

**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. 06/09

Date to Members: 13/02/09

Member's Deadline: 19/02/09

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: 13/02/09

SCHEDULE NO. 06/09

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

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD
1	PK09/0088/TCA	No objection	Church Farm, Dunsdown Lane, West Littleton, South Gloucestershire, SN14 8JB	Cotswold Edge Tormarton Parish Council
2	PT08/2707/F	Approve with conditions	27 Lower Stone Close, Frampton Cotterell, South Gloucestershire, BS36 2LE	Frampton Cotterell Frampton Cotterell Parish Council
3	PT08/3229/F	Approve with conditions	The Royal Raj, High Street, Winterbourne, South Gloucestershire, BS36 1JN	Winterbourne Winterbourne Parish Council
4	PT08/3241/R3F	Deemed consent	Baileys Court Primary School, Breaches Gate, Bradley Stoke, South Gloucestershire, BS32 8AZ	Bradley Stoke Bradley Stoke Town (South) Council
5	PT09/0034/F	Approve with conditions	220 Ormonds Close, Bradley Stoke, South Gloucestershire, BS32 0DZ	Bradley Stoke Town Bradley Stoke North Council
6	PT09/0041/F	Approve with conditions	Oakmead, New Road, Rangeworthy, South Gloucestershire, BS37 7QH	Ladden Brook Rangeworthy Parish Council
7	PT09/0062/TRE	Approve with conditions	1 Orchard Close, Winterbourne, South Gloucestershire, BS36 1BF	Winterbourne Winterbourne Parish Council
8	PT09/0066/RVC	Approve with conditions	4 Green Dragon Road, Winterbourne, South Gloucestershire, BS36 1HF	Winterbourne Winterbourne Parish Council
9	PT09/0069/F	Approve with conditions	12 Bourton Avenue, Patchway, South Gloucestershire, BS34 6EA	Bradley Stoke Central and Stoke Lodge Patchway Town Council
10	PT09/0072/F	Approve with conditions	55 Beaufort Arms, North Road, Stoke Gifford, South Gloucestershire, BS34 8PB	Stoke Gifford Stoke Gifford Parish Council

CIRCULATED SCHEDULE NO. 06/09 – 13 FEBRUARY 2009

App No.:	PK09/0088/TCA	Applicant:	Mrs Mead
Site:	Church Farm, Dunsdown Lane, West Littleton, South Gloucestershire, SN14 8JB	Date Reg:	15th January 2009
Proposal:	Works to fell 1no. Horse Chestnut tree situated within West Littleton Conservation Area.	Parish:	Tormarton Parish Council
Map Ref:	76133 75346	Ward:	Cotswold Edge
Application Category:	Minor	Target Date:	25th February 2009



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100023410, 2008.

N.T.S

PK09/0088/TCA

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The application seeks consent to remove one Horse Chestnut Tree growing on the field boundary adjacent to residential property known as The Close. The application states that the tree is to be felled as it is in decline.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- L1 Landscape Protection and Enhancement
L13 Conservation Areas

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

4.1 Tormarton Parish Council

'Tormarton Parish Council have inspected this chestnut tree which is very large and is probably over 100 years old. They found one very large branch was in poor condition and part of this has broken off. This branch is possibly affected by an unidentified disease. The remainder of the tree seemed in reasonable condition and may be worth saving. The councillors therefore object to the felling of this tree and recommend that an independent assessment of the condition of the tree is carried out.'

Other Representations

- 4.2 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 The tree is a over-mature Horse Chestnut growing on the boundary of a field and the garden of The Close. Having inspected the tree, the Councils tree officer can report that there are fungal brackets originating from the main stem and major branches within the canopy, principally on the western side of the tree over the field. Although the fungal bodies were in a decaying state we were able to identify them as Oyster mushrooms *Pleurotus ostreatus* this is a decay fungi that weakens the integrity of branches and in severe cases the main stem.

Whilst the tree is suffering a severe infestation of the fungi it the opinion of the Councils tree officer that remedial treeworks should be undertaken to reduce the canopy size of the tree rather than felling it. The tree is a significant feature of the landscape offering high visual amenity to the area. There could also be an impact on the neighbouring trees if the chestnut is removed as the wind patterns will change which could result in the adjacent mature trees suffering wind damage.

Having spoken to the owner of The Close and the contractor Mr Wolf, it has been agreed that the tree is reduced by 30% and the large decayed limb overhanging the field is removed. (The owner of the tree is away on holiday but it is Mr Wolf opinion that they will concur with this decision).

South Gloucestershire Council have no way of refusing the works other than serving a Tree Preservation Order on the tree. Due to its condition and useful life expectancy it would not fulfil the criteria for a Tree Preservation Order. It has been decided that we should approve this application but the tree surgeon has agreed to only undertake a 30% crown reduction and removal of the decayed limb and reassess the trees condition next year.

It is felt that the removal of the tree on safety grounds is premature, and that remedial works could reduce the danger posed by the tree and allow its retention for a longer period of time

It is regretful that South Gloucestershire Council are unable to issue a Tree Preservation Order to ensure the future of this tree, but it is hoped that the discussions with the tree surgeon and the remedial works agreed will allow the retention of the tree for as long as possible.

6. CONCLUSION

- 6.1 In accordance with Section 38(b) 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 No objection.

Background Papers **PK09/0088/TCA**

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

CIRCULATED SCHEDULE NO. 06/08 – 13 FEBRUARY 2009

App No.:	PT08/2707/F	Applicant:	Mr A Holly
Site:	27 Lower Stone Close, Frampton Cotterell, South Gloucestershire, BS36 2LE	Date Reg:	3rd October 2008
Proposal:	Erection of two storey side extension and single storey front extension to provide additional living accommodation (Resubmission of PT08/1934/F) (in accordance with amended plans received on 14 January 2009).	Parish:	Frampton Cotterell Parish Council
Map Ref:	67352 81511	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	29th October 2008



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100023410 2009

DC090 MW

INTRODUCTION

This application has been referred to the Circulated Schedule due to a letter of objection received from a local resident.

1. THE PROPOSAL

- 1.1 This full application relates to the erection of a two storey side extension and single storey front extension at 27 Lower Stone Close, Frampton Cotterell.
- 1.2 The application site is a modest two storey cottage of traditional appearance within the settlement boundary of Frampton Cotterell. A single storey shop adjoins the property to the north of the site and a new dwelling has been erected to the east of the property. The site is accessed off Lower Stone Close to the front and benefits from off-street parking. The site is small and constrained in nature, especially to the rear boundary and has limited garden area. The property is currently undergoing refurbishment.
- 1.3 The application is a resubmission of PT08/1934/F which related to a two storey side/front extension. This application was refused on the grounds of design and overlooking/loss of privacy. The current application has been amended to remove a two storey rear extension and the roof of the proposed single storey extension has been changed from a hip to a gable.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 Development within Existing Residential Curtilages, Including
 Extensions and New Dwellings
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT08/1934/F Erection of two storey side extension.
 Refused 20 August 2008 on the grounds of design and
 overlooking/loss of privacy.

4. CONSULTATION RESPONSES

- 4.1 Frampton Cotterell Parish Council
a) No objection.

Other Consultees

- 4.2 Sustainable Transport
No objection.

Other Representations

- 4.3 Local Residents
1 letter has been received objecting to the proposal on the following grounds:-
a) out of keeping;
b) overdevelopment.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The previous application was refused on the grounds of its design and overlooking/loss of privacy from the first floor windows and Juliette balcony. The resubmitted scheme has been designed to overcome the previous refusal reasons. In assessing applications for residential extensions, policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 is particularly relevant. Extensions are normally permitted provided they respect the massing, scale, overall design and character of the existing property and street scene and would not prejudice amenities of nearby occupiers, highway safety or the retention of adequate private amenity space.
- 5.2 It is considered that the revised application accords with the above policy criteria. The design of the extensions is in keeping with the existing dwelling. The ridge height matches the existing cottage and the proportions and all materials (stone/rendered finish) are to match existing. In terms of overlooking/loss of privacy, these issues have also been addressed. No windows are to be inserted at first floor level in the rear elevation and the windows to the side and front elevations at first floor level are to be obscurely glazed. Access/parking arrangements are unchanged and adequate amenity space will remain. The proposal is therefore in accordance with the adopted development plan and is acceptable.
- 5.3 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in

accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

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

7. RECOMMENDATION

- 7.1 Planning permission be granted subject to the following conditions.

