

**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. 19/09**

**Date to Members: 15/05/09**

**Member's Deadline: 21/05/09 (5pm)**

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

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

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

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

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

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

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

## CIRCULATED SCHEDULE

**DATE: 15/05/09**

**SCHEDULE NO. 19/09**

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

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

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

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

**Please note: - Reason for Referral**

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

**SIGNATURE .....**

**DATE .....**

**Dates and Deadlines for Circulated Schedule  
for the May Bank Holiday Period 2009**

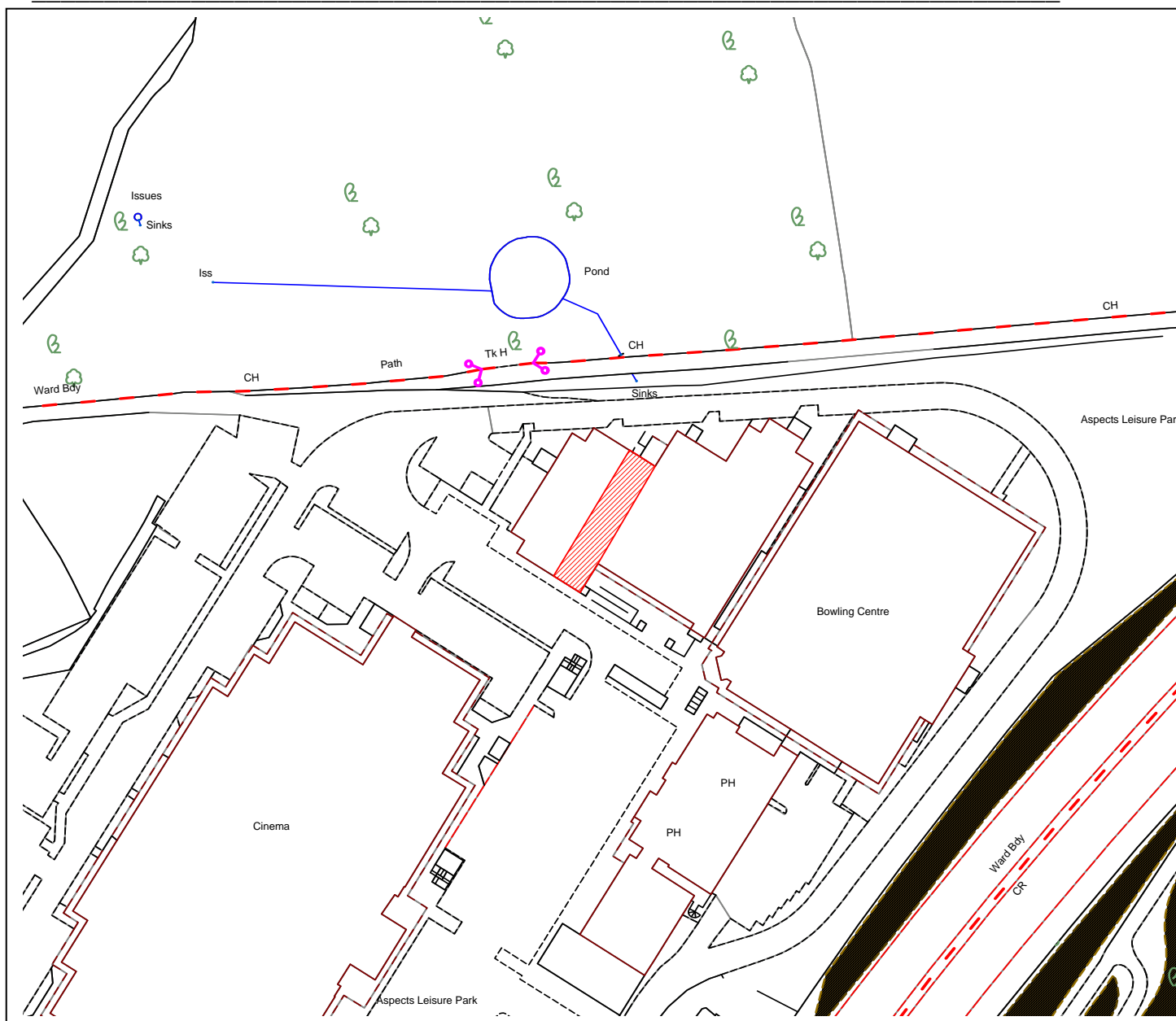
| <b>Schedule Number</b> | <b>Date to Members<br/>9am on</b>     | <b>Members<br/>Deadline<br/>5pm on</b> |
|------------------------|---------------------------------------|--|
| 20/09                  | Thursday<br>21 <sup>st</sup> May 2009 | Thursday<br>28 <sup>th</sup> May 2009  |

