provided prior to the development commencing and maintained during the period of construction. All commercial vehicles shall have their wheels washed before entering the public highway.

Reason:

To protect the amenity of the occupiers of nearby dwelling houses, and to accord with Policy EP1, T12, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

To protect the amenity of the occupiers of nearby dwelling houses, and to accord with Policies EP1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 05/09 – 06 February 2009

App No.: PK09/0027/F
Site: 89 Bellevue Road, Kingswood, South Gloucestershire, BS15 9TU

Applicant: Mr A Chappell
Date Reg: 7th January 2009

Proposal: Erection of two semi-detached dwellings with accesses and associated works. (Resubmission of PK08/2499/F)

Parish:

Map Ref: 65656 73300

Ward: Woodstock
Target Date: 16th February 2009

Application Category: Minor

Date:



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S

PK09/0027/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of two dwellings in the garden of No. 89 Bellevue Road. The two new dwellings would form a pair of semi-detached units. Each dwelling would have two bedrooms and would be two storeys in height. Because of the gradient of the site, the building would appear to have only one storey when viewed from the front elevation with the ground floor being sunken below road level.
- 1.2 The site consists of the sloping garden of No. 89. The site has a steep gradient sloping down away from Bellevue Road down toward the flat roofed garages at the back. The existing property No. 89 is a split level bungalow and would be retained as part of the proposed development.
- 1.3 This application is the resubmission or a previously refused scheme on the site reference PK08/2499/F. The previous application was refused for 5 reasons a summary of these reasons being as follows:
- 1 – Would not respect the scale and massing of the street scene
 - 2 – Would overlook No's 70 to 74 Gages Road
 - 3 – Insufficient garden space provided to serve the existing bungalow
 - 4 – Insufficient gardens space to serve proposed unit 2
 - 5 – The retaining wall would allow very little lights into the new dwellings
- 1.4 Since the refusal of the previous application, the plans have been amended in attempt to overcome the previous refusal reasons. Additional revised plans have been received during the course of the application and the necessary re-consultation carried out.

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
H2	Residential Development
H4	Development within Residential Curtilages
T7	Cycle Parking Standards
T8	Car Parking Standards
T12	Transportation Development Control

2.3 Supplementary Planning Guidance

Design Checklist

3. RELEVANT PLANNING HISTORY

- 3.1 PK08/2499/F Erection of two semi-detached dwellings with accesses and associated works.
Refused October 2008
- 3.2 PK07/3433/F Engineering operations consisting of the installation of a raised area of hard standing with retaining wall to facilitate the creation of 2 parking spaces.
Withdrawn to avoid Refusal January 2008
- 3.3 PK06/1454/O Demolition of existing bungalow to facilitate the erection of 10 no. flats. Construction of new vehicular access.
Withdrawn to avoid Refusal June 2006

4. CONSULTATION RESPONSES

(a) Statutory Consultees

- 4.1 Town/Parish Council
The area is unparished

(b) Other Representations

- 4.2 Local Residents
One letter has been received from a local resident. A summary of the points of concern raised is as follows:
- Courtney Primary School has had plans passed for a new and extra school. There will be a substantial increase in traffic during construction and when the school is opened
 - The school has extended school facilities.
 - There are already parking difficulties in Bellevue Road
 - Proposed driveway will increase danger to pedestrians
 - No increase in garden facilities for the two new dwellings or the existing bungalow
 - No improvement for disabled/ push chair access to the two new properties as they both have steps
 - Overlook residents of Gages Road
 - The boundary wall will prevent natural light in the new dwellings

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy H4 of the South Gloucestershire Local Plan (Adopted) allows for development within existing residential curtilages, including new dwellings, subject to there being no adverse impact on the existing visual and residential amenities within the immediate area. Therefore subject to these constraints, the proposal is considered acceptable in principle.

5.2 The site is located within the existing built up area, as defined on the Local Plan Proposals Maps. In accordance with Policy H2, new residential development will normally be permitted subject to compliance with several criteria. It is considered that Policy H4 of the South Gloucestershire Local Plan (Adopted) encompasses all the relevant issues of the above policies, for Policy H4 allows for the erection of new dwellings within existing residential curtilages providing that the following criteria are complied with;

5.3 **(a) Development would respect the massing, scale, proportions, materials and overall design and existing property and the character of the street scene and surrounding area;**

In the interests of clarity the proposed new dwelling furthest away from the existing bungalow 89 will now be called unit 2 in the rest of this report. The proposed dwelling closest to the existing bungalow No. 89 will be known as unit 1.

It is accepted by your officer that consideration has been put into the design of both of the new buildings to ensure that when viewed from Bellevue Road, they integrate successfully with the street scene. When viewed from Bellevue Road, because the new dwellings will be set down into the site, the eaves and ridge height of the roof will match that of the existing bungalow ensuring the new dwellings successfully integrate. No objection is raised to the design of the buildings when viewed from Bellevue Road.

In the previously refused application, there were concerns that when viewed from the rear elevation – from Penard Way, the new dwellings will appear out of keeping and visually incongruous. Of particular concern was that proposed unit 2 would have a three storey emphasis to its rear elevation. The amended scheme now for consideration has addressed this point and changed the rear elevation to ensure it reads as a two storey structure. It is appreciated that the dwellings will still be tall because of the under-croft parking and the changes in ground level but this is unavoidable given the nature of the site. The revised plans have addressed the previous concerns to such an extent that the previous refusal reason relating to this issue has been overcome.

The roof design of both buildings has also been simplified since the refusal of the previous application. Whilst this was not included as a refusal reason, it was raised in the officer report as a point of concern. It is considered that the design of the proposed two dwellings now for consideration is now appropriate for its setting and integrates successfully with the street scene. The application form confirms that the buildings will be finished with brick and concrete tiles to match the adjacent properties.

5.4 **(b) Would not prejudice the amenities of nearby occupiers;**

One of the key concerns with the previously refused application was that the new dwellings would overlook No's 70 to 74 Gages Road to the rear of the site. Of particular concern was overlooking from the rear windows in the proposed dwellings to the gardens and rear windows of the properties on Gages Road. This was exacerbated by the substandard rear boundary treatment.

The rear elevations of the 2 dwellings now for consideration have been altered quite significantly from those previously refused. A summary of the key differences to the proposed rear elevations are as follows:

- Reduction in the size of the first floor rear windows
- Lowering in height of all rear windows
- Omission of one rear window on each dwelling at ground floor level
- In the previous scheme both first floor rear windows on both proposed dwellings served habitable rooms (bedrooms), one of the windows at first floor on each proposed dwelling now serves a non-habitable room (bathroom)
- Improvements to the rear boundary treatment via the installation of higher boundary fencing (1.8 metres)
- Movement of the two new houses so they are 2 metres further away from the rear of the properties on Gages Road.

Whilst it is accepted that there will still be some scope for overlooking of the rear gardens of No's 70 to 74 Gages Road, because of all the amendments as listed above, it is considered that the proposed level of overlooking would be materially less than the existing situation. Whereas at present the rear gardens and windows of No's 70 to 74 can be seen into by all persons using Bellevue Road, following the development the only views would be from the two first floor bedroom windows. Impact upon residential amenity is therefore considered to be acceptable.

5.5 (c) Would not prejudice highway safety or the retention of an acceptable level of parking provision, and an acceptable level of parking provision is provided for any new separately occupied dwelling;

During the course of the application amended plans were received to show revised parking arrangements for plot 2. As initially submitted, the scheme included a new raised car parking space for plot 2 directly off of Bellevue Road. Your officer had concerns that this would have a detrimental impact on the street scene and overbearing impact upon the neighbouring dwelling. In response to this, the raised parking bay has been removed from the plans and an under-croft parking bay has been included accessing from Penard Way. As a result, the plans show the provision of one off street parking space to serve each dwelling. While questions have been raised regarding the suitability of the existing access onto Gages Road, this access is already in existence and therefore could be used at any time. Given that the local plan only advises of maximum parking standards, the council would not be able to sustain any objection to the proposal on the grounds of lack of parking.

5.6 (d) Would not prejudice the retention of adequate private amenity space, and adequate private amenity space is provided for any new separately occupied dwelling;

In the previously refused scheme there was concern that insufficient garden space was being provided to meet the needs of the development. A material difference between the two applications is that both dwellings now for consideration have two bedrooms each – in the previous application both dwellings were to have three bedrooms. Given the reduction in number of proposed bedrooms, it is considered likely that the number of children who would potentially reside in the development will reduce. For this reason, the acceptable amount of garden space can also be reduced. Sufficient garden

space is available at each of the proposed two new dwellings for sitting out, the outdoor drying of clothes and a small area for children to play.

Similarly, the amount of garden space provided to serve the existing bungalow on site has also been increased by just over 30 square metres giving the existing bungalow a useable garden area.

In light of the above it is considered that whilst modest, sufficient private and useable garden space is provided to serve all three dwellings on the site, the previous refusal reason has therefore been overcome.

5.7 Other Issues

Criterion G of Policy D1 requires that '*the design, density, orientation and location of buildings and associated landscape proposals seek to achieve energy conservation and the protection of environmental resources.*' Previously it was considered that the kitchen and dining room windows of both units 1 and 2 will have very limited natural light because of the fact that they will face directly at a 1.8 metre high brick wall at a distance of only 55cm. This was of sufficient concern to justify a further refusal reason. In order to overcome this concern, alterations will be made to the retaining walls at the front of the site. Rather than one 1.8 metre high brick wall in very close proximity to the windows, the retaining wall will be stepped so it increases in height further away from the windows. Whilst this is still not an ideal situation, it will allow a significantly greater amount of light to enter the ground floor windows and will be similar to many other dwellings along Bellevue Road.

5.8 Design and Access Statement

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

5.9 Section 106 Requirements

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

6. CONCLUSION

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

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 PK09/0027/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. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (Amendment) Order 2008 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D and E) other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason:

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 ensure the retention of adequate amenity space and to accord with Policies D1, H2, and H4 of the South Gloucestershire Local Plan (Adopted) January 2006. (*Select as appropriate)

3. The materials to be used in the construction of the external surfaces of the dwellings hereby permitted shall match those used in the adjoining dwellings.

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. 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.