Background Papers **PT08/2707/F**

Contact Officer: **Vivian Butt**
Tel. No. **01454 863427**

CONDITIONS

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

Reason(s):

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

2. No windows other than those shown on the plans hereby approved shall be inserted at any time at first floor level in the extension hereby permitted.

Reason(s):

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

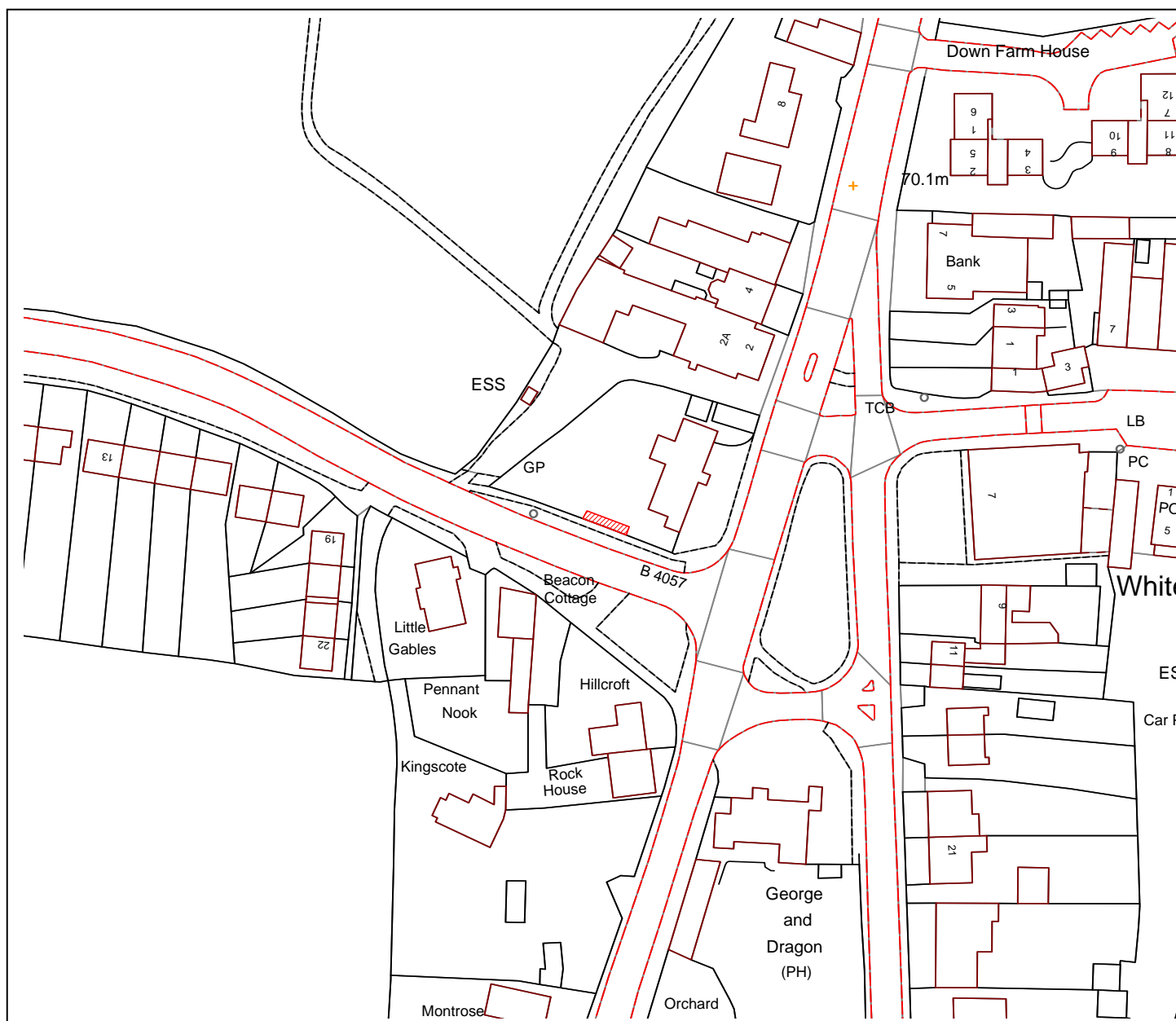
3. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed first floor windows in the extension hereby permitted shall be glazed with obscure glass to level 3 standard or above.

Reason(s):

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

CIRCULATED SCHEDULE NO. 06/09 – 13 FEBRUARY 2009

App No.:	PT08/3229/F	Applicant:	Mr M Iqbal Royal Raj Restaurant
Site:	The Royal Raj, High Street, Winterbourne, South Gloucestershire, BS36 1JN	Date Reg:	23rd December 2008
Proposal:	Construction of new vehicular access to existing car park	Parish:	Winterbourne Parish Council
Map Ref:	64738 80526	Ward:	Winterbourne
Application Category:	Minor	Target Date:	1st April 2009



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100023410, 2009.

INTRODUCTION

This application has been referred to the Circulated Schedule due to letters of objection received from the Parish Council and a local resident.

1. THE PROPOSAL

- 1.1 This application relates to the construction of new vehicular access to serve existing car park at The Royal Raj, High Street, Winterbourne. The new access is off Beacon Lane and requires a new opening within the existing stone boundary wall and the formation of a splayed area. The wall opening has been made but is currently fenced off and not in use. The new access is also to be gated. The existing access serving the car park is located to the front of the property, off the High Street and in close proximity to the junction with Beacon Lane. This access is to be blocked up and bollards erected around the radius to prevent vehicles entering the carriageway at this location.
- 1.2 The application site is located within the settlement boundary of Winterbourne.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG13 Transport
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT04/3870/F Construction of new vehicular access to existing car park.
Withdrawn 18 August 2005.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
Strongly object to the proposal on the following grounds:-
a) very dangerous entrance onto Beacon Lane which is a very busy road;
b) proximity to pedestrian crossing and traffic lights;
c) School pupils use this crossing;
d) Traffic queues along Beacon Lane at peak times making this unfeasible;
e) Opening already made.
- 4.2 Sustainable Transport
No objection subject to conditions.

4.3 Local Residents

1 letter has been received objecting to the proposal on the following ground:-

- a) highway safety issues due to volume of traffic using Beacon Lane, traffic speeds and proximity of pedestrian crossing.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The main issue to consider in the assessment of this application is transportation. Policy D1 of the adopted local plan requires access to be safe. In addition, policy T12 also requires safe access for all road users and does not permit development that would create or unacceptably exacerbate traffic congestion or have an unacceptable effect on road, pedestrian and cyclist safety.

- 5.2 The application has been assessed by the Council's Transportation Engineer. The proposal seeks to close an extant access located on the corner of Beacon Lane and High Street, both classified highways, to a point 25m from the junction on Beacon Lane itself. Visibility at the new junction is acceptable and there is a 45 degree pedestrian visibility splay provided.

- 5.3 The extant access is to be closed and bollards erected around the radius to prevent vehicles entering the carriageway at this location. The proposal is considered a highway betterment as the proposal will remove all manoeuvring and reversing directly on the junction of a classified highway. As such no objections are raised subject to appropriate conditions requiring the blocking up of the extant access and the erection of bollards prior to the first use of the access; pedestrian priority to be maintained at the crossing point; crossing point to have a bound surface to avoid loose material being carried onto the highway and the gates must be capable of inward opening only.

- 5.4 The application therefore complies with the adopted local plan and is considered to be an improvement on the current situation in highway safety terms and is acceptable.

5.5 Design and Access Statement

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

5.6 Section 106 Requirements

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

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 Planning permission be granted.

Background Papers PT08/3229/F

Contact Officer: Vivian Butt
Tel. No. 01454 863427

CONDITIONS

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

Reason(s):

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

2. Before the vehicular access hereby permitted is first used, the existing vehicular access located on the corner of Beacon Lane and High Street shall be permanently stopped up and bollards erected in accordance with approved plans DFC668/01A.

Reason(s):

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

3. The existing access shall be blocked up using natural stone which shall match the existing boundary wall in respect of colour, texture, coursing, jointing, pointing and capping.