# Circulated Schedule 15 May 2009

| ITEM NO. | APPLICATION NO | RECOMMENDATIO           | LOCATION   | WARD                    | PARISH                            |
|----------|----------------|-------------------------|--|-------------------------|-----------------------------------|
| 1        | PK09/0603/ADV  | Approve                 | Eastern Experience, Kingswood Aspects Leisure Park, Leisure Road, Kingswood, South Gloucestershire, BS15 9LA | Hanham                  | Hanham Parish Council             |
| 2        | PK09/0664/R3F  | Approve                 | Pucklechurch C Of E Primary School, Castle Road, Pucklechurch, South Gloucestershire, BS16 9RF               | Boyd Valley             | Pucklechurch Parish Council       |
| 3        | PK09/0669/CLE  | Approve                 | The Stables, Highfield Lane, Horton, South Gloucestershire, BS37 6QU   | Cotswold Edge           | Horton Parish Council             |
| 4        | PT09/0570/F    | Approve with conditions | Land adjacent to 55 Ryecroft Road, Frampton Cotterell, South Gloucestershire, BS36 2HJ                       | Frampton Cotterell      | Frampton Cotterell Parish Council |
| 5        | PT09/0581/F    | Approve with conditions | Land adjacent 17 Gloucester Road, Almondsbury, South Gloucestershire   | Almondsbury             | Almondsbury Parish Council        |
| 6        | PT09/0636/F    | Approve with conditions | Walls Court Farm, Filton Road, Stoke Gifford, South Gloucestershire, BS34 8QZ                                | Frenchay and Stoke Park | Stoke Gifford Parish Council      |
| 7        | PT09/0687/F    | Approve with conditions | 8 Spindle Cottage, Salem Road, Winterbourne, South Gloucestershire, BS36 1QF                                 | Winterbourne            | Winterbourne Parish Council       |
| 8        | PT09/0699/F    | Refusal                 | Severn View, Redhill Lane, Olveston, South Gloucestershire, BS35 4AE   | Severn                  | Aust Parish Council               |
| 9        | PT09/0725/ADV  | Approve                 | University Of West Of England, Coldharbour Lane, Stoke Gifford, South Gloucestershire, BS16 1QY              | Frenchay and Stoke Park | Stoke Gifford Parish Council      |

**CIRCULATED SCHEDULE NO. 19/09 – 15 MAY 2009**

|                              |   |                     |  |
|------------------------------|---|---------------------|--|
| <b>App No.:</b>              | PK09/0603/ADV   | <b>Applicant:</b>   | Mr S Duplessis<br>Nando's<br>Chickenland |
| <b>Site:</b>                 | Eastern Experience, Kingswood<br>Aspects Leisure Park, Leisure Road,<br>Kingswood, South Gloucestershire,<br>BS15 9LA | <b>Date Reg:</b>    | 1st April 2009                           |
| <b>Proposal:</b>             | Display of 1 no. non illuminated fascia<br>sign   | <b>Parish:</b>      | Hanham Parish<br>Council                 |
| <b>Map Ref:</b>              | 65478 72490   | <b>Ward:</b>        | Hanham                                   |
| <b>Application Category:</b> | Minor   | <b>Target Date:</b> | 25th May 2009                            |



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## **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 This application relates to one of units of Aspects Leisure Park, which lies on the north-western side of the roundabout junction of the Avon Ring Road and Marsham Way, Longwell Green. The unit is located at the mid of the block at the north-eastern complex and is situated at ground floor level.

Although the signage is related to one of restaurants of north-eastern complex, the proposed non-illuminated fascia sign is located the south-east rear elevation of Bowling Centre complex.

### **2. POLICY CONTEXT**

- 2.1 National Planning 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. The following applications are most relevant to the determination of this application.