CIRCULATED SCHEDULE NO. 05/09 – 06 February 2009

App No.: PK09/0053/ADV

Applicant: River Island
Clothing CoSite: River Island Unit A1A, Gallagher Retail
Park, Aldermoor Way, Longwell Green,
South Gloucestershire, BS30 7ES

Date Reg: 9th January 2009

Proposal: Display of 3no. internally illuminated
panel signs. (Retrospective)Parish: Oldland Parish
Council

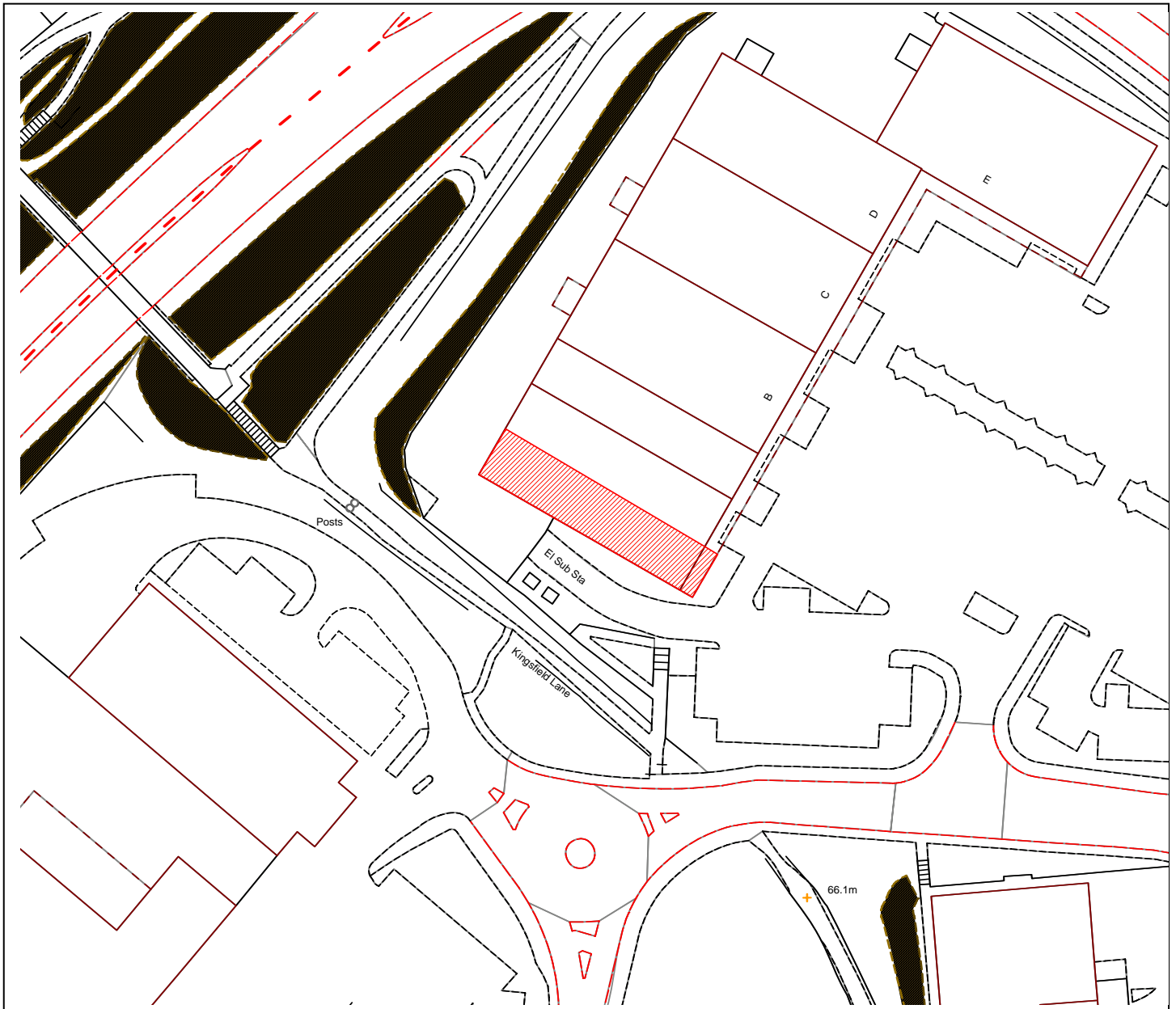
Map Ref: 65396 72006

Ward: Longwell Green

Application Category: Minor

Target Date: 3rd March 2009

Date:



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S

PK09/0053/ADV

INTRODUCTION

This planning application has been referred to the Councils' Circulated Schedule as a result of objections received from a local resident regarding the proposed signs.

1. THE PROPOSAL

- 1.1 This is a retrospective application seeking advertisement consent for the display of 1 no. internally illuminated sign panel on high level, 1 no. internally illuminated sign panel above the main entrance and 1 no. internally illuminated sign on side (south west) elevation.
- 1.2 The high level sign panel would measure approximately 3.6 metres by 7 metres and the sign panel above the main entrance would measure approximately 0.5 metres by 4.3 metres. The signage on the side elevation would measure approximately 1 metre by 5.2 metres. The signs would be made of black vinyl with white vinyl lettering.

2. POLICY CONTEXT

- 2.1 National Guidance
PPG19 Outdoor Advertisement Control

3. RELEVANT PLANNING HISTORY

- 3.1 The site has been subject to a number of planning applications in the past and the most relevant applications are:

PK06/0854/F Demolition of all existing retail buildings on site and engineering works to produce a level site. Erection of 8 no. new retail units and construction of new central car park, associated servicing area and landscaping. (Amendment to previously approved scheme PK04/2530/F). Approved with conditions July 2006

- 3.2 PK07/2106/ADV Illuminated Sign (Clarks)
Advert Approval 2007
- 3.3 PK07/1926/ADV Illuminated Signs (Outfit)
Advert Approval 2007
- 3.4 PK08/0375/ADV Illuminated Signs (Next)
Advert Approval 2008
Condition: No illumination between the hours of 20.00 and 09.00
- 3.5 PK08/2087/ADV Illuminated Signs (Clinton Cards)
Advert Approval 2008
Condition: No illumination between the hours of 20.00 and 09.00
- 3.6 PK09/0023/ADV Illuminated Signs (Carphone Warehouse)
To be determined under Circulated Schedule No. 04/09

4. **CONSULTATION RESPONSES**

4.1 Oldland Parish Council

The Parish Council object the proposal on grounds of an objection in principle to internally illuminated signs.

Other Representations

4.2 Local Residents

One letter has been received from a local resident raising the following concerns:

- The proposal will add to the overwhelming light pollution caused by the existing blue neon lights on the rooftops of Gallagher Retail Park. These lights are on day and night and the glare intrudes into bedroom and living room windows.
- We are objecting to any proposal that will exacerbate the current light pollution at Gallaghers.
- As with other advertisements on this site and in accordance with policy L19 of the South Gloucestershire Local Plan, we would request a condition of no illumination outside opening hours, i.e. between 20.00 and 09.00 hours.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The only issue that can be taken into account in the assessment of an advert application is amenity and public safety.

5.2 Amenity

Members are advised to consider that a number of applications sought advertisement consent within the Retail Park.

With the current scheme, no signs are proposed on the rear elevation of the building.

Two illuminated signs are located above the front entrance of the building and one sign is located to the side elevation of the building. It is considered that the scale and design are acceptable. The signs on the front elevation would be facing into the retail park, and another sign would be overlooking the adjacent highway and a car park. It is considered that by reason of their siting that they would have limited impact on the visual and residential amenity of the immediate locality. Members should also have regard for three recent advert consents on this site relating to Clarks, Outfit, Next and Clinton Cards where advertisement consent has been granted for similar signage on the front elevation.

The issue of the blue neon fixtures on the rooftop was investigated by the Council Environmental Protection which was approved previously. Notwithstanding existing issue regarding this lighting, it is not considered that the proposal would have a detrimental impact on the existing amenity of those

neighbouring properties sites north and northwest of the application site or on the visual amenity of the immediate surrounding area.

5.3 Public Safety

There is no transportation objection to the proposed signage at this location.

5.4 Design and Access Statement

This is an application for advertisement consent, the Design and Access Statement is therefore not required.

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. **RECOMMENDATION**

6.1 That permission be granted subject to the following conditions.

Background Papers **PK09/0053/ADV**

Contact Officer: **Olivia Tresise**
Tel. No. **01454 863761**

CONDITIONS

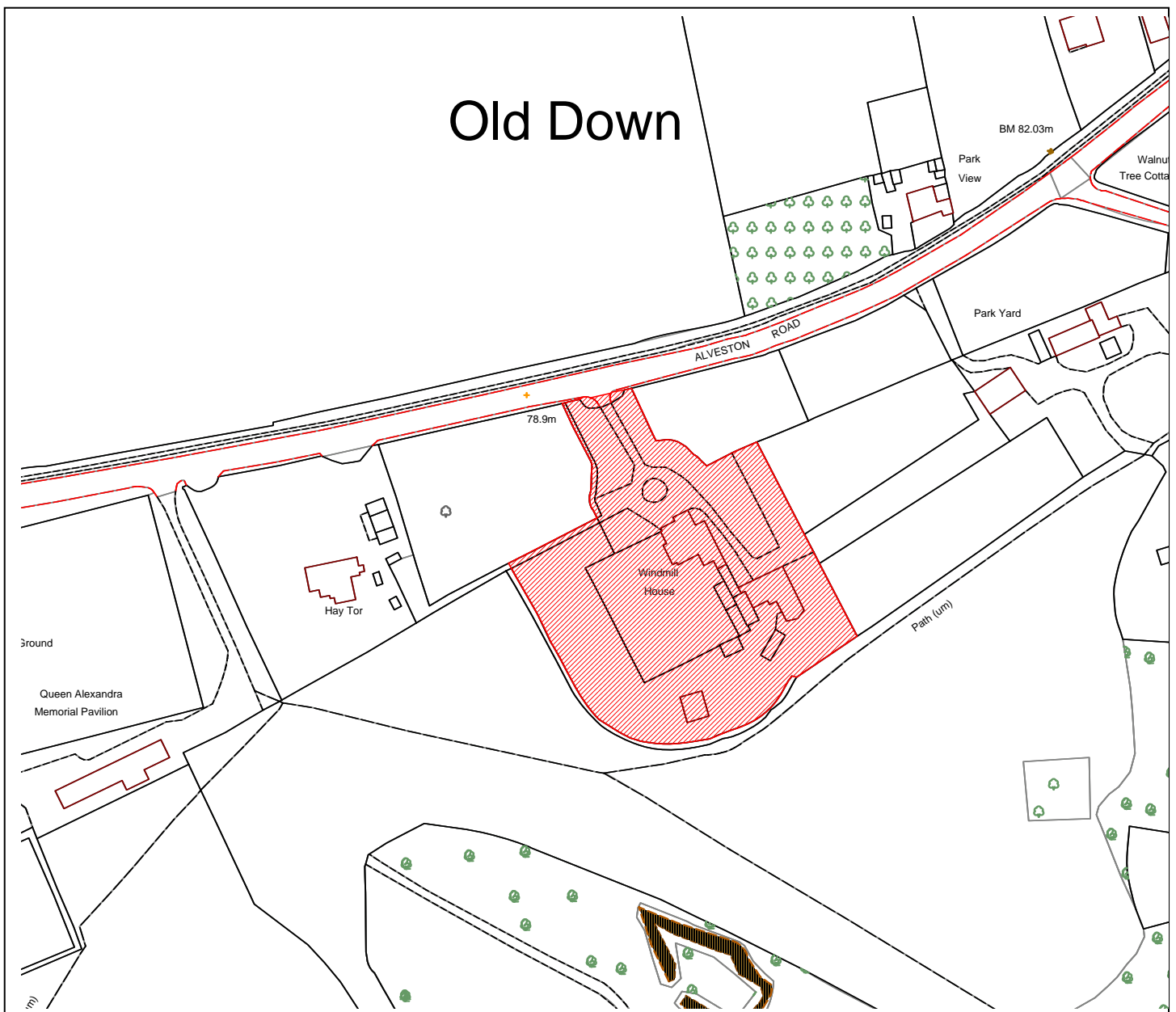
1. There shall be no illumination of the adverts hereby approved between the hours of 20:00 and 09:00 unless the Local Planning Authority give written consent to any variation.

Reason:

In the interests of visual and residential amenity and to accord with PPG19 Outdoor Advertisement Control.

CIRCULATED SCHEDULE NO. 05/08 – 6 FEBRUARY 2009

App No.:	PT08/3184/F	Applicant:	Mr L Collacott
Site:	Windmill House, Alveston Road, Old Down, South Gloucestershire, BS32 4PH	Date Reg:	16th December 2008
Proposal:	Change of use of land from agricultural land to car park (Retrospective). Erection of two storey, ground and first floor infill rear extensions to provide 13 no. additional bedrooms.	Parish:	Olveston Parish Council
Map Ref:	61425 87275	Ward:	Severn
Application Category:	Minor	Target Date:	13th February 2009



© South Gloucestershire Council 2009. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2009.

DC0901MW

N.T.S

PT08/3184/F

INTRODUCTION

This report appears on the circulated schedule as there is comment from the Parish Council in support for the provision of additional Care Home facilities in this locality, whilst the officer recommendation is that the planning application be refused.