Reason(s):

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

4. The crossing point shall maintain pedestrian priority at all times and be constructed of a bound material.

Reason(s):

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

5. The access gates shall only be capable of opening inwards.

Reason(s):

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

CIRCULATED SCHEDULE NO. 06/09 – 13 FEBRUARY 2009

App No.: PT08/3241/R3F

Applicant: Mr D Beale South
Gloucestershire
CouncilSite: Baileys Court Primary School,
Breaches Gate, Bradley Stoke, South
Gloucestershire, BS32 8AZDate Reg: 24th December
2008

Proposal: Erection of Elliott classroom.

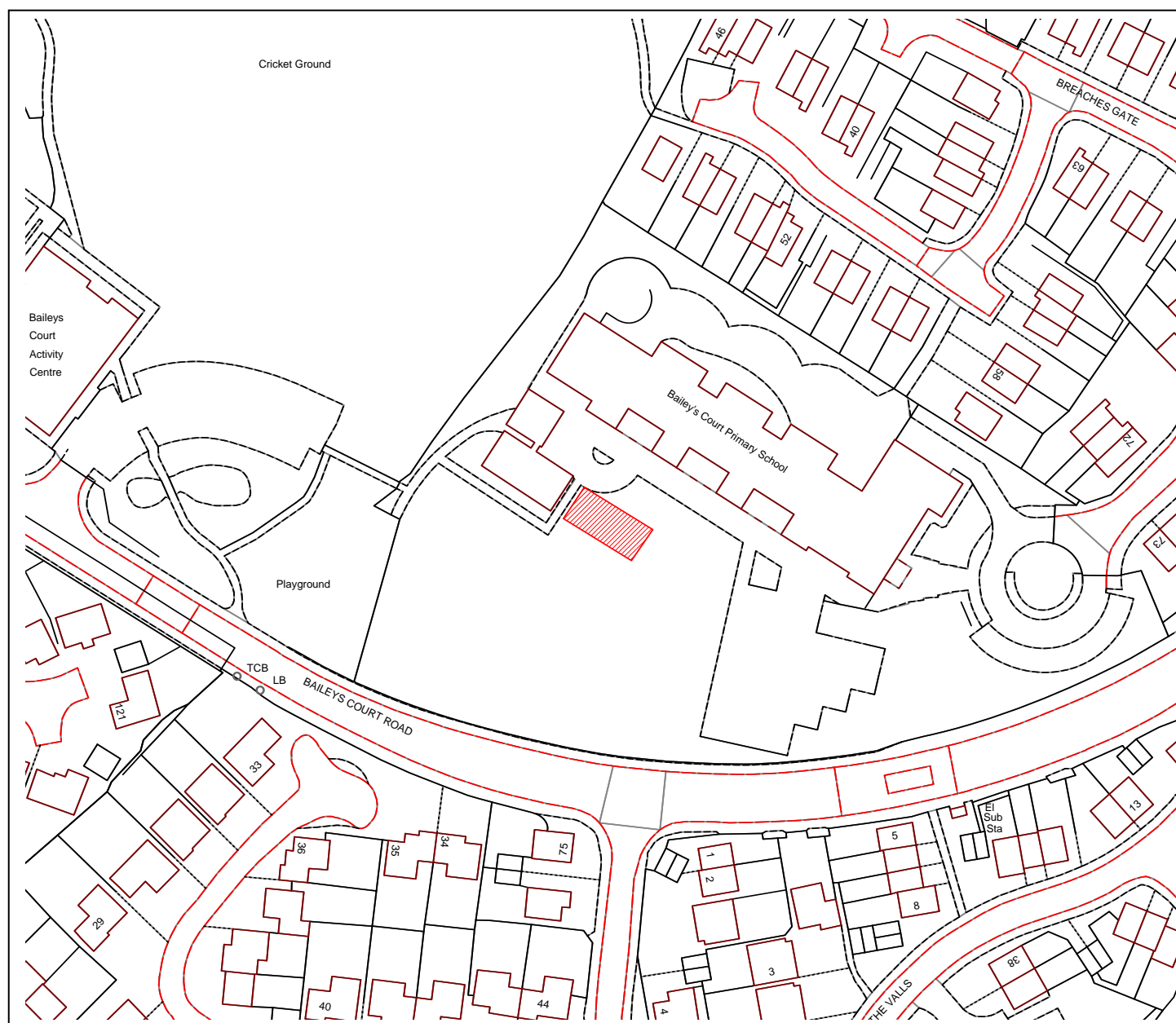
Parish: Bradley Stoke Town
Council

Map Ref: 62811 80746

Application Category: Minor

Ward: Bradley Stoke South
Target Date: 17th February 2009

Date:



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100023410, 2009.

INTRODUCTION

This application appears on the Circulated Schedule as the applicant is South Gloucestershire Council Property Services Department.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning consent for the erection of an Elliott classroom.
- 1.2 The application site relates to a Primary School in Bradley Stoke. The school is located within a residential area, with access to the site through a residential street (Breaches Gate). The proposal consists of the erection of an Elliott classroom to the south of the main school building on a section of playing field.

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
LC4 Proposals for Educational and Community Facilities within the Existing Urban Area and Defined Settlement Boundaries
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

P95/0020/443 Erection of primary school. Approval 20/02/1996

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
No objection.
- 4.2 Local Residents
No response.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows extensions and development within educational site provided that the proposal is acceptable in terms of the following considerations.
- 5.2 Residential Amenity
The proposed Elliott classroom is to be located some 60 m away from the nearest residential properties to the south of Baileys Court Road. The

classroom would not adversely impact on the residential amenity of any of these neighbouring occupiers.

5.3 Sustainable Transport

The Council's Highways Engineer was consulted as a part of this application. The proposed Elliott classroom will represent a slight expansion of the school. However, a travel plan has previously been submitted to the Local Planning Authority that includes appropriate measures to manage traffic generation and parking. The proposal therefore complies with Policy T12 of the Local Plan.

5.4 Design/Visual Amenity

The school is located in a residential area with access to the school from Breaches Gate. The proposed Elliott classroom would be situated next to an existing Elliott block. The Elliott classroom is to have a flat roof similar to the Elliott block already in situ. The proposal would be indirectly visible from some properties facing Baileys Court Road however there is a tall fence and shrubbery adjacent to the highway and thus it is considered that no material harm is caused to the visual amenity.

Notwithstanding the above, it is considered that the long term use of modular buildings is generally considered unacceptable in design terms as they invariably appear out of context with the character and visual amenity of the site and its surroundings. Therefore, it is recommended that planning permission is granted subject to a condition ensuring the development only remains in situ for a maximum of 3 years. After this period, another planning application would be required to assess the long term impact of the proposal on the character and visual amenity of the site and its surroundings, and to give the school the opportunity to explore alternative options.

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

7. RECOMMENDATION

7.1 Planning permission is **GRANTED** subject to the following conditions.

Background Papers **PT08/3241/R3F**

Contact Officer: **Will Collins**
Tel. No. **01454 863819**

CONDITIONS

1. The use hereby permitted shall be discontinued and the land restored to its former condition on or before 20 February 2012 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