PK01/0029/ADV Retention of 1 no. internally illuminated shop signs and installation of 1 no. non-illuminated advertisement sign. Approved 25.04.01

PK08/1150/ADV Display of 2 no. internally illuminated fascia signs. Approved 13.06.08

### **4. CONSULTATION RESPONSES**

- 4.1 Hanham Parish Council  
No comment.
- 4.2 Sustainable Transport  
No objection

#### **Other Representations**

- 4.3 Local Residents  
One letter of objection has been received and the local resident raised the following concerns:

With reference to this planning application we would request a condition of no illumination after business hours as the nearby residents already suffer light pollution from Asda, Gallagher Retail Park and Mc Donalds. This once residential area is fast becoming a huge retail park greatly affecting the local homeowners, with illuminated signage having a real impact on our lives.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Planning permission has been granted for a variety of commercial uses at the Leisure Complex. In accordance with advice given in PPG19 the need to advertise the presence of the business is accepted as valid. Officers are of the view that it is reasonable for a limited amount of advertising to be displayed on the buildings and that it is inevitable that some of the advertising will be visible from public areas outside the complex. Whilst officers have no objection to the principle of advertising at the side, careful consideration should be given to the amount, size and level of illumination of the advertisements.

### **5.2 Highway Issues**

There are therefore no highway objections to the proposal.

### **5.3 Visual Amenity**

The proposed fascia sign would be non-illuminated, and it would be located on the rear elevation of the Bowling Centre. The fascia sign would be 0.98 metres high and 4.9 metres long, and it would be 8.2 metres high above the ground floor.

The sign would be facing out onto a public highway and would only be visible from the Avon Ring Road.

### **5.4 Other Issues**

The local resident requests a condition of hours of illumination. As the proposed fascia sign is non-illuminated, it is not considered that it would be reasonable to impose such a condition.

### **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**

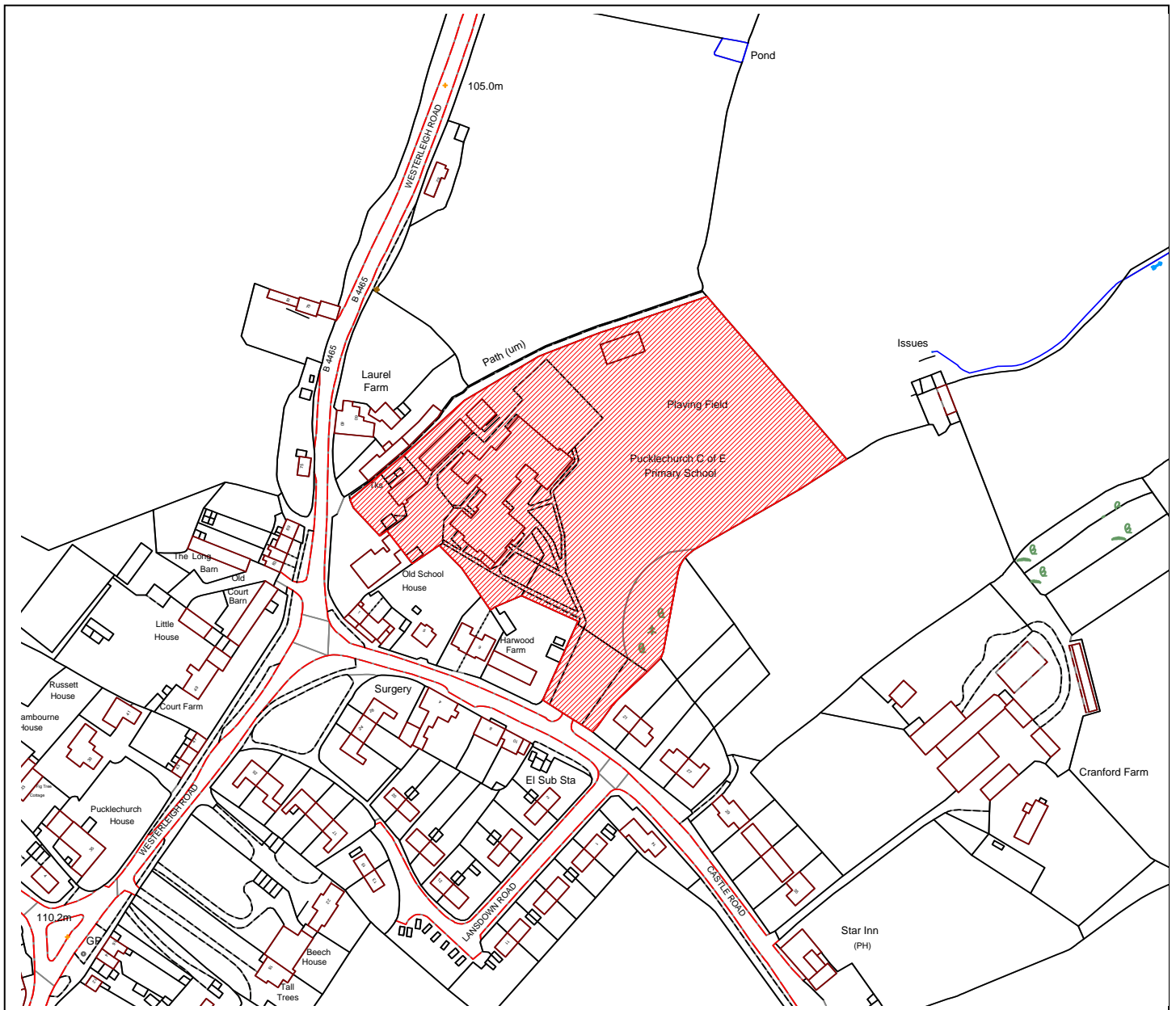
7.1 That planning permission be granted subject to the following conditions.