1. THE PROPOSAL

1.1 The site consists of Windmill House Nursing Home. Access to the site is directly from Alveston Road. The site is in the Green Belt and outside of any settlement boundary.

1.2 The proposed development consists of the construction of a new two storey wing to the Southern elevation of the existing building, with additional accommodation provided over existing single storey elements. The development would provide a further 13 bedrooms for C2 (Residential Institution Use). The development would increase the size of the care home from 37 to 50 bedrooms. It is also proposed to formalise the introduction of the new car-parking facilities within the grounds of the nursing home and as such this is included as a retrospective element of this planning application.

1.3 Applicant's case submitted in support of the scheme

The applicant contends that the following points amount to very special circumstances. The cases for the proposed Nursing Home extension and the existing Car Park extension (retrospective element of this planning application) are argued separately as follows:-

Extension to the existing building

The adopted South Gloucestershire Local Plan, makes no provision whatsoever for care home accommodation.

The strategic housing shortage renders residential building land in extremely short supply and, therefore, exorbitant in price. The care home industry simply cannot compete with the house building market when residential land opportunities do become available.

There is an overwhelming need for additional care home places in the borough and very limited opportunities for the provision of new facilities in the existing urban areas and settlements.

The existing care provision within South Gloucestershire is heavily reliant upon care home placement outside the local authority boundary. This promotes wholly unsustainable travel patterns, which is completely at odds with the sustainable transport policies promoted at national, regional and local planning level.

The existing care home needs to be extended in order to comply with the National Minimum Standards. The proposal presents the opportunity to alter and improve the internal layout of the existing accommodation whilst

increasing room sizes to current standards and enabling an essential lift to be incorporated. If the proposal is not permitted, the viability of the care home to continue to operate will be seriously compromised and could result in the care home being forced to close.

There is already a large building on this site and the proposed extension would have only a marginal impact upon the openness of the Green Belt.

In the event that the nursing home is forced to close, 36 jobs will be lost and staff will need to find alternative employment; potentially outside the borough. This would not be sustainable.

PPG2 does not identify what constitutes 'very special circumstances' in permitting a departure from Green Belt Policy. Consequently the background, need, and justification presented in support of the additional accommodation should be given considerable weight in assessing the impact of the development upon the Green Belt.

Extension to the Car Park

It is accepted that the car park development is not appropriate within the Green Belt.

The area now used for the car park was already separated and enclosed from the surrounding agricultural land.

The car parking capacity on this site prior to the provision of the additional car park was not practical.

The proposed car park is needed to cater for the existing care home.

The car park is not conspicuous from the Green Belt as it cannot be seen from the public realm.

The car-park does not harm the visual amenity of the Green Belt.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG2	Green Belt
PPS3	Housing
PPS7	Sustainable Development in the Countryside
PPG13	Transport

2.2 Development Plans

Joint Replacement Structure Plan

Policy 16	Green Belt
-----------	------------

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
----	--

L1	Landscape Protection and Enhancement
H3	New Residential Development in the Countryside
H2	Proposals for Residential Development, Including Residential Institutions and Special Needs Accommodation, and Applications to Renew Permissions for Residential development, within the Existing Urban Area and Defined Settlement Boundaries.
GB1	Development in the Green Belt.
T8	Car Parking Standards
T12	Transportation Development Control Policy for New Development

- 2.3 Supplementary Planning Guidance
 South Gloucestershire Design Checklist (Adopted)
 Development in the Green Belt (Adopted)
 South Gloucestershire Landscape Character Assessment (Area 17 Severn Ridges)

3. RELEVANT PLANNING HISTORY

- 3.1 N558/3 Change of use of existing dwelling, outbuilding and grounds from residential to use as a nursing home.
Approved October 1982
- 3.2 N558/6 Conversion of existing games area to residential accommodation and erection of covered way, lobby and vegetable store.
Approved January 1984
- 3.3 P86/1179 Alterations to existing enclosure to form front entrance porch; construction of tennis court.
Approved 23rd April 1986
- 3.4 P86/1181 Erection of two storey side extension to elderly persons home to form garage, hall, bedroom and bathroom with two bedrooms, dining room, kitchen, lounge and bathroom over. (outline)
Approved 20th October 1986
- 3.5 P86/1985 Erection of two storey side extension to elderly persons home to form garage, hall, dining room and kitchen, with three bedrooms, bathroom and living room above (details following outline) (to be read in conjunction with P86/1181).
Approved 20th October 1986
- 3.6 P88/1604 Erection of single storey rear extension to provide sun lounge
Approved 11th May 1988
- 3.7 P88/1605 Erection of single storey front extension to elderly persons home to provide W.C. and shower room. Provision of external access to basement
Approved 11th May 1988

- | | | |
|------|--------------|--|
| 3.8 | P88/2466 | Erection of extension at first floor level to provide enlarged bedroom
Approved 24 th August 1988 |
| 3.9 | P94/2263 | Erection of extension to existing garages to facilitate conversion to three bed/sitting rooms and W.Cs, conversion of covered walkway to sun lounge.
Approved 17 th October 1994 |
| 3.10 | PT02/1185/O | Erection of single storey extension to residential care home. (Outline)
Refused 13 th May 2002 |
| 3.11 | PT02/1838/O | Erection of single storey extension to residential care home. (Outline)
Approved 4 th November 2002 |
| 3.12 | PT02/3273/RM | Erection of single storey extension (Approval of Reserved Matters) (To be read in conjunction with Outline planning permission PT02/1838/O).
Approved 4 th December 2002 |
| 3.13 | PT07/3344/F | Erection of two storey, first floor and infill rear extensions to provide 13 no. additional bedrooms with associated works.
Refused 3 rd July 2008 |
| 3.14 | PT08/2872/F | Change of use of land from agricultural land to car park. (Retrospective)
Withdrawn by applicant |

4. CONSULTATION RESPONSES

4.1 Olveston Parish Council
Olveston Parish Council has no objections to the application. The Council feels that there is a great need for additional residential care in the area

4.2 Sustainable Transport

Development Control Team

It is anticipated that given the location of the site, that users of the site would arrive by private car. In the event that the proposed extension is implemented there would be an intensification of the use where the existing access is sub-standard. The site is not located in a sustainable location where there could be a reduction in vehicular movements through cycling/walking to work or by finding alternative modes of transport. On this basis, the proposed development is considered to have a negative impact in highway safety terms as the existing parking and access is substandard and is not sufficient to cater for the proposed development

With regards to the introduction of the car park in isolation, it is considered that this is suitable for the scale of the existing development.

PROW Team
No objection in principle

Other Representations

4.3 Local Residents

As with the previous application (PT07/3344/F), comments have been received from one local resident who occupies the adjacent dwelling at Hay Tor. The previous comments have been reiterated and can be summarised as follows;

- The existing development is not situated in substantial grounds and is quite small for accommodation of this nature
- It is evident that the new car park has been constructed in open agricultural land without the benefit of planning permission
- The access and highway characteristics are not capable of accommodating the proposed development.
- The statement that patient and staff numbers have increased to the point that the existing level of accommodation is wholly inadequate is not consistent with the findings of the report by the Commission For Social Care Inspection which finds that the accommodation is a safe, well maintained environment.
- The Commission for Social Care Inspection demonstrates that there is no urgent need for additional space.
- The submission does not give any justification for inappropriate development in the Green Belt
- The submission does not demonstrate that there are very special circumstances by which to allow this development
- Land values in relation to care homes is generally well in excess of those for general needs housing.
- The proposed development would have a significant impact on the openness of the green belt and the surrounding countryside
- The proposed development is obtrusive and disproportionate and is poorly designed and would not be significantly screened from view
- The proposed development is very visible from the public domain and the nearby public right of way. The development would have a detrimental impact upon the amenity of the PROW and accessible areas.
- The site is not sustainable in terms of public transport and local services. A travel plan with cycling provision is not appropriate for the elderly residents and their visitors

- The proposals for the use of sustainable design and construction are little more than is required by the Building Regulations
- The massive extension will have a detrimental impact in nature conservation terms

5. **ANALYSIS OF THE PROPOSED DEVELOPMENT**

- 5.1 The proposed development consists of the construction of a two storey extension to the existing nursing home accommodation. The development would provide 13 additional bedrooms and associated accommodation. The application also seeks retrospective approval for the extended car park area located to the North-east of the existing building.
- 5.2 Principle of the Development
There is no specific policy set out in the South Gloucestershire Local Plan (Adopted) January 2006 which can be used to assess the introduction of Community Facilities (such as residential care homes) outside the urban areas or settlement boundaries.
- 5.3 Policy H3 of the South Gloucestershire Local Plan (Adopted) January 2006 is relevant to this planning application, in that it proposes to provide new residential development in the open countryside. The residential use falls within Class C2 (Residential Institutions) of the Town and Country Planning Act (Use Class Order) as amended in 2005 and not Class C3 (Dwelling Houses) so in this instance Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 is not relevant as the development does not involve the extension to an existing dwelling house within its residential curtilage.
- 5.4 Policy H3 of the South Gloucestershire Local Plan (Adopted) January 2006, sets out the very limited categories of development which are acceptable within the open countryside. These categories are development involving;
- i) Affordable Housing on 'Rural Exception Sites
 - ii) Agricultural/Forestry Workers Dwellings
 - iii) Replacement Dwellings
- 5.5 The proposed development (including the Car Parking area) does not fall within the above categories and as such is not acceptable in principle. The purpose of this policy is in the main to direct residential development to more sustainable locations such as existing settlements, where transport and other facilities are more easily accessed. The developer has submitted that there are very special circumstances in support of this planning application in relation to the impact of the proposed development in Green Belt terms. In this instance, that submission can also be considered with a view to demonstrating the circumstances by which the development should be approved where it would be contrary to the provisions of the South Gloucestershire Local Plan (Adopted) January 2006.

5.6 Green Belt

- The site is located within the Green Belt. The development (including the extended car park area) does not fall within the limited categories of development that are appropriate within the Green Belt and as such the development is inappropriate development that is harmful to the openness of the Green Belt. The applicant has acknowledged this and has submitted a case in which it is argued that there are very special circumstances by which to allow this development and which would outweigh the harm to the openness of the Green Belt. The case submitted is set out in paragraph 1.3 of this report.
- 5.7 This site and building have been subject to numerous planning applications. The consents have been developed and have resulted in significant additions since the original change of use was consented (in 1982) for the nursing home currently being operated from this site. The majority of the additions have been added to the original building over the period between 1982 and the mid 1990's. The majority of these additions have occurred in the south east area of the site and form a two storey 'L' shaped addition to the east elevation of the original building. A further addition was added after 2002 and involved the construction of a single storey wing to the West of the original building (within the existing walled garden area). These additions amount to as much as 500% of the volume of the original building.
- 5.8 It is acknowledged that the existing nursing home has a waiting list. On the face of it, the nursing home has reached its capacity in terms of the accommodation which it provides. However, the need to meet demand for this specific nursing home cannot justify the development which is not appropriate within the Green Belt. Similarly, the desire by local people to live in a tranquil countryside location; or in a location close to former homes or close to family does not generate very special circumstances in its own right. The applicant has also submitted that there is a need to modernise and improve the accommodation standards of the nursing home to meet national minimum standards. The applicant submits that the proposed extension will facilitate these improvements. Whilst it is acknowledged that legislation and guidance specifically aimed at Care Home provision will evolve these relate to standards of existing accommodation and does not enforce a minimum number of rooms such as to justify the extension of the nursing home on those grounds. It is not considered that the introduction of additional rooms would itself be a necessary requirement to meet these guidelines. If it is necessary to improve the accommodation then this should be carried out within the existing envelope of the building. Further consideration of this issue could be given in respect of very modest development that is genuinely required to provide specific improvements which could not otherwise be catered for within the existing building. This does not justify the comprehensive development of additional extension to accommodate 13 additional bedrooms.
- 5.9 The applicant makes the argument that sizeable built form is already there and that the proposed development would not materially impact upon openness when considered in the whole. In fact, the proposed development would create new built form on what is essentially open garden area. The existing wall cannot reasonably be considered existing built form in the sense that it is not a building containing accommodation. The existing development has provided up

to a 500% increase in volume to the original building. This has already had a significant impact upon the openness of the Green Belt. The proposed development would add a further 200% (approximately) to the volume of the original building. The fact that the nursing home already exists is not grounds for allowing what would be a further significant extension, within the Green Belt, to an already heavily developed building.