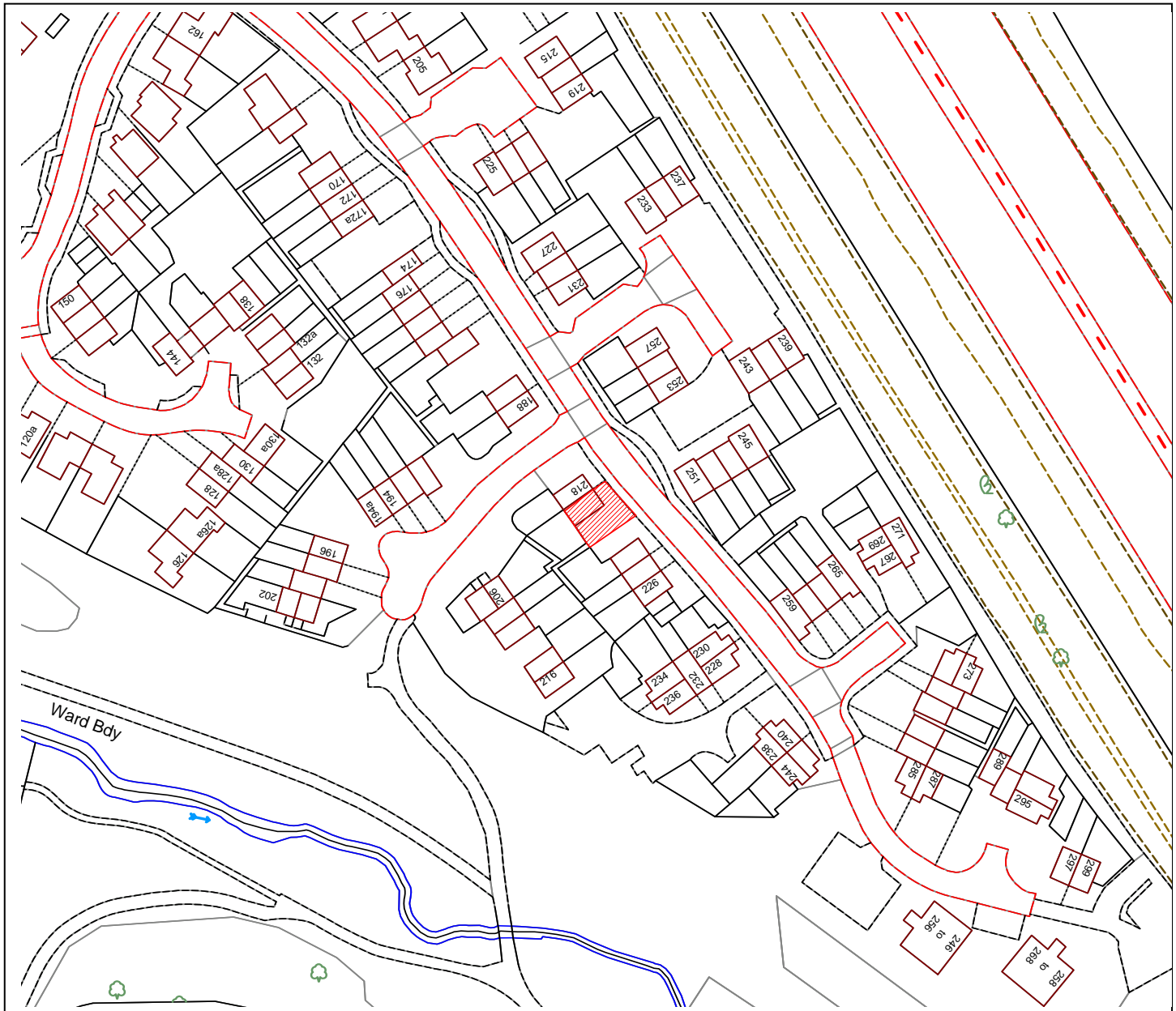
Reason(s):

The long term use of modular buildings is considered unacceptable in design terms as they invariably appear out of context with the character and visual amenity of the site and its surroundings. Accordingly, the Elliot building hereby approved is only permitted for a limited period and to comply with policy D1 and LC4 of the South Gloucestershire Local Plan.

CIRCULATED SCHEDULE NO. 06/08 – 13 FEBRUARY 2009

App No.: PT09/0034/F
Site: 220 Ormonds Close, Bradley Stoke, South Gloucestershire, BS32 0DZ
Proposal: Erection of two storey side extension to form additional dwelling with associated works
Map Ref: 62467 82316
Application Category: Minor

Applicant: Miss Hall
Date Reg: 7th January 2009
Parish: Bradley Stoke Town Council
Ward: Bradley Stoke North
Target Date: 10th March 2009



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N.T.S

PT09/0034/F

INTRODUCTION

This application appears on the Circulated Schedule as there is public comment that is contrary to the officer recommendation in this report and the approval of the development would be subject to a Section 278 legal agreement.

1. THE PROPOSAL

- 1.1 The proposal is for the erection of a two storey side extension to form additional dwelling with associated works.
- 1.2 The site is located within an established residential estate located within the defined settlement boundary of Bradley Stoke. The applicant's property features a 1990s semi detached dwelling set within a modest curtilage, with an existing off street parking area for two cars.
- 1.3 The two storey side extension/dwelling will be located in what is currently the property's parking area and will measure 4.2m x 7.3m x 7.4m (max. height at apex) and will feature materials to match the existing dwelling. Two parking spaces are proposed at the front, and the garden to the rear will be subdivided.
- 1.4 The applicant submitted amended plans that were received on 28/1/2009.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS3 Housing
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H2 New Residential Development within the Urban Areas or Village Development Boundary
H4 Development within Residential curtilages
T12 Transportation Development Control Policy for New Development
T8 Parking Standards
T7 Cycle Parking
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) SPD

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant history.

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
General Comments:

Concern was expressed for the overdevelopment of the site.

4.2 Other Consultees

Sustainable Transport:

The level of parking (vehicles and cycles) provided accords with the Council's standards for dwellings (existing and proposed) of this size at this location.

The site lies within an area applicable for financial contribution towards the wider North Fringe scheme designed to ease congestion in the locality. This is currently assessed at £1800 for the traffic associated with an additional dwelling and should be covered via legal agreement.

Other Representations

4.3 Local Residents

One letter of objection has been received from the public which is summarised as follows:

- Concern over parking provision and lack of availability within the street.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policies H2 and H4 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 or terraced. 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 111 dwellings per hectare. As such the density of the proposed development is also considered acceptable.

5.3 Visual Amenity

The proposal is characteristic of the neighbourhood within which it is set and is similar in type and form to other dwellings within the street, which features a mixture of dwelling types including semi, detached and terraced. In particular it is noted that the proposed dwelling has been set back from the front of the dwelling and down in height. Whilst this not only creates a development that is

less rudimentary in appearance it also helps to ensure that the development will not detract from the scale and character of the existing dwelling.

The proposal will feature a pitched roof, materials to match and is of a character and scale that will not detract from the area or the street scene, therefore the proposal accords with policy D1, H2 and H4 of the Local Plan 2006.

5.4 Residential Amenity

The original scheme submitted featured two velux windows that were not set an appropriate height within the roof space in order to eliminate overlooking of the property to the rear. However the applicant submitted amended plans on 28/1/2009 that addressed this issue by adjusting their position to that of a height of 1.8m above the floor.

No other windows are proposed at first floor level to the rear and only one is proposed to the side; however there are no facing windows on the adjacent property and therefore this side window will not result in any issues.

The front of the property does not overlook any garden areas nor does it view any facing windows from the dwellings opposite.

The dwelling proposed will extend 1.4m to the rear building line of the applicant's dwelling of No.220, however this depth is considered too minor to result in any significant encroachment of any windows.

The amenity provision to the rear is considered to be adequate in size, although it is less than the recommended 100 square metres as outlined within PPS2 for properties of this type. With regards to the amount afforded within the properties in the surrounding area, being generally lower than this amount and the achievement of 30.4 square metres for both properties, it is not considered that this amount be unreasonable for a dwelling of this size, especially given the proximity to nearby recreational land of 'Three Brooks Walk'.

Therefore it is not considered that any loss of visual amenity will result and this proposal is in accordance with policies H2 and H4 of the Local Plan 2006.

5.5 Transportation Issues

There are proposed two parking spaces in front of the new dwelling that will cater for the existing dwelling of no.220 and the proposed, a space each respectively. It is noted that the Council's sustainable transport team had no objections to the proposal and it is considered that adequate parking exists within the street to accommodate the additional vehicles associated with a dwelling of this type and for the space lost from the existing dwelling of no.220. Policy T8 sets out maximum parking standards.

A shed for cycle storage has been provided within the rear garden area. The parking allocation for the properties has been conditioned to ensure that the area remains shared by both dwellings.

Therefore having regard to the above, it is considered that the proposed development is in accordance with the broad principles of Policy H2, T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 5.6 Notwithstanding the above, the site is located within the Bristol North Fringe and as such falls within the remit of the Bristol North Fringe Development Major Scheme (Transport Measures); and the contribution towards this fund is appropriate under policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006. The basis of a contribution is calculated as being £1800 per new house.

The required level of contribution is therefore £1800, which would normally be secured as part of an approval through an appropriate Legal Agreement.