**Background Papers**      **PK09/0603/ADV**

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

**CIRCULATED SCHEDULE NO. 19/09 – 15 MAY 2009**

|                              |  |                     |                                    |
|------------------------------|--|---------------------|------------------------------------|
| <b>App No.:</b>              | PK09/0664/R3F  | <b>Applicant:</b>   | Pucklechurch C Of E Primary School |
| <b>Site:</b>                 | Pucklechurch C Of E Primary School,<br>Castle Road, Pucklechurch, South<br>Gloucestershire, BS16 9RF | <b>Date Reg:</b>    | 9th April 2009                     |
| <b>Proposal:</b>             | Erection of canopy to south east<br>elevation to provide shelter for outdoor<br>curriculum use.      | <b>Parish:</b>      | Pucklechurch Parish<br>Council     |
| <b>Map Ref:</b>              | 70103 76770  | <b>Ward:</b>        | Boyd Valley                        |
| <b>Application Category:</b> | Householder  | <b>Target Date:</b> | 19th June 2009                     |



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PK09/0664/R3F

## **INTRODUCTION**

This planning application has been referred to the Council's Circulated Schedule as the applicant is South Gloucestershire Council and this is in accordance with the Council's procedure.

### **1. THE PROPOSAL**

1.1 This planning application seeks planning permission for the construction of a canopy to the south east elevation of the school building to provide shelter for outdoor curriculum use. The works have in fact been implemented.

1.2 The application site relates to a detached primary school within the settlement boundary of Puclechurch. The site adjoins the Green belt and Conservation Area and adjoins a number of listed buildings – Harwood Farmhouse and Laurel Farm (both listed grade 2).

### **2. POLICY CONTEXT**

2.1 National Guidance  
PPS1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design  
LC4 Proposals for Education facilities  
L1 Landscape Protection  
GB1 Green Belt  
L12 Conservation Area  
L13 Listed Buildings

2.3 Supplementary Planning Guidance  
Supplementary Planning Document "Design Checklist"

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

3.1 A number of planning applications have been submitted on this site:

- |     |               |   |
|-----|---------------|---|
| 3.2 | PK05/0427/R3F | Erection of wooden playhouse<br>Deemed Consent April 2005 |
| 3.3 | PK03/3036/F   | Erection of 1 Elliott classroom<br>Approved Dec. 2003     |
| 3.4 | PK02/1105/R3F | Playhouse<br>Deemed consent May 2002                      |
| 3.5 | PK01/1656/R3F | Erection of extensions<br>Deemed Consent July 2001        |
| 3.6 | PK00/2773/F   | Erection of Conservatory<br>Approved Nov 2000             |