- 5.10 Notwithstanding the above, the applicant argues that there is a strategic need for additional nursing home accommodation in South Gloucestershire which cannot currently be met due to factors relating to housing land supply and the lack of specific identified sites for residential care accommodation within the South Gloucestershire Local Plan (Adopted) January 2006. Consultation with the South Gloucestershire Community Services Department confirms that the need for care home accommodation is not currently being met; and that the proposed development will go some way to meeting the projected need. The applicant sets out that the South Gloucestershire Local Plan (Adopted) January 2006 does not provide for residential care homes within its housing allocations.
- 5.11 Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 sets out the policy relating to residential development including that for special needs and residential institutions. Provision for residential care homes is therefore addressed as such development would fall within those categories of residential development. Although, there is no specific allocation for residential care homes, policy H2 indicates that this type of accommodation should be within the urban and development boundaries designated in the development plan. Clearly, this site does not fall within those criteria. Although it is contended by the applicant that the nature of the availability of residential land and subsequent values is such that it severely restricts the ability for the care home sector to compete with housing developers to secure suitable development sites within urban areas, settlement boundaries or on allocated housing sites, the applicant has not provided evidence that alternative locations for the proposed accommodation within such sites have been investigated.
- 5.12 Over the remaining period of the current local plan and the emerging 'Core Strategy Development Plan Document', South Gloucestershire will be expected to find significant growth in housing capacity in the district. This is likely to be met in the long term (over the next 20 years) through new housing allocations and (in the shorter term) through existing housing land allocations such as land at Harry Stoke. The provision additional Care Home accommodation (and other special needs accommodation) should be met within these allocations and there is no identified reason why this could not be achieved through the normal planning process. PPG2 and Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006 also indicate that the change of use of existing buildings within the green belt is appropriate development (subject to certain parameters). Again, the applicant has not submitted that the option of re-using existing buildings in the locality has been explored (although it is acknowledged that this is dependent upon the property market). On this basis, it is considered that the shortfall will occur over the short term. It is not accepted that there is a strategic shortage of nursing home accommodation due to a shortage of land that can be released for these purposes. This is adequately covered by the implementation of Policy H2. The introduction of the proposed development would address a very limited amount of the current need and this cannot

outweigh the long term and permanent impact upon the openness of the Green Belt in this locality.

- 5.13 The applicant has also submitted that the proposed development is required to ensure the continued viability of the care home and ultimately to protect the future of the employees at this business. There is no specific information submitted by which to assess the viability of the existing nursing home in the context of Green Belt policy. However, given that there is an acknowledged waiting list for places at this home, it is reasonable to assume that there will be a foreseeable business demand into the future. The need to modernise certain rooms and provide additional lift accommodation does not justify the increased capacity of the care home. Nonetheless, it may be the case that the operational viability for the existing accommodation may justify very limited and specific alterations to the existing building. This issue cannot be addressed by this application and would need to be considered as part of a separate development proposal. On this basis, it is not considered that there is a reasonable viability case that would justify the proposed development.
- 5.14 It is considered that the design, scale and prominent position of the proposed extension will have a very significant and harmful impact upon the character and openness of the Green Belt. This is addressed below. Similarly, given that the extended car park has been carried out in the on land that is beyond the lawful curtilage of the existing nursing home (and outside the area of land originally consented for this use) the development is harmful by virtue of the introduction of new hard-standing and associated vehicle parking into the open countryside and Green Belt. No very special circumstances have been in respect of the car park development in its own right. The proposed development does not fall within the very limited categories of development that is appropriate within the Green Belt. Having regard to the above, it is considered that there are not sufficient very special circumstances to justify this development in that they do not outweigh the harm to the Green Belt and the purposes of including land within it.
- 5.15 The proposed development is therefore contrary to policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy 16 of the Adopted Joint Replacement Structure Plan, The Development within the Green Belt adopted Supplementary Planning Document) and PPG2.
- 5.16 Car Park Development (retrospective)
The car park development which currently exists to the eastern side of the side has taken place upon agricultural land that does not form part the curtilage of the Windmill House Residential Care Home. It is, in effect the change of use of agricultural land for residential purposes. Such development is contrary to the provisions of Policy H3 of the South Gloucestershire Local Plan (Adopted) January 2006 and is not classed as appropriate development within the Green Belt. Such development would also be contrary to the provisions of Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006 and PPG2. Accordingly, the applicant must demonstrate what very special circumstances exist by which to justify the proposed development.
- 5.17 The car park development was subject to an independent planning application

PT08/2872/F, which was subsequently withdrawn by the applicant prior to the submission of this planning application. However, the applicant has set an argument in support of the provision of this car-park from a Green Belt policy perspective. Clearly, when considering the existing nursing home in isolation, there is a shortfall of parking and manoeuvring space for vehicles being used by visitors/staff associated with this nursing home. However, the car-park development has taken place on land outside the curtilage of the care home and as such encroaches into the open countryside and Green Belt. There is not reasoned evidence submitted to show why such car parking provision could not reasonably be provided within the authorised curtilage of the care home and in so doing have a lesser impact upon the openness of the countryside and the Green Belt. On this basis, it is considered that the applicant has not demonstrated that there are sufficient very special circumstances by which to justify the development of the car-parking area. This element of the proposal, also fails the provisions of Policy H3 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006; and PPG2

5.18 Design, Scale and Landscape Impact

The existing building is the result of a mixture of the original building and ad-hoc development over the twenty year period between 1982 and 2002. The extensions form the eastern part of the building in general and are of no particular architectural merit. Indeed, the traditional character of the original building has been lost and these elements appear uncomfortable against the original building and in the setting of the landscape generally.

- 5.19 As with the previous development proposal (PT07/3344/F), the main part of the extension is proposed to be positioned along the southern elevation of the site effectively replacing the southern part of the existing walled garden. It is also proposed to increase the height of the existing east wing of the building to provide additional first floor accommodation. The main foot-print of the proposed development now measures approximately 43 metres wide by 14 metres deep (as apposed to 9 metres in respect of the previous proposal). In this instance, the overall height of the new development would reach approximately 7 metres in height (as apposed to 10½ metres in height in respect of the previous proposal). The original building measures approximately 11 metres in height and accommodates three floors in the tallest part of the building. Effectively, the proposed development has become lower but has spread in a northerly direction. As previous, the proposed accommodation is on two floors (ground and first floor). The overall height of the building when compared to the previous proposal is reduced in height by virtue of the reduced ridge height and pitch of the roof previously proposed. Again, the very wide elevation of the development is broken up along its northern (courtyard) elevation and its southern (open-countryside) elevations by apposing gables. However the previously proposed entrance features; and a flat roofed element providing stairwell accommodation are now omitted. Whereas the general appearance of the previously proposed building was very modern and contemporary in appearance, this proposal has omitted certain detailing in favour of a plainer more traditional approach. Despite these changes and obvious attempt to reduce the perceived scale of the

- development, officers remain concerned with the sheer scale of the proposed extension. The submitted revisions would have the effect of emphasising what has become a very bland approach. Although the proposed extension would allow some limited consolidation of the existing extensions, the very size and scale (overall height, width and depth) of the proposed development would dominate the site and would further erode what is left of the character of the original building.
- 5.20 The site itself is located in a prominent position in the Severn Ridges (Landscape Character Area 17 South Gloucestershire Landscape Character Assessment). The existing building is prominent within this setting and is easily visible from the nearby highway to the North and from the publicly accessible agricultural land immediately to the South. Contrary to the applicant's submission, the proposed development would be clearly visible from the public realm and publicly accessible land, via the highway and the existing public rights of way which pass very close to this site.
- 5.21 Currently, the existing building reduces in height in a southerly direction and there is no development (with the exception of the enclosure wall) in the southern and western part of the site. This helps to reduce the impact of the existing building in the landscape and allows views across the site to extend both in an easterly and westerly direction. Notwithstanding the applicants submission, this part of the site is very visible from easily accessible and very well used public rights of way through the fields to the South of the site. The proposed development would effectively close down these views and would introduce significant development and new roof-scape into a location that is characterised by its openness. In this instance, it is considered that the sheer scale and position of the new development will have a significant and harmful impact upon the character of the surrounding landscape and is unacceptable in landscape character terms.
- 5.22 The development is therefore contrary to Policy D1, and L1 of the South Gloucestershire Local Plan (Adopted) January 2006, The South Gloucestershire Design Checklist; PPS1 and PPS3
- 5.23 Impact upon Trees within the Site
The site contains 31 tree preservation orders (TPOs). Despite the submission that the development would not harm any of the trees within the site, the previous officer site inspections have revealed that the development could necessitate the removal of or works to certain trees within the grounds of the nursing home. This was the primary reason for the introduction of the TPOs. It should be noted that the loss of any of the ever green trees to the front of the site (either side of the driveway) would be resisted. However, works to these trees is not included within this submission.
- 5.24 In considering the previous submission under PT07/3344/F, officers considered that a tree survey and schedule of works/removal and protection would be sufficient to address the issue of trees within the site and find appropriate solutions and mitigation in respect of any works required, where this would

- affect trees located to the south of the site and excluding the ever green trees referred to above. Accordingly, in the event that the development is approved, it is considered that a suitably worded condition, requiring replacement trees to be planted is appropriate (if necessary); and in this instance would act to mitigate against the loss of these trees in the long term. In addition, a further Tree preservation order application would be required in respect of any physical works required to protected trees.
- 5.25 Public Right of Way
The proposed development is located in close proximity to an established and well used public right of way (PROW). The development would not require the diversion of the PROW and as such would have no material impact in terms of the access to it and its amenity as a recreational route.
- 5.26 Residential Amenity
The site is located in a relatively isolated position, with the nearest dwelling (Hay Tor) being located approximately 100 metres from the proposed development. It is considered that, given the relationship with the nearest residential dwellings, the development would have no material impact in terms of the privacy and residential amenity. It is also considered that the proposed layout of the development would not cause an unacceptable impact upon the privacy and residential amenity of the occupants of the existing nursing home.
- 5.27 Highway Safety and Impact
The site is accessed from Alveston Road along a tree lined driveway. In this instance the application also seeks retrospective approval for a currently unauthorised car park development in the Northeast area of the site. It is considered that the proposed parking levels are adequate to provide the necessary extended capacity for the proposed development; although it is acknowledged that the parking would be relatively informal and may involve tandem parking from time to time. Given the nature of the development proposed, this arrangement is considered acceptable in practical terms.
- 5.28 Notwithstanding the above, the site is accessed via a substandard arrangement from Alveston Road, with visibility in both directions being significantly compromised by hedging adjacent to the access point and along the road frontage of the site. The access drive is also single track and there is currently potential conflict at the access point between entering and exiting vehicles. Although it is unlikely that the new residents of the development would generate additional trips themselves, additional staffing requirements and the increased number of visiting members of families would result in increased journeys to the site. Given that there would be the intensification of journeys to and from the site as a result of this development proposal where there is already a sub-standard access it is considered that the development will result in a significant and detrimental impact upon highway safety.
- 5.29 The applicant has provided some proposals in order to overcome these issues. These include the provision of lay-bys along the drive way to allow vehicles to pass. However, it is considered that the proposals would not achieve a

minimum safe standard. Further, it is not considered that the introduction of lay-bys along the driveway would act to overcome the conflict between entering and exiting vehicles. In order to overcome this, vehicle passing facilities would need to be provided within the junction of the drive and the highway itself.