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 supported by a Legal Agreement. In this instance, having regard to the above advice, the contribution towards transportation improvements is appropriately the subject of a Legal Agreement and would satisfy the tests set out in Circular 05/2005.

It is considered that a Section 278 Agreement under the Highways Act 1980 would be the most appropriate way to achieve the required Transportation Contribution.

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 Authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission subject to the conditions set out below and the applicant first voluntarily entering into a Legal Agreement within 6 months of the date of this decision to secure the following:

a) The contribution of a further £1800 towards transportation improvements under the North Fringe Development Major Scheme (Transport Measures).

7.2 If the legal agreement is not completed within 6 months of this determination, then in view of the length of the time after the application, it should either:

a) Return to the Circulated Schedule for reconsideration; or

b) The application should be refused due to the failure to secure the Legal Agreement, for the reason listed under Section 7.1a.

Background Papers **PT09/0034/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. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason(s):

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

3. Notwithstanding the provisions of the Town & Country Planning (General Permitted

Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no windows/dormer windows or rooflights [other than those expressly authorised by this permission] shall be constructed.

Reason(s):

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

CIRCULATED SCHEDULE NO. 06/08 – 13 FEBRUARY 2009

App No.:	PT09/0041/F	Applicant:	Mr Harbord
Site:	Oakmead, New Road, Rangeworthy, South Gloucestershire, BS37 7QH	Date Reg:	8th January 2009
Proposal:	Erection of two storey side extension and single storey front extension to provide additional living accommodation (Re- Submission of PT08/2455/F).	Parish:	Rangeworthy Parish Council
Map Ref:	69270 85849	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	2nd March 2009



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PT09/0041/F

INTRODUCTION

This application appears on the Circulated Schedule list because an objection has been received from the Parish Council.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a two storey side extension and single storey front extension to provide additional living accommodation.
- 1.2 The application site comprises a modern, two-storey, detached dwellinghouse located within the established residential area of Rangeworthy.
- 1.3 The application is a resubmission of application no. PT08/2455/F which was refused Planning Permission on 17th October 2008 on the grounds that the proposed extension, by reason of its size, design and external appearance would be out of keeping with the existing dwellinghouse and other properties nearby and would detract from the visual amenities of the locality.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design within New Development
H4 Residential Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist (adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 P91/2797, Erection of seven detached three bedroom dwellings and 21 detached four bedroom dwellings with associated garages; construction of driveways, access roads and provision of landscaped areas (in accordance with the amended layout plan and amended house type details received by the council on the 21st February 1992) (to be read in conjunction with P90/2720), 11/03/92, Approval of Reserved Matters.
- 3.2 P95/1242, Erection of a single attached garage, 28/04/95, Approval Full Planning.
- 3.3 PT03/0935/F, Erection of two storey side and single storey rear extension to form family room, garage utility and WC, with extended bedrooms above. Erection of front porch, 23/05/03, Approve with conditions.
- 3.4 PT08/2455/F, Erection of two storey side extension and single storey front extension to provide additional living accommodation, 17/10/08, Refusal.

4. CONSULTATION RESPONSES

- 4.1 Rangeworthy Parish Council
Objection – On the grounds that it is an over development of the site.

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for the principle of extensions to residential dwellings subject to design, residential amenity and highway considerations.
- 5.2 Policy D1 of the Local Plan considers general design principles and ensures good quality design.
- 5.3 Design/ Visual Amenity
This application seeks planning permission for the erection of a two storey side extension and single storey front extension to provide additional living accommodation. The application site comprises a modern, two storey, detached dwellinghouse situated within the established residential area of Rangeworthy. The host dwelling is located on the northern side of New Road, which is a classified highway. The two storey side extension would extend the full width of the western elevation of the host dwelling and comprise a front gable end to match existing. The single storey extension would project forward 4.7 metres from the front elevation of the proposed two storey extension, be 3.8 metres in width, have an apex of 3.6 metres at ridge level and be encompassed by a pitched roof.
- 5.4 The application is a resubmission of Planning Application no. PT08/2455/F, which was refused Planning Permission on 17th October 2008 on the grounds that the proposed extension, by reason of the scale, design and external appearance, would be out of keeping with the existing dwellinghouse and other properties nearby and would detract from the visual amenities of the locality. It is considered that the revised scheme has overcome the refusal reason of the previous application and is now acceptable in terms of design and visual amenity.
- 5.5 The host dwelling benefits by having a neighbouring property at a distance of approximately 13.5 metres to the west, which would provide ample room for the two-storey side extension and would ensure that it would not appear visibly cramped. Further, the simplified design of the extension has brought the roof eaves and ridges to a consistent height, in-keeping with the existing dwelling, while the proposed gable end, by reason of its siting and reduced scale, is now considered subservient to the existing dwelling.

- 5.6 Following the Officers advice, the massing and scale of the front elevation has been reduced to a size more in-keeping with the existing dwelling and the front garage has been omitted from the scheme. It is considered that the single storey extension projecting forward of the front building line would not form an incongruous feature of the streetscene on the basis that the design, materials and scale of the extension would be sympathetic to the existing dwelling. Further, the topography of the site results in the host dwelling being situated on a lower level than the street and with hedges flanking the front boundary and access of the site and providing screening, it is considered that the build would be reasonably inconspicuous. The proposal would not result in a loss of parking.

Given the above, it is considered that the proposed development would not have a negative impact on the character of the host dwelling or the surrounding area and adheres to Policy D1 and H4 of the South Gloucestershire Local Plan (adopted) 2006.

5.7 Residential Amenity

The host dwelling is flanked by two neighbouring properties to the east and west. Since a distance of 13.5 metres separates the host dwelling and the neighbouring dwelling to the west, it is considered that the proposed development would not have an overbearing impact on this neighbouring occupier. Furthermore, a 1.8 metre closed wooden fence along the western flank boundary would ensure that there would be no overlooking or inter-visibility. The dwelling to the east of the host dwelling is set approximately 3.6 metres forward of the existing front building line of the host dwelling. This, it is considered, would help offset the impact of the proposal and since the development would not be adjacent to the neighbouring dwelling, it is considered that there would be no adverse loss of amenity to the residents of the neighbouring dwelling.

Given the above, it is considered that in terms of residential amenity, the proposal adheres to Policy H4 of the South Gloucestershire Local Plan (adopted) 2006.

5.8 Outstanding Matters

The Parish Council objected to the proposal on the basis that it would result in an over development of the site. However, the revised scheme has been reduced in scale significantly and in terms of the design, massing, proportions and scale, it is considered to be keeping with the host dwelling. Any refusal reason based on design and visual amenity would be unlikely to prove sustainable at appeal.

5.9 Section 106 Requirements

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 Planning Permission is GRANTED subject to the following conditions.

Background Papers **PT09/0041/F**

Contact Officer: **Jonathan Ryan**

Tel. No. **01454 863538**

CONDITIONS

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

Reason(s):

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

CIRCULATED SCHEDULE NO. 06/08 – 13 FEBRUARY 2009

App No.: PT09/0062/TRE
Site: 1 Orchard Close, Winterbourne, South Gloucestershire, BS36 1BF