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

- 4.1 Sodbury Town Council  
No objection

##### **Other Representations**

- 4.2 Local Residents  
No comments received

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

- 5.1 Principle of Development  
Policy LC4 of the South Gloucestershire Local Plan allows for the expansion or improvement of education facilities subject to the satisfaction of a number of criteria being stratified. Although this policy relates to sites within urban areas, it is considered that the principles of this policy are relevant.
- 5.2 Visual amenity  
This application seeks permission to construct a single storey canopy on the south east side (front elevation) of the building. These works have in fact been carried out. The roof canopy is supported by timber posts and looks like a continuation of the existing roof with matching roof tiles and thus integrates well with the existing building and indeed enhances the appearance of the building.
- 5.3 The school building is set within its own grounds away from the historic core of the village and the proposed canopy is not generally visible in views from the street scene / conservation area. Similarly, the position of the canopy is such that it does not affect the setting of the listed buildings at Harwood Farmhouse and Laurel Farm or the openness of the adjoining Green Belt.
- 5.4 Residential Amenity  
The proposed works by reason of their siting and scale have no adverse impact on neighbouring properties.
- 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 Use of Energy and Sustainability  
Not provided for in this instance.
- 5.7 Improvements achieved to the scheme  
None required, as submitted scheme is considered acceptable in design terms, as addressed above.
- 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.

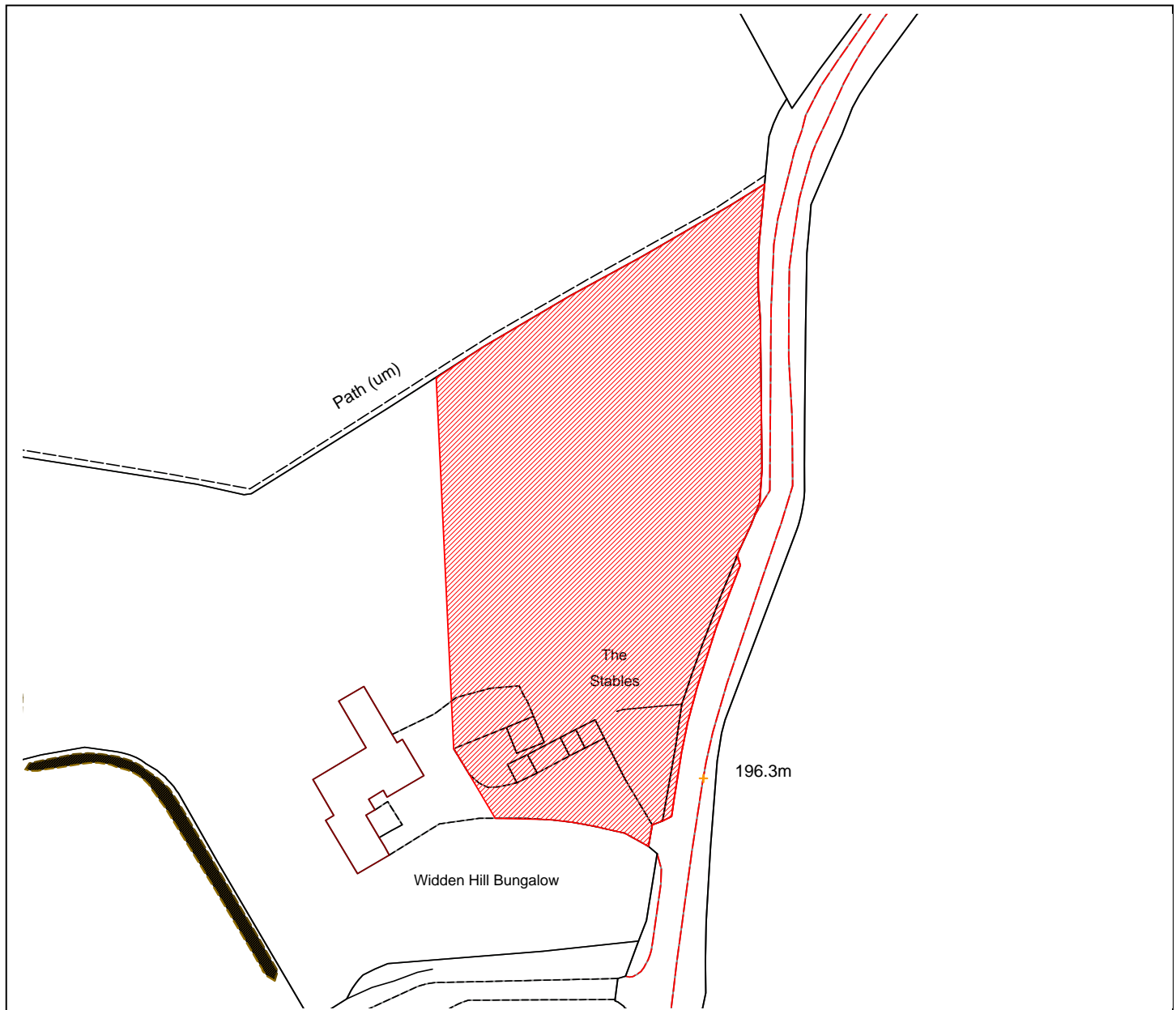
## **7. RECOMMENDATION**

- 7.1 That planning permission be granted.