5.30 It should be noted that it would not be possible to improve the access without the removal of part of the existing hedgerow. It is very unlikely that the provision of a suitable passing facility at the junction of the driveway and highway would be achievable without severely compromising the integrity of; or even the removal of the protected trees closest to this point. Given that the subject trees are protected by a tree preservation order and together with the hedgerow are considered to offer considerable visual benefits and amenity to the character of the surrounding landscape, such a measure would be considered unacceptable and would be contrary to Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006; and the adopted South Gloucestershire Landscape Character Assessment (Supplementary Planning Document).

5.31 The proposed development cannot achieve suitable safe access onto the highway and would result in a detrimental impact in highway safety terms. The proposed development is therefore contrary to Policy T12 and PPG13.

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 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 proposed development is refused for the following reasons; and that the development of the unauthorised Car parking is referred to the Planning Enforcement Team for enforcement action.

Background Papers **PT08/3184/F**

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

REFUSAL REASONS

1. The site is located within the Green Belt. The proposed extension to the Care Home and the extension to the car parking facilities (retrospective) do not fall within the very limited categories of development that is appropriate within the Green Belt. In this instance the applicant has not demonstrated that there are very special circumstances by which to justify

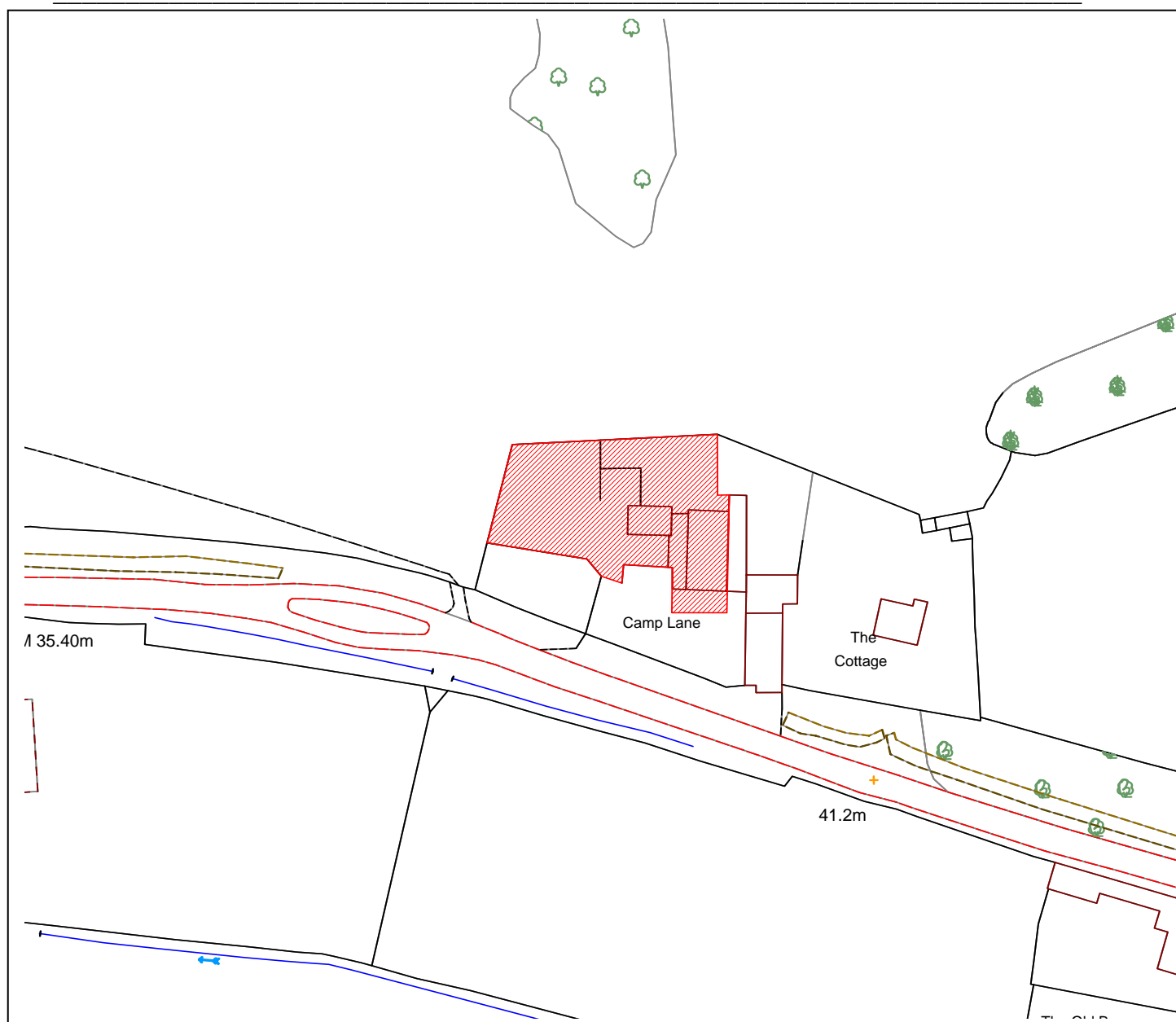
the proposed development and which would outweigh the significant harm to the Green Belt and the purposes of including land within it. The proposed development is therefore contrary to policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy 16 of the Adopted Joint Replacement Structure Plan, The Development within the Green Belt adopted Supplementary Planning Document).

2. The site and the proposed development is located in a very prominent position in the landscape and would be highly visible from the public realm and publicly accessible land. Given the design, scale and position of the new development will have a significant and harmful impact upon the character of the site and surrounding landscape and is unacceptable in design and landscape character terms. The development is therefore contrary to Policy D1, and L1 of the South Gloucestershire Local Plan (Adopted) January 2006, The South Gloucestershire Design Checklist.

3. The existing access to this site is substandard in terms of visibility and does not adequately cater for safe access and egress at the junction with the driveway and Alveston Road. The proposed development would result in the intensification of this substandard access onto Alveston Road where it has not been demonstrated that the highway safety issues can be satisfactorily overcome. The proposed development would therefore result in a detrimental impact upon highway safety and is therefore contrary to Policy T12.

CIRCULATED SCHEDULE NO. 05/08 – 6 FEBRUARY 2009

App No.:	PT08/3198/F	Applicant:	Mr M Mills Almondsbury Forge Works
Site:	The Workshop, Elberton Garage, Redhill Lane, Olveston, South Gloucestershire, BS35 4AQ	Date Reg:	17th December 2008
Proposal:	Erection of covered lean to area and steel racks (retrospective). Siting of portacabin for use as an office.	Parish:	Aust Parish Council
Map Ref:	60639 88735	Ward:	Severn
Application Category:	Minor	Target Date:	11th February 2009



© South Gloucestershire Council 2009. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2009.

DC0901MW

N.T.S

PT08/3198/F

This application appears on the Circulated Schedule in view of the letter of support that has been received.

1. THE PROPOSAL

- 1.1 The application seeks retrospective planning permission for the erection of a covered lean-to and steel racking system. Planning permission is also sought for the siting of a portacabin for use as an office.
- 1.2 The application site relates to The Workshop at Elberton Garage on the north side of Redhill Lane, Olveston. The site lies beyond the settlement boundary but within the Green Belt.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG2:	Development within the Green Belt
PPG4:	Industrial and Commercial Development and Small Firms
PPG13:	Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1:	Achieving Good Quality Design in New Development
GB1:	Development in the Green Belt
E6:	Employment Development in the Countryside
T8:	Parking Standards
T12:	Transportation Development Control Policy for New Development
L1:	Landscape Protection and Enhancement

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)
Development within the Green Belt (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 N1244: WC for motor engineers workshop and garage. Withdrawn: 25 March 1975
- 3.2 N1244/1: Demolition of existing workshop buildings & erection of new workshop in connection with existing motor vehicle service and repair garage. Permitted: 19 November 1976
- 3.3 N1244/2: Erection of detached dwelling; alterations to existing vehicular and pedestrian access. Refused: 22 January 1981
- 3.4 P88/3255: Erection of single-storey extension to garage workshop. Permitted: 15 December 1988
- 3.5 P89/1839: Erection of detached dwelling and garage. Refused: 5 July 1989

- 3.6 P89/2224: Demolition of existing commercial garage buildings and erection of four detached dwellings and garages; alteration of existing vehicular access. Refused: 23 August 1989
- 3.7 P89/2821: Demolition of existing commercial garage buildings and erection of detached dwelling; alterations to existing access. Withdrawn: 21 January 1999
- 3.8 P92/2088: Erection of side extension to form M.O.T. testing bay. Permitted: 14 October 1992
- 3.9 P93/2291: Retention of extension to vehicular repair workshop. Refused: 10 November 1993; approved on appeal
- 3.10 PT00/0838/F: Alteration to roof pitch and elevational alterations to single-storey garages to provide improved access. Permitted: 10 May 2000
- 3.11 PT08/0565/F: Change of use from garage (Class B2) to Blacksmith Forge and workshop (Class B2). Permitted: 18 April 2008

4. **CONSULTATION RESPONSES**

4.1 Aust Parish Council
No comments received

4.2 Other Consultees
Environmental Services Officer: No comment but requests current working hours relates to this part of the site
Highways DC: No objection

Other Representations

4.3 Summary of Local Residents Comments:

Three letters received (same writer) expressing the following concerns:

- o The area (hatched in red) was a natural, undeveloped and enclosed area of land that has now been excavated, concreted, and with a building and racks erected;
- o Stood 15m from the neighbouring dwelling, it is an additional unreasonable source of noise pollution;
- o The new window in the north elevation acts as a further outlet for noise;
- o The site is in a quiet rural area situated within the Green Belt;
- o The proposed floor areas shown and detailed appear to be inconsistent;
- o PT08/0565/F was approved on the basis of no additional floor space;
- o The noise concerns previously raised in respect of the last submission have materialised and ongoing discussions are being held with the Councils Environmental Services Officer;
- o The smoke emitted from the forge chimney will be a nuisance.

Annotated application details and the Officer report in support of the previous application are also included with one of these letters.

- 4.4 One further letter of support from the owner of the adjoining Elberton Garage states that as the only neighbour of the site, the writer has 'no objections whatsoever'. It is stated that there is very little noise, and no disturbance. It is considered 'only right and proper' to support a local industry that 'helps to keep local community 'live''.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Planning policy GB1 cites that within the green belt, planning permission will only be given for the construction of new buildings where for the following purposes:

- Agriculture and forestry;
- Essential facilities for outdoor sport and recreation;
- Cemeteries;
- Limited extension, alteration or replacement of existing dwellings;
- Limited infilling within the settlement boundaries.

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

- 5.2 Planning policy E6 of the Local Plan states that proposals for new employment B2 general industrial uses outside the urban areas and settlement boundaries will not be permitted except when subject to a limited number of circumstances; one exception allows the extension or intensification of existing employment generating uses provided that the site is not within the Green Belt.

5.3 Design/ Visual Amenity

The application relates to a forge workshop adjacent to the Elberton garage on the north side of Redhill Lane, Olveston. The forge occupies two single-storey workshops and a yard with the main workshop used for fabrication and welding and with the smaller workshop utilised for drilling, cutting and preparation.

- 5.4 The application seeks retrospective approval for the erection of a covered area to the rear of the site with this comprising of block work walls and a metal sheet roof. This houses a working forge and faces westwards overlooking the main yard. Retrospective approval is also sought for a 3m high steel racking system which has been erected adjacent to the rear site boundary.

- 5.5 Further, the application seeks permission for a portacabin that would stand adjacent to the rear boundary between the existing racking system and covered area. This would provide office accommodation.