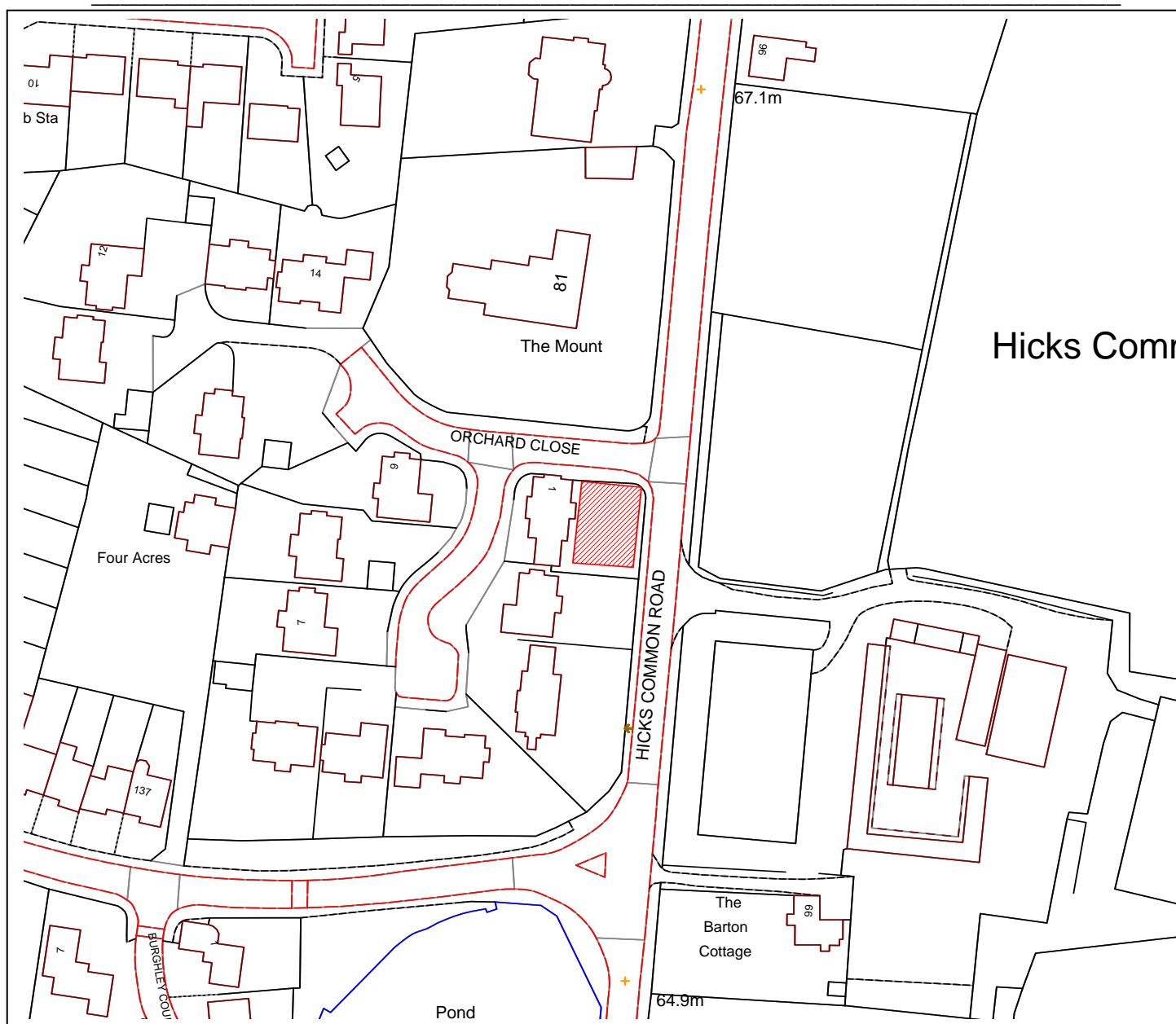
Applicant: Mr J Allen
Date Reg: 12th January 2009

Proposal: Works to thin by 20%, clean and lift crowns of 4 no. Horsechestnut trees by 10 to 20% and remove 2 no. Horsechestnut trees covered by Northavon District Council (The mounts, Hicks Common Road, Winterbourne) Tree Preservation Order 198.

Parish: Winterbourne Parish Council

Map Ref: 65423 80471
Application Category: Minor

Ward: Winterbourne
Target Date: 5th March 2009



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100023410 2009
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This application appears on the Circulated Schedule List because an objection has been received from the Parish Council.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for works to thin by 20%, clean and lift the crowns of 4 No. Horsechestnut trees by 10-20% and remove 2 No. Horsechestnut trees covered by Northavon District Council Tree Preservation Order 198.
- 1.2 The owner of the property has concerns regarding the size of the four mature Horsechestnuts due to the fact that the trees are blocking out light into the house and garden. There are also concerns about any dead wood that could potentially fall from the trees and that the two smaller trees are growing too close to a historic boundary stone wall.
- 1.2 The trees are growing within the rear garden of No. 1 Orchard Close, Winterbourne on the western side of Hicks Common Road. The site is within the Winterbourne settlement boundary.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
L1 Landscape Protection and Enhancement
L4 Forrest of Avon

3. RELEVANT PLANNING HISTORY

- 3.1 PT08/2779/TRE, Works to reduce the crowns of 5 no. trees by 25-30% and remove 1 no. Horse Chestnut Tree covered by Tree Preservation Order No. 404, 27/11/08, Refusal.
- 3.2 PT06/3074/TRE, Works to 4 no. Horse Chestnut trees covered by The Mount Hicks Common Road, Winterbourne Tree Preservation Order 1989, 04/12/06, Approve with conditions.
- 3.3 Additional site history is over 10 years old.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
Objection – The trees were well established prior to the erection of the houses. The Parish Council strongly objects to the continual removal of trees in Orchard Close.
- 4.2 Tree Officer
No objection.

Other Representations

- 4.3 Local Residents
No comments received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to conserve and enhance the character, quality and amenity of the landscape and to retain and protect trees which contribute to the overall character or distinctiveness of the area.
- 5.2 Consideration of Proposal
The trees are mature specimens growing in the rear garden adjacent to Hicks Common Road. The trees offer high visual amenity to the area and are worthy of their Tree Preservation Order status.
- 5.3 Following the refusal of application no. PT08/2779/TRE for the reduction of the crowns of 5 no. Horsechestnut trees by 25-30% and the removal of 1 no. Horsechestnut Tree, the Tree Officer undertook discussions with the applicant to identify another course of management for the trees that would retain them as a significant feature of the landscape and minimize the impact any works would have on their present health and longevity.
- 5.4 Crown thinning and cleaning will retain the overall size of the trees canopy whilst allowing more light to penetrate the crown. The 2 no. trees to be removed are small miss-shaped specimens that have been suppressed by the neighbouring large trees. Their removal will allow more light to reach the garden, will not affect the visual amenity offered to the area by the group of trees, and will allow the retention of the larger trees without a reduction in their canopy sizes. While the trees are covered by an area TPO, if the trees were to be judged on their individual merits, then the two trees proposed for removal would not fulfil the criteria for a TPO. As such, and given that there is little room for the development of a natural form, a condition requesting replacement planting will not be listed on the decision notice.
- 5.5 Given the above, it is considered that the proposed works would not be detrimental to the health or visual amenity of the trees and would not have a negative impact on the character of the area. The proposal adheres to Policy L1 of the South Gloucestershire Local Plan (adopted) 2006.

6. CONCLUSION

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

The decision to grant permission has been taken having regard to the policies

and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 Planning Permission is GRANTED subject to the following conditions.

Background Papers **PT09/0062/TRE**

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

CONDITIONS

1. The works hereby authorised shall be carried out within two years of the date on which consent is granted (or other appropriate timescale).

Reason(s):

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

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

Reason(s):

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

CIRCULATED SCHEDULE NO. 06/09 – 13 FEBRUARY 2009

App No.:	PT09/0066/RVC	Applicant:	Mr G Singh
Site:	4 Green Dragon Road, Winterbourne, South Gloucestershire, BS36 1HF	Date Reg:	12th January 2009
Proposal:	Removal of Condition 9 attached to planning permission PT07/3081/F relating to the Code for Sustainable Buildings	Parish:	Winterbourne Parish Council
Map Ref:	64917 80349	Ward:	Winterbourne
Application Category:	Minor	Target Date:	18th February 2009



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 100023410, 2009.

INTRODUCTION

This application has been referred to the Circulated Schedule due to an objection from Cllr. Tyzack and Winterbourne Parish Council.

1. THE PROPOSAL

1.1 This application seeks permission to remove an existing condition relating to the requirement for the building to be designed to achieve Level 3 of the Code for Sustainable Buildings for the erection of new dwelling on land at 4 Green Dragon Road, Winterbourne. This condition (09) was originally imposed by virtue of planning permission PT07/3081/F dated 6 December 2007.

1.2 The condition proposed to be removed states:

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

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

1.3 The application site is located within the settlement boundary of Winterbourne and enveloped by surrounding residential properties. The dwelling is currently under construction.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development
Circular 11/95 The Use of Conditions in Planning Permission

2.2 Regional Guidance

Policy G Draft Revised Regional Spatial Strategy for the South West incorporating Secretary of States Proposed Changes (July 2008)

2.3 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1 Design

2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT07/3081/F Erection of 1 no. detached dwelling. Creation of new vehicular and pedestrian access.
Approved 6 December 2007.