**Background Papers**      **PK09/0664/R3F**  
**Contact Officer:**      **Tracey Price**  
**Tel. No.**                      **01454 863424**

## CIRCULATED SCHEDULE NO. 19/09 – 15 MAY 2009

|                                  |   |                         |                          |
|----------------------------------|---|-------------------------|--------------------------|
| <b>App No.:</b>                  | PK09/0669/CLE   | <b>Applicant:</b>       | Mr & Mrs R Febry         |
| <b>Site:</b>                     | The Stables, Highfield Lane, Horton,<br>South Gloucestershire, BS37 6QU                                       | <b>Date Reg:</b>        | 9th April 2009           |
| <b>Proposal:</b>                 | Application for Certificate of Lawfulness<br>for existing use of storage building as<br>single dwellinghouse. | <b>Parish:</b>          | Horton Parish<br>Council |
| <b>Map Ref:</b>                  | 76634 84362   | <b>Ward:</b>            | Cotswold Edge            |
| <b>Application<br/>Category:</b> | Minor   | <b>Target<br/>Date:</b> | 12th June 2009           |



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PK09/0669/CLE

## **INTRODUCTION**

This application is reported on the Circulated Schedule under the standard procedure for dealing with Certificate of Lawfulness applications.

### **1. THE PROPOSAL**

1.1 This application seeks to prove that 'the Stables', formerly a building used for domestic storage within the curtilage of Dobunni, a house on the eastern side of Horton Parish was occupied residentially, separately from the main dwelling for a period exceeding the prescribed period of 4 years prior to the submission of this application. The site is a converted single storey dwelling, with one bedroom at a mezzanine level. It has a small front garden and large, lawned rear garden and its own vehicular access. Parking is provided in a double garage to the rear of the former storage building.

1.2 A site visit carried out on 5 May 2009 showed that the dwelling was occupied and that there was a fully equipped kitchen within the living room, a separate bathroom and en-suite facilities off the main bedroom.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

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

### **3. PLANNING HISTORY OF SITE**

3.1 PK06/1534/F Single storey front extension Withdrawn

3.2 PK06/2789/F Conversion of outbuilding to form ancillary accommodation (retrospective) Withdrawn

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

4.1 The application is accompanied by an affidavit together with 11 appendices aiming to prove the claim.

The affidavit was sworn by Richard James Febry, the current occupier, stating that he and his wife are the free hold owners of the property. They purchased the property in January 2004 and the Land Registry entry has also been submitted. is provided. A Building Regulations application, the plans for which were approved on 27 November 2003 and (as the site visit showed) corresponds to the conversion as it is today also providing evidence of the claim. Appendix 4 shows the site in use as stables for Widdenhill House. In addition, two detailed invoices for works at the site, including the conversion, dated 25 June 2004 and 19 April 2004 and two photos of the completed conversion (of the building from the outside) along with an invoice dated 22 March 2004 for electrical work for the complete wiring of the stable block, have also been submitted.

In addition a notice from the Environment Agency for a Consent to Discharge at the site dated 19 March 2004 in respect of a package treatment system for sewage disposal has been submitted, as well as a phone bill for a BT landline at the site, dated 11 October 2004 as evidence that costs had been occurred in this regard. A letter from 12 March 2004 from SGC Electoral Services

welcoming the occupiers to their new home and encouraging them to be on the Electoral Register. Copies of the forms signed and dated 2 April 2004 by Mr Febry and his wife are provided as a response to the letter from Electoral Services.

A copy of a Council Tax bill dated 4 June 2004, setting the property at Band C. A copy of a letter from the Valuation Office dated 24 May 2004 is also supplied confirming the property's status as Band C for Council Tax purposes.