- 5.6 In considering the above, it is noted that the application site sits at the foot of a hill with the rear of the site excavated to allow this additional structure. This helps to offset the impact of the building when viewed from the open green belt countryside behind whilst further attempts to help mitigate its impact have been made with the rear walls painted green. Nevertheless, the forge chimney is clearly visible whilst the racking system exceeds the boundary fence height.

- 5.7 Notwithstanding the above, the proposal is contrary to planning policy E6 with the extension/ intensification of existing employment uses not permitted within the Green Belt. In view of this policy objection, refusal is recommended in this instance. There are also objections to the portacabin given that this would form a building of temporary nature to be sited here on a permanent basis and to the flue which appears prominent in its landscape setting.
- 5.8 Impact upon the Openness of the Green Belt
The rear of the application site is visually well contained given its positioning at the foot of a hill and in view of the existing boundary hedgerow and fencing. As such, this would help to offset the visual impact of the proposals.
- 5.9 Notwithstanding the above, the proposal is by definition, contrary to Green Belt policy with the erection of new buildings for employment generating purposes not cited as one of those exceptions where permission for new development might be given. To this extent, the supporting text to policy GB1 advises that where development does not fall within the limited categories of development that are defined, the onus will be on the applicant to demonstrate that there are very special circumstances that would justify the grant of planning permission.
- 5.10 In this instance, there are no very special circumstances which have been put forward in support of the proposal thus planning refusal is also recommended on this basis.
- 5.11 Residential Amenity
In view of the relatively isolated position of the application site, there is only one neighbouring property within close vicinity of the application site; this being The Cottage stood to the eastern side of the retained garage. This property forms a stone built two-storey cottage located at a higher level overlooking the garage.
- 5.12 An objection has been raised by this neighbouring resident with it cited that the previous submission was approved on the basis that there would be no increase in floor space. Further, the external area is also likely to provide an additional source of noise disturbance.
- 5.13 In response, the increase in floor space is considered unacceptable in planning policy terms for the reasons cited above. However, it is noted that the previous approval did not limit works to within side the buildings given that this was considered unreasonable and unenforceable. Arguably, it is considered that the proposal could be of benefit to this neighbouring occupier given that it might help to contain any noise caused.
- 5.14 Notwithstanding the above, it is not considered that planning permission could be reasonably withheld in view of any impact on this property given the extant permission and given the comments received from the Councils Environmental Services Officer. It is also noted that the new building would be subject to the time constraints imposed by the original permission which limits working hours.
- 5.15 With regards to the additional concerns raised, the new opening in the north elevation looks towards the covered area. However, with existing openings to the building and with no restriction on outside operations, it is not considered that planning permission could be reasonably withheld on this basis. The same

is true regarding the chimney with it positioned at an appreciable distance from this neighbouring property.

5.16 Highway Safety

The site is located off the B4461 (Redhill Lane) that provides access to the wider highway network. It is considered that the scale of development is such that no significant increase in traffic would be generated. Therefore, given that the proposal would largely consolidate the existing lawful site use; there is no highway objection in this instance.

5.17 Design and Access Statement

The Design & Access Statement received 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 **PT08/3198/F**

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

REFUSAL REASONS

1. The site is located within the Bristol Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of PPG2, Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy 16 of the approved Joint Replacement Structure Plan (Adopted) September 2002 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.

2. The application would allow the extension of an existing employment generating use within the open Green Belt countryside. Accordingly, the proposal is considered to be contrary to Planning Policy E6 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.

3. The proposed portacabin would be of poor quality design at this sensitive position within the Green Belt. The proposal is therefore considered to be contrary to Planning Policies D1, E6, L1 and GB1 of the South Gloucestershire Local Plan and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.

4. The proposed flue is considered to comprise an incongruous feature and appear visually intrusive within this rural landscape. The proposal is therefore considered to be contrary to Planning Policies D1, E6, L1 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.

CIRCULATED SCHEDULE NO. 05/08 – 6 FEBRUARY 2009

App No.:	PT08/3252/F	Applicant:	Mrs D Thomson
Site:	The Old Post Office, Gloucester Road, Rudgeway, South Gloucestershire, BS35 3RY	Date Reg:	30th December 2008
Proposal:	Change of use of offices/stores for heating engineering (Class B1) to 1no. dwelling (Class C3) as defined in the Town and Country Planning (Use Classes Order) 1987 (as amended).	Parish:	Alveston Parish Council
Map Ref:	62458 86368	Ward:	Thornbury South and Alveston
Application Category:	Minor	Target Date:	17th February 2009



© South Gloucestershire Council 2009. All rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410 2009
 DC99 HMW

INTRODUCTION

This application appears on the circulated schedule as there have been two letters of objection received from members of the public that are contrary to the case officer's recommendation of approval.

1. THE PROPOSAL

- 1.1 The proposal is for the change of use of offices/stores for heating engineering (Class B1) to 1no. dwelling (Class C3) as defined in the Town and Country Planning (Use Classes Order) 1987 (as amended).
- 1.2 The application site is located along the busy A38 Gloucester road, near the Southern edge of the settlement boundary of Rudgeway. The property is located on a corner plot at the entrance to Rudgeway Park and used to be a post office prior to its current use as a heating engineer's office and stores.
- 1.3 The surrounding properties feature detached dwellings in the immediate vicinity, with the semi detached being located across the street. These are from a variety of styles and periods mostly being 20th century. The old post office is characterised as a long thin single storey white washed building set in a small cartilage of a similar shape.
- 1.4 The proposed alterations are predominantly internal with a small lean to extension being proposed at the south elevation featuring a glass roof and another at the east elevation extension with a pitched roof to expand the living area. The proposed materials are to match the existing.

Amended plans were received on 31/1/2009 to alter the proximity of the proposed rear extension to be away from the boundary wall.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006

D1: Design
H2: Proposals for Residential Development
H5: Residential Conversions
L1: Landscape protection and enhancement
GB1: Green Belt
T7: Cycle Parking
T8: Parking Standards

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

3. RELEVANT PLANNING HISTORY

- 3.1 N7581 – Erection of front entrance porch and bedroom at first floor level. Approved with Conditions 1981
- 3.2 N7581/1 – Change of use of part of existing shop/post office to estate agents office. Refused 1983
- 3.3 P88/3205 – Erection of detached bungalow (Outline) Approved 1989
- 3.4 P97 – Change of use from retail (Class A1) to offices/stores for heating engineer (Class B1) Approved 1997

4. CONSULTATION RESPONSES

4.1 Alveston Parish Council
No Objection.

4.2 Other Consultees

Landscape Officer
No Objection.

Highways Engineer
No Objection.

Drainage Engineer
No Objection.

Other Representations

4.3 Local Residents

Two Letters of objection have been received which are summarised as follows:

- Damage to existing stone wall
- Party Wall issues
- Loss of residential amenity with reduction in height of stone wall.
- Drainage and flooding issues.
- Concern over loss of shared access with neighbouring property and misleading design and access statement.
- Significant design change from extension and loss of residential amenity.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policies H2 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006 are the most relevant to this development proposal. The policies indicate that the proposed development is acceptable in principle.

5.2 Housing Density

PPS3 advises that new housing development should achieve a minimum density of 30 dwellings per hectare. This density should be higher in areas where the characteristics of the site and its surroundings would permit, in order to make the most efficient use of land. Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 carries this principle forward; and requires that new development should achieve the maximum density of housing having regard to the characteristics of the site. A minimum density of 30 dwellings per hectare would normally be expected.

In this instance, the site is surrounded by a wide variety of dwellings, most of which are semi-detached, detached or bungalows. The sub-urban characteristics of the site and the surrounding locality would facilitate a density that is between 30 and 50 dwellings per hectare.

The proposed development achieves a density of 44 dwellings per hectare. As such the density of the proposed development is considered acceptable as the design changes adequately allow for the visual characteristics of the site and its surrounding context.

5.3 Green Belt

PPG 2 – Green Belts carries a presumption against “inappropriate development” within the Green Belt. PPG2 defines “inappropriate development” as development that is harmful to the Green Belt; however the guidance identifies the extension or alteration of a dwelling as appropriate development provided that it does not result in a disproportionate addition over and above the size of the original building or affect the open character of the green belt.

The proposed change of use and extensions are not considered to be disproportionate to the scale and character of the original dwelling. This is because the property is situated within the settlement boundary of Rudgeway and it is not considered that the wider open character of the Green Belt will be affected. The proposal is considered acceptable in these terms.

5.4 Visual impact/ Conversion

The proposal is for the conversion of what is otherwise a redundant building and will feature only minor external alterations in the form of single storey rear and side extensions. These alterations will only be partially visible from the road as they will be screened by the existing building and 10m high fir trees located at the front of the neighbouring property of No. 26 (Rudge House).

In addition the proposed side extension will feature the removal of an existing wooden lean to shed that can be considered to be of an incongruous design. Therefore with regards to the scale and design of the proposed additions, they are not considered to constitute a form of development that would detract from the character of the original building. This is supported because the proposed roof height will not exceed that of the existing and the proposed materials are also to match.

With regards to the history of the site it is noted that permission has been previously granted in 1989 for a similar proposal, however the property has undergone another change of use since then in 1997 when it was converted once again to a commercial property, this time as a heating engineers (Use class B1). Since the viability of this proposal for commercial purposes appears to have been proven as unsuccessful, and with regards to the surrounding properties predominantly consisting of residential properties, it is considered that the best use (C3: residential) is now being proposed in order to utilise an otherwise redundant building.

5.5 Residential Amenity

The applicant submitted amended plans on 23/1/2009 that overcame the concerns of the first letter of objection by retaining the rear wall and preventing the proposed rear extension from potentially encroaching onto their property (No.41 Rudgeway Park).

Regarding the change of use in general and the minor scale of the alterations, it is considered that the proposal, and in particular the proposed side extension will not substantially affect the other neighbouring property of Rudge House which is located a suitable distance away from the applicant's dwelling, to prevent any encroachment and general loss of amenity.

With regards to the drainage issues raised in the letter of objection, the comments received from the council's drainage engineer are considered to address any potential flooding issues and it is not considered that any further details or amendments are required.

5.6 Parking/ Highways

It is noted that council's highways engineer has no objections to the proposal on the grounds that the site has previously been used as a commercial property and the proposed residential use is likely to result in a reduction in vehicular traffic in comparison. Therefore it is not required to provide a turning area as would normal for the road classification.

The applicant has failed to provide cycle storage as part of this proposal and therefore a condition has been applied requiring the provision of this within the site in order to satisfy the requirements of policy T7 of the Local Plan 2006.

Regarding the concerns raised over the shared access, it is not a planning requirement to enforce legal covenants and it is noted that this application does not constitute a removal of any such pre established agreement. The applicant stated that no other land owner would be affected by the proposal and certificate A was signed and submitted confirming this at submission of the planning application.

5.7 Design and Access Statement

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

5.8 Section 106 Requirements

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

6. CONCLUSION

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

The 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 The application be **approved** subject to the following conditions.