4. **CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council
Object to the proposal and feel that this Condition should remain.
- 4.2 Cllr Tyzack
Objects to the application on the grounds that there is no justification and that the standard should be applied as a minimum to all new build without exception. The cost of meeting the standard should be a part of the construction, and will be regained in the market value of the finished building.
- 4.3 Sustainable Transport
No objection.
- 4.4 Local Residents
No response received.

5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development
Section 73 of the Town and Country Planning Act 1990 provides that application may be made for planning permission without complying with conditions applied to a previous permission. In considering such applications the Local Planning Authority can only consider the “question of the conditions”. Moreover, advice contained within Circular 11/95 states that a condition should not be retained unless there are sound and clear-cut reasons for doing so.
- 5.2 Permission is sought to remove Condition 09 attached to planning consent PT07/3081/F. This condition requires that before the permitted dwelling is first occupied, a formal assessment of the building must be undertaken by an accredited assessor to confirm that the development has achieved Level 3 of the Code for Sustainable Buildings.
- 5.3 Advice contained within the original Policy G of the draft RSS placed great importance on sustainable construction and required that all new buildings achieve the requirements of at least Level 3 above minimum building standards in the Code for Sustainable Homes. This was subsequently reflected in conditions on planning permissions for new dwellings. However, since the determination of the original application, numerous changes have been proposed by the Secretary of State to the RSS. Policy G has now been considerably altered in terms of sustainable construction requirements, and are less specific. In addition, advice contained within the South Gloucestershire Design Checklist, adopted after the original application was granted, provides advice on assessing proposals in terms of energy conservation and the

protection of environmental resources. This advice specifically relates to major development, ie. all new build residential development greater than 10 units. One of the barriers to assessing development using the Code for Sustainable Homes is the cost of the assessment itself. This is especially important for small scale developments, where the cost of a formal assessment can be a significant amount of the development budget.

- 5.4 As the proposal is for one dwelling and does not relate to major development, and considering the current, albeit changing, stance on sustainable construction at national level, it is considered unreasonable to require the applicant to comply with Code Level 3 or the position is not substantiated by a policy to use. However, the applicant has stated that the new dwelling will be very well insulated and energy efficient. It already complies over and above the new Part L in the Building Regulations. The dwelling will be rated for energy efficiency and will also undergo an 'Air Tightness Test' on completion. Accordingly requiring a higher standard for one dwelling does not have a clear policy justification and as such would be unlikely to be sustained at appeal

6. CONCLUSION

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

Background Papers PT09/0066/RVC

Contact Officer: Vivian Butt
Tel. No. 01454 863427

CONDITIONS

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

Reason(s):

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

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

Reason(s):

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

3. The house shall not be occupied until the associated car parking area has been constructed to provide two parking spaces, each measuring 2.4m wide and 4.8m long and have a bound surface. The parking facilities so provided shall not be used thereafter for any purpose other than the parking and manoeuvring of vehicles.

Reason(s):

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

4. The house shall not be occupied until the associated cycle parking has been constructed to provide two cycle parking spaces. The cycle parking facilities so provided shall thereafter be maintained for the parking of cycles.

Reason(s):

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

5. The house shall not be occupied until the boundary walling/treatment in the following locations is reduced and /or maintained at or below 0.6m above abutting pavement level.
 - a) D to E on drawing number D.GS.07/05/02A;
 - b) C to B on drawing number D.GS.07/05/02A, and
 - c) across the entire front boundary of No. 4 Green Dragon Road.

Reason(s):

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

6. The materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall match those used in 4 Green Dragon Road.

Reason(s):

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

CIRCULATED SCHEDULE NO. 06/08 – 13 FEBRUARY 2009

App No.:	PT09/0069/F	Applicant:	Mr D Lippiat
Site:	12 Bourton Avenue, Patchway, South Gloucestershire, BS34 6EA	Date Reg:	12th January 2009
Proposal:	Erection of two storey side extension to provide additional living accommodation (Resubmission of PT08/2691/F).	Parish:	Patchway Town Council
Map Ref:	61141 81987	Ward:	Bradley Stoke Central and Stoke Lodge
Application Category:	Minor	Target Date:	6th March 2009



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100023410, 2009.

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N.T.S

PT09/0069/F

This application has been referred to the Circulated Schedule due to a letter of objection received from a local resident.

1. THE PROPOSAL

- 1.1 This full application relates to the erection of a single storey side extension with front dormer above at 12 Bourton Avenue, Patchway. The application is a resubmission of PT08/2691/F which related to the erection of a two storey side extension and was withdrawn following a recommendation for refusal.
- 1.2 The application site occupies a triangular shaped plot and is located on the curvature of the road, opposite a small area of open space. The existing dwelling is a semi-detached chalet style property with front and rear dormers. Vehicular access is to the front of the site. The site also lies within the urban area of Patchway.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT08/2691/F Erection of two storey side extension.
Withdrawn 27 October 2008.

4. CONSULTATION RESPONSES

- 4.1 Patchway Town Council
No response received.

Other Consultees

- 4.2 Sustainable Transport
No objection.

Other Representations

- 4.3 Local Residents
1 letter has been received objecting to the proposal on the following grounds:-

- a) size;
- b) sited in front of my front door;
- c) out of proportion;
- d) overdevelopment;
- e) loss of light.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

In assessing applications for residential extensions, policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 is particularly relevant. Extensions are normally permitted provided they respect the massing, scale, overall design and character of the existing property and street scene and would not prejudice amenities of nearby occupiers, highway safety or the retention of adequate private amenity space.

5.2 It is considered that the application complies with the above policy criteria. In terms of its design, the original properties of Bourton Avenue were designed as chalet style dwellings, incorporating one bedroom in the roofspace served by a window to the side elevation. A characteristic feature of Bourton Avenue is therefore the low eaves level, at some 2.5m above ground level. Many of these dwellings, including the application site, have also been extended by front and rear dormer extensions.

5.3 The proposed extension replicates the eaves height of the original building and in design terms is in keeping with the existing property and area as a whole. The style of the dormer also mirrors the original dormer. The extension is subservient in nature, set back from the front and rear building line of the existing property and with a ridge height some 1.2m lower. The resulting development is sympathetic in appearance and relates well to the surrounding built form. The proposal respects the design and character of the existing property and street scene and therefore accords with adopted policy H4 and the South Gloucestershire Design Checklist SPD.

5.4 In terms of residential amenity, the proposal is also acceptable. The property of 14 Bourton Avenue lies to the south-east of the site. This property has a bedroom window at first floor level in its side elevation which directly faces onto the extension. However, the rear elevation of the extension is a minimum 7m distance away and although sited partly in front of this window will not result in any overbearing impact or loss of light due to the limited size and height of the extension. As such it is not considered that the proposal would materially detract from the existing amenities currently enjoyed by this property. Furthermore, no loss of privacy will result from the extension as no windows are proposed on the rear or side elevations. The front dormer window will only overlook front gardens. Adequate garden area will also remain and access/parking arrangements are satisfactory.

5.5 In conclusion the proposal complies with policies D1 and H4 of the adopted local plan as well as the South Gloucestershire Design Checklist SPD and is acceptable.

5.6 Section 106 Requirements

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

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 Planning permission be granted.

Background Papers **PT09/0069/F**

Contact Officer: **Vivian Butt**
Tel. No. **01454 863427**

CONDITIONS

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

Reason(s):

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

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

Reason(s):

To ensure a satisfactory standard of external appearance and to accord with Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No windows shall be inserted in the side elevation at first floor level in the extension hereby permitted.