Background Papers **PT08/3252/F**

Contact Officer: **Toby Adams**
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(s):

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

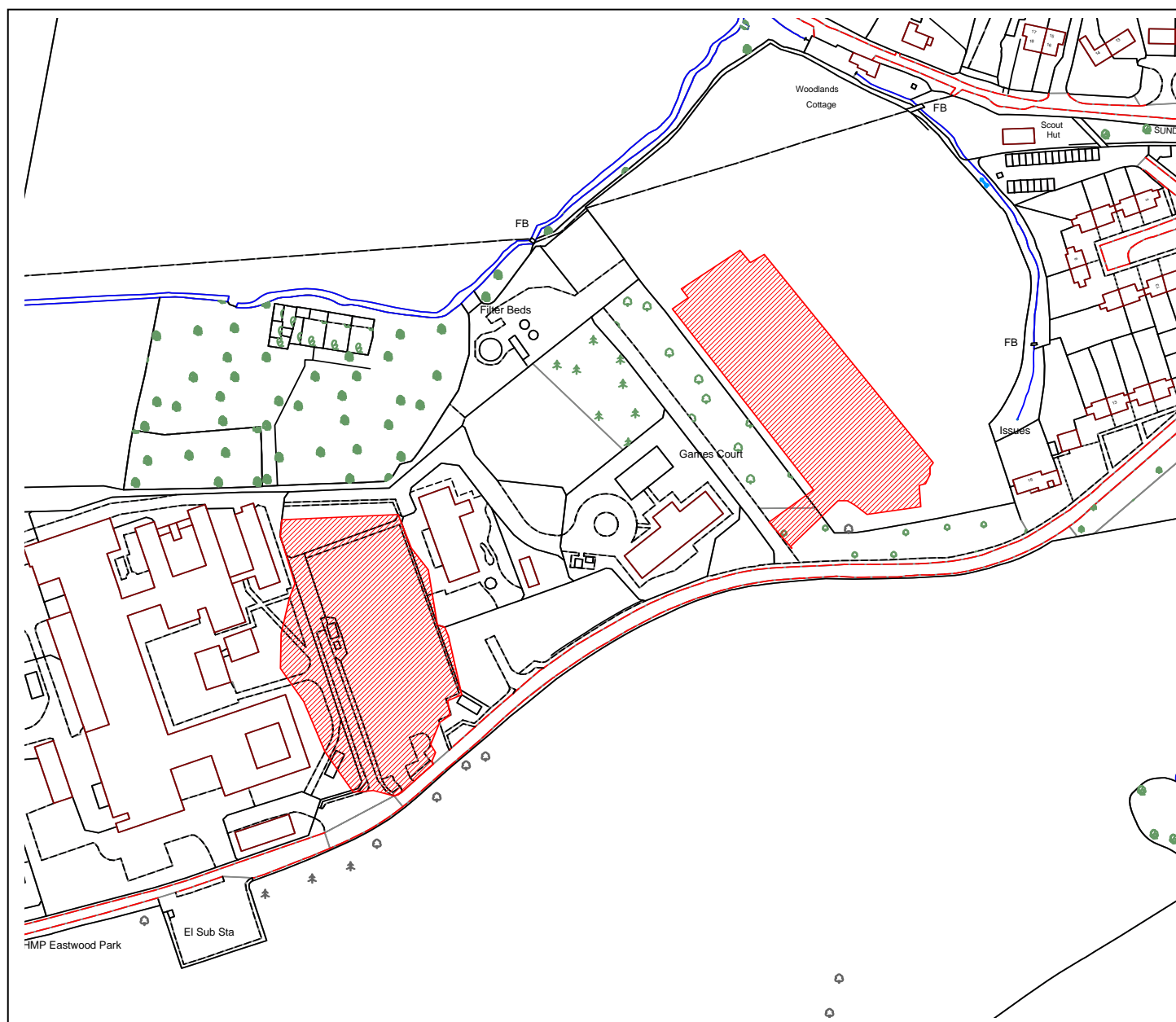
2. Prior to commencement of works, a site plan is to be submitted to the planning authority for approval, detailing the inclusion of secure bicycle storage, which shall be implemented thereafter as per the approved.

Reason(s):

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

CIRCULATED SCHEDULE NO. 05/08 – 6 FEBRUARY 2009

App No.:	PT09/0002/F	Applicant:	Mr G Beaumont Ministry Of Justice
Site:	The Eastwood Park Womans Prison, Eastwood Park, Falfield, South Gloucestershire, GL12 8DB	Date Reg:	5th January 2009
Proposal:	Erection of 2 storey houseblock and 5.2 metre high fencing. Construction of car park.	Parish:	Falfield Parish Council
Map Ref:	67892 93080	Ward:	Charfield
Application Category:	Minor	Target Date:	18th February 2009



© South Gloucestershire Council 2009. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2009.

N.T.S

PT09/0002/F

INTRODUCTION

This application appears on the Circulated Schedule following the receipt of representations from Falfield Parish Council and local residents which are contrary to the Case Officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the erection of a two storey house block, the erection of a 5.2 metre high fence, and the construction of a car park.
- 1.2 The proposed house block would be two-storey in scale, cruciform in shape, and would have a pitched roof. The building would be sited on the existing car park, a new car park (to provide space for the same number of cars) would be provided to the west of the existing prison. The building would include 64 cells which would provide accommodation for 80 prisoners. The applicant has confirmed that the proposed scheme would not result in increased numbers of prisoners or staff on site. Furthermore, the scheme would include the erection of a new 5.2m security fence, which would clad up to a height of 2.4m.
- 1.3 The application site relates to the well established HMP Eastwood Park Female Prison. The site is situated within open countryside and is outside of the Falfield development boundary.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1: Delivering Sustainable Development
- PPS7: Sustainable Development within Rural Areas
- PPG13: Transport
- PPS9: Biodiversity and Geological Conservation
- PPS23: Planning and Pollution Control
- PPG24: Planning and Noise

2.2 Circulars

- Circular 03/98: Planning for Future Prison Development

2.3 South Gloucestershire Local Plan (Adopted) January 2006

- D1: Achieving Good Quality Design in New Development
- L1: Landscape Protection and Enhancement
- L9: Species Protection
- L17 & L18: The Water Environment
- EP1: Environmental Pollution
- EP2: Flood Risk and Development
- T12: Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

- South Gloucestershire Design Checklist SPD (Adopted) August 2008

3. RELEVANT PLANNING HISTORY

- 3.1 The most recent applications for new buildings on the site are listed below: -
- 3.2 PT02/0991/C84 Erection of two storey building to form mother and baby unit.
No objection on 16 May 2002
- 3.3 PT04/2277/C84 Erection of two storey building to form Juvenile accommodation block. Erection of fencing and construction of 30 additional parking spaces
No objection on 14 October 2004

4. CONSULTATION RESPONSES

4.1 Falfield Parish Council

Objects to this application for the following reasons: -

1. It has been reported that water runoff is already causing the brook adjacent to the prison to overflow
2. The proposal will involve increased immediate runoff from greater areas of hard standing. In addition the attenuation area provided by water soaking into the adjacent field will be reduced.
3. There will be an increase in both light and noise pollution to the residents of Church Avenue, Eastleigh Close and Sundays Hill Lane.
4. Concerns were expressed at Falfield Parish Council meeting of 20th Jan 2009 about the septic drainage in the area.

4.2 Sustainable Transport

No objections.

4.3 Local Residents

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

Planning Considerations

- A. Object to relocation of garage into "buffer zone" between prison and houses.
- B. If this application goes ahead, it will set a precedent for further additions to the prison.
- C. Impact on wildlife (Birds of prey, Hazel Dormouse, Bats & Owls)
- D. Noise/light pollution from car park – impact on residential amenity.
- E. The new house block would require additional car parking spaces for staff and visitors – where will these additional persons park?
- F. Concerned about future application for additional parking space.
- G. Highway safety issues.
- H. Additional traffic (visitors/staff/deliveries) to Church Road would result in health and safety of residents, especially children.
- I. The development would increase run-off and could increase existing flooding problems.
- J. The development involves the removal of historic trees, this is unacceptable.

- K. South Gloucestershire Council are trying to establish Green Travel Plans. Building car park ignores this.

Non Planning Considerations

- L. The light pollution would prevent the night sky from being seen properly from our garden.
- M. Concerns that the “moth-balled” accommodation would be refurbished and overall capacity increased.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Circular 03/98 (Planning for Future Prison Development) advises that local planning authorities need to make adequate provision through the planning system for new prison developments. It also makes it clear that it is desirable that, wherever possible, sites for new prisons to be identified as part of development plans. Notwithstanding this, the adopted South Gloucestershire Local Plan provides no specific guidance, or site-allocation for existing or new prison developments. In this application the proposed development would be situated within, and adjacent to, a well established prison. Therefore given this existing established use, it is considered that the principle of this development would be acceptable. The other material planning considerations of this development shall be assessed against general policies on design, transportation and environmental impact.

- 5.2 Circular 03/98 does provide some limited guidance on this matter. It advises that the Secretary of State would expect the local planning authority to ensure appropriate weight is given to the public interest in providing an adequate number of the prison places to meet the requirement of the criminal justice system. As such, it is considered that the principle of the proposed development would be acceptable.

5.3 Design Considerations

The proposed house block would be two-storey in height, and cruciform in shape. The building would be finished in materials to match the adjacent buildings. The proposed house block would have a rather utilitarian appearance due to the security constraints of prison development. Nevertheless, this building style, scale, massing and materials would be almost identical to other buildings on the site. As such, it is considered that the proposal would respect the character and appearance of site and would accord with Councils design policy set out under Policy D1 of the adopted local plan and the South Gloucestershire Design Checklist SPD.

5.4 Residential Amenity

The existing prison is situated adjacent to a well established residential area. The Council have received representations from local residents which have objected to this development on the grounds of a loss of residential amenity. This issue is assessed below: -

5.5 *Overbearing Effect/Loss of Privacy*

The proposed house block would be situated approximately 260 metres from the nearest residential dwelling, and the proposed car park would be situated

approximately 50m away. In view of these distances, it is considered that the proposed development would not give rise to an overbearing effect, or a loss of privacy to near by residential occupiers.

5.6 ***Light Pollution***

The representations received in relation to this application have raised concerns to the potential light pollution arising from the development and its effects on the nearby neighbours, particularly from the proposed car park lighting. As such, to consider this issue fully the Councils Environmental Health and Street Lighting Officer have been consulted. It has been concluded by these Officers that the principle of the proposed location would be acceptable, providing the proposed lighting scheme accords to the Institute of Lighting Engineers publication "Guidance Notes For The reduction Of Light Pollution". To ensure this, it is recommended that a condition is attached to ensure further lighting details are submitted prior to the commencement of development and agreed with the Local Planning Authority. The condition shall be discharged in collaboration with the Environmental Health and Street Lighting Officers.

5.7 ***Noise Pollution***

The representations received in relation to this application have raised concerns to the potential noise pollution arising from the development and its effects on the nearby neighbours. Notwithstanding these comments, the Council Environmental Health has considered this issue and has raised no adverse comments. As such, it is considered that the proposed development would not result in any material noise pollution which would prejudice the amenities of nearby occupiers.

5.8 **Landscape and Trees**

To assess impact of the development upon the existing landscape the Councils Landscape Architect and Tree Officer have been consulted. It was concluded that the most important landscape features of the site are the veteran trees. The proposed house block would result in a Horse Chestnut (T4) and a Scots Pine being felled for security reasons. Furthermore, to facilitate the access to the proposed car park it is proposed to remove a twin stemmed Poplar tree (T25) which is of poor structural form. The Council Officers did not object to the removal of these trees and considered that the loss of the trees would be counted by the new tree planting in the area of the proposed car park.

5.9 It is noted that a number of the veteran oak trees (T7, T8, T11 and T12) would be particular close to the proposed development. The Council Officers consider that an Arboricultural Method Statement shall be agreed with the Local Planning Authority prior to the commencement of development. This statement shall detail any alterations within the Root Protection Area and will demonstrate the steps proposed to minimise damage to the root systems of the trees. This shall be secured by an appropriately worded planning condition.

5.10 The proposed development includes a landscaping scheme to provide screening to help soften the encroachment towards the houses to the east of the site. The principles of the landscape proposals are considered acceptable although the proposed plant species are not considered entirely appropriate. The Phase 1 Habitat Survey makes specific recommendations regarding the species to be used in new planting and these recommendations have not been

followed through. Amended plans have been received that have shown a more appropriate mix of species. However, notwithstanding these plans, it is considered that a more 'evergreen' planting mix is required to ensure that an appropriate level of screening is provided in winter months. It is therefore recommended that prior to the commencement of development a landscaping scheme shall be agreed with the Local Planning Authority. This shall be secured by an appropriately worded planning condition.

5.11 Ecology

The application site comprises of an existing car park and a field of tipped and graded (made) land adjoining the main prison facilities to the north east. There are no statutory or non-statutory nature conservation designations covering the site, although there are several Local Sites (SNCIs/RIGS) within 2km, none of which would be affected by the proposals. The representations received in relation to this application have raised concerns with the impact on wildlife (e.g. Birds of prey, Hazel Dormouse, Bats & Owls). As such, to consider this issue fully the Councils Ecologist have been consulted.

5.12 The application contains an Extended Phase 1 Habitat Survey of the site carried out by Scott Wilson on behalf of the applicants and dated December 2008. The site primarily consists of semi-improved grassland, marshy grassland and standard trees. While not of any noteworthiness in itself, the grasslands do offer potentially useful habitat for a range of *Herpetofauna*; and wet grassland is scarce in the immediate locality of the application site.

5.13 The majority of this habitat will be retained outside the car parking area and as such development will not unduly impact on ecology locally. Notwithstanding this, paragraph 14 of Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9) states that:-

'Development proposals provide many opportunities for building-in beneficial biodiversity or geological features as part of good design. When considering proposals, local planning authorities should maximise such opportunities in and around developments, using planning obligations where appropriate.'

5.14 In accordance with the above, ecological gain should be sought within the development, in this case, via the remaining area of semi-improved/marshy grassland within the field (application site) being managed sensitively to benefit its biodiversity. This could usefully form the basis of an ecological method statement and management plan to be drawn up as the basis of a planning Condition. Furthermore, the recommendations made on page 22 of the report regarding the native shrub species mix for the landscape planting are supported.

5.15 Whilst the report did not include specific protected species surveys, it includes an appraisal of the likelihood of a variety of species occurring within the site. The only two likely to occur within the development 'footprint' are reptiles (slow-worm) and amphibians although it is conceded that the latter is less likely due to the fact that there are no ponds or water bodies in proximity to the proposed site of the new car park.

5.16 As a precautionary measure, it is recommended that a ‘fingertip search’ of the development site (proposed new car park) is carried out by qualified ecologists immediately prior to commencing development and this is acceptable. Section 7.1 of the survey proposes constructing three *Hibernacula* for reptiles/amphibians to over-winter in and this is welcomed and supported.

5.17 Therefore, in view of the above, it is recommended that: -

1. That a Condition is attached to planning permission (if granted) requiring that an ecological method statement and management plan, based on the findings/recommendations made within the December 2008 Extended Phase 1 Survey, be drawn up and agreed with the Council in writing prior to development commencing.
2. The statement should include details of a hand search of the grassland habitat forming the site of the proposed new car park for reptiles and amphibians (*Herpetofauna*): details of an appropriate management regime for the remaining area of semi-improved and marshy grassland in the field, to maximise its biodiversity: and the location and materials to be used for the three *Herpetofauna Hibernacula*.

5.18 Transportation

It should be noted that representations have been received from local residents which have raised concerns with highway safety and parking issues. To assess the issue the Councils Transport Engineer has been consulted. It has been concluded that the proposed building would replace two wings of the existing prison which are to be “moth-balled” as such there would be no increase in the number of prisoners or staff on site. Furthermore, the proposed replacement car park would provide the same number car parking space as the existing. In view of this, it is considered that the proposed development would not result in a material change in traffic generation and thus the impact on the adjoining highway would be negligible.

5.19 Drainage

It should be noted that representations have been received from local residents which have raised concerns with the proposed drainage and potential flooding. To assess the issue the Councils Drainage Engineer has been consulted. Notwithstanding these comments, the Engineer concluded that in principle the proposal are acceptable. Nevertheless, further detailed plan need to be agreed within the Local Planning Authority prior to the commencement of the development. This shall be secured by an appropriately worded planning condition.

5.20 Design and Access Statement

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

5.21 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under

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

6. CONCLUSION

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

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 **PT09/0002/F**

Contact Officer: **Peter Rowe**
Tel. No. **01454 863131**

CONDITIONS

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

Reason(s):

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

2. Notwithstanding the submitted details, prior to the commencement of the construction works, details of any flood lighting and external illuminations (including specifications, scaled design-drawing (showing the proposed location/orientation/tilt angle, and measures to avoid light spillage); and a Lighting Report (including Upward Light Ratio, Light Trespass (into windows), Source Intensity and Building Illuminance calculations according to ILE's "Guidance notes for the reduction of obtrusive light"), shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy D1 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the commencement of the construction works a Arboricultural Method Statement (including any alterations within the Root Protection Area to the trees within the site, and details of the steps taken to minimise damage to the root systems of these trees) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

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

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

Reason(s):

To ensure a more evergreen planting mix in order to provide an appropriate level of screening for the adjacent residential properties during winter months, and to protect the character and appearance of the area to accord with Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the commencement of the construction works an ecological method statement and management plan for the site shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall be based on the findings and recommendations made within the December 2008 Extended Phase 1 Survey, and shall include:-

- a) a detailed scheme of protection, mitigation and compensation measures to be incorporated within the development;
- b) a timetable for the implementation of the scheme and for the monitoring of the impact of the development on the ecological features; and
- c) details of a hand search of the grassland habitat forming the site of the proposed new car park for reptiles and amphibians (Herpetofauna): details of an appropriate management regime for the remaining area of semi-improved and marshy grassland in the field, to maximise its biodiversity: and the location and materials to be used for the three Herpetofauna Hibernacula.

The development and the requirements of the management plan, shall subsequently be commenced prior to the development being occupied and carried out in accordance with the approved details.

Reason(s):

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

6. Prior to the commencement of the construction works drainage details incorporating Sustainable Drainage Systems (SUDS) shall be submitted for approval in writing to the Local Planning Authority. The drainage details shall include: -
 - a) A drainage layout;

- b) calculations to substantiate the greenfield discharge and proposed storage;
 - c) details of the water quality measures to be employed are required;
 - d) details for the watercourse outfall headwall are required;
 - e) confirmation that the private drainage pipes which cross the proposed car park will be unaffected by the works
- Development shall be carried out in accordance with the approved details.

Reason(s):

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

CIRCULATED SCHEDULE NO. 05/08 – 6 FEBRUARY 2009

App No.:	PT09/0083/ADV	Applicant:	Murco Petroleum Ltd
Site:	Almondsbury Filling Station, Gloucester Road, Almondsbury, South Gloucestershire, BS32 4HY	Date Reg:	14th January 2009
Proposal:	Display of 1 no. externally illuminated fascia sign (retrospective)	Parish:	Olveston Parish Council
Map Ref:	61755 85347	Ward:	Severn
Application Category:	Minor	Target Date:	10th March 2009



© South Gloucestershire Council 2009. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2009.

N.T.S

PT09/0083/ADV

This application appears on the Circulated Schedule List because an objection has been received from a local resident.

1. THE PROPOSAL

- 1.1 This application seeks Advertisement Consent for the display of 1no. externally illuminated fascia sign (retrospective). The Sign measures 0.90 metres in height, 9.60 metres in width and 0.169 metres in depth.
- 1.2 The application site comprises a petrol filling station located within open Green Belt land. The petrol station is located on the eastern side of the A38 and stands adjacent to the highway.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG19 Outdoor Advertisement Control
PPG13 Transport
PPG2 Green Belts
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
L1 Landscape Protection and Enhancement
GB1 Green Belts
T12 Transportation Development Control Policy for New Development

3. RELEVANT PLANNING HISTORY

- 3.1 PT06/3457/F, Installation of free standing pod ATM machine, 09/01/07, Refusal.
- 3.2 PT02/3373/ADV, Display of double sided free standing illuminated advertising display unit (in accordance with amended plans received by the Council on 9 December 2002), 13/12/02, Approve with conditions.
- 3.3 PT01/0823/F, Installation of air/water and vacuum machines, 04/06/01, Approve with conditions.
- 3.4 PT00/0786/ADV, Retention of 6.2m high totem sign, illuminated 'cost cutter' sign to front elevation of shop, non-illuminated sign to side elevation of shop and neon strip to lower edge of tiled canopy, 21/07/00, Approve with conditions.

4. CONSULTATION RESPONSES

- 4.1 Olveston Parish Council
No objection

4.2 Landscape

Due to the illuminations and structures in the immediate area, there is no principle objection to the sign, however it is regrettable that it is not slightly smaller.

4.3 Transportation

No objection subject to the following condition – The source of illumination for the proposed sign shall not be visible to users of the highway.

Other Representations

4.3 Local Residents

Two letters have been received from local residents. The first letter objects to the development on the basis that the original building on the site was listed and therefore, strict conditions were imposed on the new building to ensure a design close to the original. The resident also highlights that a series of unlawful alterations have been attempted at the site.

- The resident objects to the application on the basis of the industrialisation of the area and erosion of the Green Belt.
- Further, the site is a traffic and pedestrian hazard given the speed of traffic on the A38 and the introduction of further advertising would exacerbate the problem.

4.4 The second letter received specifies that the illumination should be static and not permitted to flash on and off. Further, the blue neon strip that edges the canopy of the garage should not be extended to the area of this sign.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The display of outdoor advertisements is controlled through the Town and Country Planning (Control of Advertisements) Regulations 1992. National guidance states that advertisements can only be controlled in the interests of visual amenity and public safety. Further, the proposal replaces an existing sign granted Advertisement Consent on 21st July 2000 and on this basis, the principle of the proposal is acceptable.

5.2 Design/Visual Amenity

This application seeks retrospective Advertisement Consent for the display of 1 no. externally illuminated fascia sign. The sign, measuring 0.90 metres in height, 9.60 metres in width and 0.169 metres in depth is constructed from aluminium and is positioned at a height of 2.450 metres above the ground. The application site comprises a petrol filling station located within the open Green Belt. The petrol station is situated on the eastern side of the A38 and stands adjacent to the highway. The sign, displayed on the western elevation of the payment shop, comprises static illumination and does not flash.

- 5.3 The scale and position of the sign is considered appropriate for the host building and while the application site is located within the open Green Belt, the immediate area is characterised by the petrol station and the adjacent busy A38 road with associated illumination. On this basis and with the sign being predominately white, with the text 'Costcutter Express' in the corporate colour green, it is considered that the illuminated sign would not have a negative impact on the character of the area or the surrounding open Green Belt.

Given the above, the proposal adheres to PPG19 as well as Policy L1 and GB1 of the South Gloucestershire Local Plan (adopted) 2006.

5.4 Public Safety

A Council Transportation Officer that was consulted on the proposal is satisfied that the level of luminance falls within the recommended guidelines and does not object subject to the application of a condition. On this basis, it is considered that the proposal adheres to PPG19 and Policy T12 of the South Gloucestershire Local Plan (adopted) 2006 and would not have a detrimental impact on pedestrian or motorist safety.

5.5 Other Matters

With regards to the comments received from local residents, the application form states that the sign would encompass static illumination as opposed to neon or intermittent lighting, which is considered acceptable. The decision relates only to the plans submitted and any unauthorised development might be liable to enforcement action. The unlawful alterations identified, while not directly relevant to this application, will be investigated by the Council Enforcement Team. It is considered that the proposal is not contrary to Green Belt Policy and the Council Transportation Officer consulted regarding the application is satisfied that the proposal would not have a detrimental impact on pedestrian or motorist safety. While the previous structure might have been listed, the host building to which this application relates is not a listed building and any refusal reason on these grounds would be unlikely to prove sustainable at appeal.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 Advertisement Consent is GRANTED subject to the following conditions.

Background Papers **PT09/0083/ADV**

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

CONDITIONS

1. Notwithstanding the plans submitted, the source of illumination for the proposed sign shall not be visible to users of the highway.

Reason(s):

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