Reason(s):

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

CIRCULATED SCHEDULE NO. 06/09 – 13 FEBRUARY 2009

App No.: PT09/0072/F
Site: 55 Beaufort Arms, North Road, Stoke Gifford, South Gloucestershire, BS34 8PB

Applicant: Mitchell & Butlers
Date Reg: 13th January 2009

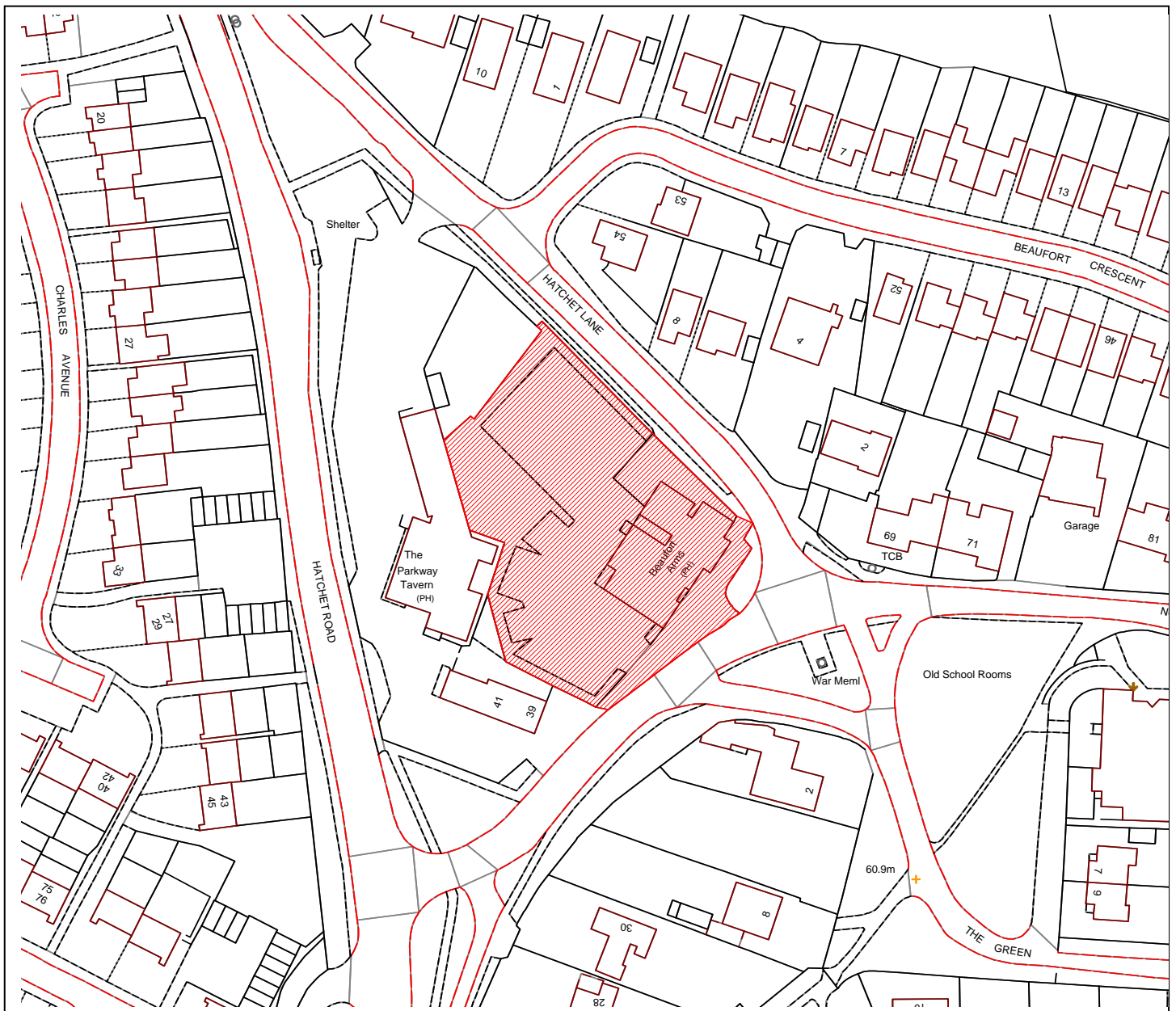
Proposal: Erection of smoking shelter.
 (Resubmission of PT08/0990/F).

Parish: Stoke Gifford Parish Council

Map Ref: 62229 79832

Ward: Stoke Gifford
Target Date: 5th March 2009

Application Category: Minor



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100023410, 2009.

N.T.S

PT09/0072/F

INTRODUCTION

This application has been referred to the Circulated Schedule due to objections received from the Parish Council.

1. THE PROPOSAL

- 1.1 This application relates to the erection of freestanding pergola smoking shelter as a result of new Government Smoke Free legislation introduced on 1st July 2007, at The Beaufort Arms, North Road, Stoke Gifford.
- 1.2 The proposed smoking shelter is to be located to the side of the building. It measures 2.5m in depth, 6.3m in length and has a height of 2.65m. The structure is predominately open sided, although a small glazed screen measuring 1.5m in width and 2m in height is located to part of the front elevation. The structure is of timber construction with recessed polycarbonate sheeting forming the roof. The shelter will be located within the existing beer garden but set back from the road frontage by a minimum of 14m.
- 1.3 This application is a resubmission of the previously refused retrospective applications PT08/0034/F and PT08/0990/F. These schemes related to a large pyramidal structure of substantial construction also located to the side elevation but adjacent to the road frontage. The original structure has now been removed following an enforcement notice for the removal of the structure being upheld on appeal.
- 1.4 The application site lies within the urban area of Stoke Gifford. It is located at the junction of Hatchet Lane and North Road. The Parkway Tavern is located to the rear (east) of the site with business premises to the south. The site is divorced from residential property by Hatchet Lane and North Road.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design
EP1 Environmental Pollution
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT08/0034/F Erection of smoking shelter (retrospective).
Refused 28 January 2008 on the grounds of its design, siting and materials being incongruous in appearance and detrimental to the visual amenities of the street scene.
Enforcement appeal dismissed and enforcement notice upheld 7 August 2008.

- 3.2 PT08/0990/F Erection of smoking shelter (retrospective).
Refused 12 May 2008 on the grounds of its design, siting and external appearance.
- 3.3 PT09/0107/F Erection of timber/glass screen and jumberellas (retrospective).
Approved 10 February 2009.

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
Object to the proposal on the grounds of visual effect.
- 4.2 Environmental Services
No objection.
- 4.3 Sustainable Transport
No objection.
- 4.4 Local Residents
No response received.

5. ANALYSIS OF PROPOSAL

- 5.1 Background
As can be seen from the planning history, retrospective planning permission has previously been refused for a smoking shelter which has now been removed from the site. The previous applications were unacceptable on the grounds of design, siting and materials being out of keeping with the existing public house and area in general, resulting in a development incongruous in appearance and detrimental to the visual amenities of the street scene. The shelter was of a much more substantial construction and located in a much more visible part of the site, adjacent to the road frontage with North Road.
- 5.2 Principle of Development
In the assessment of this application, policies D1 and EP1 are particularly relevant. These policies seek to achieve the highest standards of design whilst protecting the amenity of surrounding users.
- 5.3 Shelters should not generally be sited on a front elevation or visually prominent elevation to ensure that the character of the host property and surrounding street-scene is not harmed. They should also be acceptable in design terms, incorporate materials that respect the character of the host property and the surroundings, and not appear excessively dominant. Careful consideration should also be given to the siting of shelters to ensure they do not result in a nuisance to adjoining property and occupiers.
- 5.4 It is considered that this resubmitted application accords with the above policy criteria. The proposal is now a far more light-weight structure which is largely open in appearance and set back from the road frontage. Its location and appearance is therefore far less obtrusive within the street scene. The

development is of a design that is considered to be in keeping with the existing pub and the area in general and relates satisfactorily with the host property and integrates within the street scene. The application is therefore acceptable in visual amenity terms and complies with the development plan.

5.5 However, it is considered that if this application and the related retrospective application for the jumbrellas/glazed screen are both implemented, the overall visual appearance of this elevation of the building would be unacceptable as it would have a cluttered appearance which would detract from the street scene. As a consequence it is proposed to impose a condition requiring that only one of these applications is implemented, not part of or both applications.

5.6 Design and Access Statement

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

5.7 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Planning permission be granted.

Background Papers **PT09/0072/F**

Contact Officer: **Vivian Butt**
Tel. No. **01454 863427**

CONDITIONS

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

Reason(s):

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

2. The development hereby permitted shall be carried out as an alternative to the permission granted on 10 February 2009 for the erection of two jumberellas and timber and glass screen at the Beaufort Arms (Reference PT09/0107/F) but not in addition to it, to the intent that the applicant may carry out one of the developments permitted but not both, nor parts of both developments.

Reason(s):

To prevent an unsatisfactory mix of development and over-development of the site.