Finally, is a letter from SGC Development Control dated 30 November 2006 has been submitted. This was in response to the planning application at 3.2 above submitted retrospectively to formalise the occupation of the site as a separate dwelling. The letter states that the proposal would be contrary to policy and the application was subsequently withdrawn by the applicants. It contains the sentence: 'Once a building has become severed from the main house as in your case sold, it can no longer be deemed ancillary.' The affidavit claims that this letter confirmed that the site had been severed from the main house at that time.

The statutory declaration concludes that the property has been occupied continually by Mr and Mrs Febry and their family since 2 April 2004 up to the present date of 30 March 2009.

**5. SUMMARY OF CONTRADICTIONARY EVIDENCE**

5.1 None received.

**6. OTHER REPRESENTATIONS RECEIVED**

6.1 Horton Parish Council  
No comment to make.

**Other Representations**

6.2 Local Residents  
No replies received

**7. ASSESSMENT**

7.1 The only issues which are relevant to the determination of an application for a Certificate of Lawfulness are whether, in this case, the use described has or has not been carried out for a period exceeding 4 years and whether or not the use is in contravention of any Enforcement Notice which is in force.

7.2 Dealing with the latter point from above first, no Enforcement Notice is in force on any part of the site.

7.3 The relevant test of the submitted evidence

The onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is "on the balance of probabilities". Advice contained in Circular 10/97 states that a certificate should not be refused because an applicant has failed to discharge the stricter criminal burden of proof, i.e. "beyond reasonable doubt." Furthermore, the applicant's own evidence need not be corroborated by independent evidence in order to be accepted. If the Council has no evidence of their own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is



sufficiently precise and unambiguous. The planning merits of the use are not relevant to the consideration of the purely legal issues which are involved in determining an application. Any contradictory evidence which makes the applicant's version of events less than probable should be taken into account.

#### 7.4 Hierarchy of Evidence

The evidence submitted comprises statutory declarations, in some cases referring to further documents. Inspectors and the Secretary of State usually value and give weight to evidence in the following order of worth:-

1. Personal appearance, under oath or affirmation, by an independent witness whose evidence can be tested in cross examination and re-examination, especially if able to link historic events to some personal event that he/she would be likely to recall.
2. Other personal appearance under oath or affirmation.
3. Verifiable photographic evidence.
4. Contemporary documentary evidence, especially if prepared for some other purpose.
5. Sworn written statements (witness statements or affidavits) which are clear as to the precise nature and extent of the use or activity at a particular time.
6. Unsworn letters as 5 above.

Written statements, whether sworn or not, which are not clear as to the precise nature, extent and timing of the use/activity in question.

7.5 The tests in this case are considered to be whether the dwelling was occupied for the prescribed 4 year period. If this is the case then the future occupation of the site on a residential basis would be immune from enforcement action and be lawful.

7.6 With regard to the evidence submitted, with the exception of the letter from SGC, this is considered to amount to a convincing picture of a former stables building which was converted in 2004 and capable to be used residentially from April of that year, uninterrupted until the present day. The affidavit concludes by stating that the building has been used as a separate dwellinghouse over that period. This evidence is uncontested.

7.7 The issue then which warrants further scrutiny, is whether this use was ancillary to the host dwelling or not, particularly as the letter from the Planning Department in response to the planning application for conversion is not clear as to whether the dwelling was occupied as a separate dwelling or not. This is the only imprecise evidence provided in support of the application. It is clear enough, however, that the intention behind the letter was to confirm that separate ownership, which ties in with the application, would be enough to prove that the site could not be regarded as ancillary to the main house.

7.5 In this case, no contradictory evidence has been received. The test of the balance of probability will therefore be applied to the evidence which was submitted by the applicant, i.e. the affidavit and appendices. The relevant tests are that this evidence is clear and precise. The task of this application is to prove that in the last 4 years the property has not been occupied residential

and not ancillary to Dobunni. The time in question, when proof is required is between April 2005 and April 2009, when the application was submitted.

7.6 The evidence supporting the claim over this period has been detailed at Section 4 above. The affidavit would need to prove that

**8. CONCLUSION**

8.1 Officers conclude, objectively and on the balance of probability, that, according to the submitted evidence, that the dwelling and its residential curtilage has been occupied residentially as a separate dwelling for a period exceeding four years.

**9. RECOMMENDATION**

9.1 That a Certificate of Lawfulness is granted.

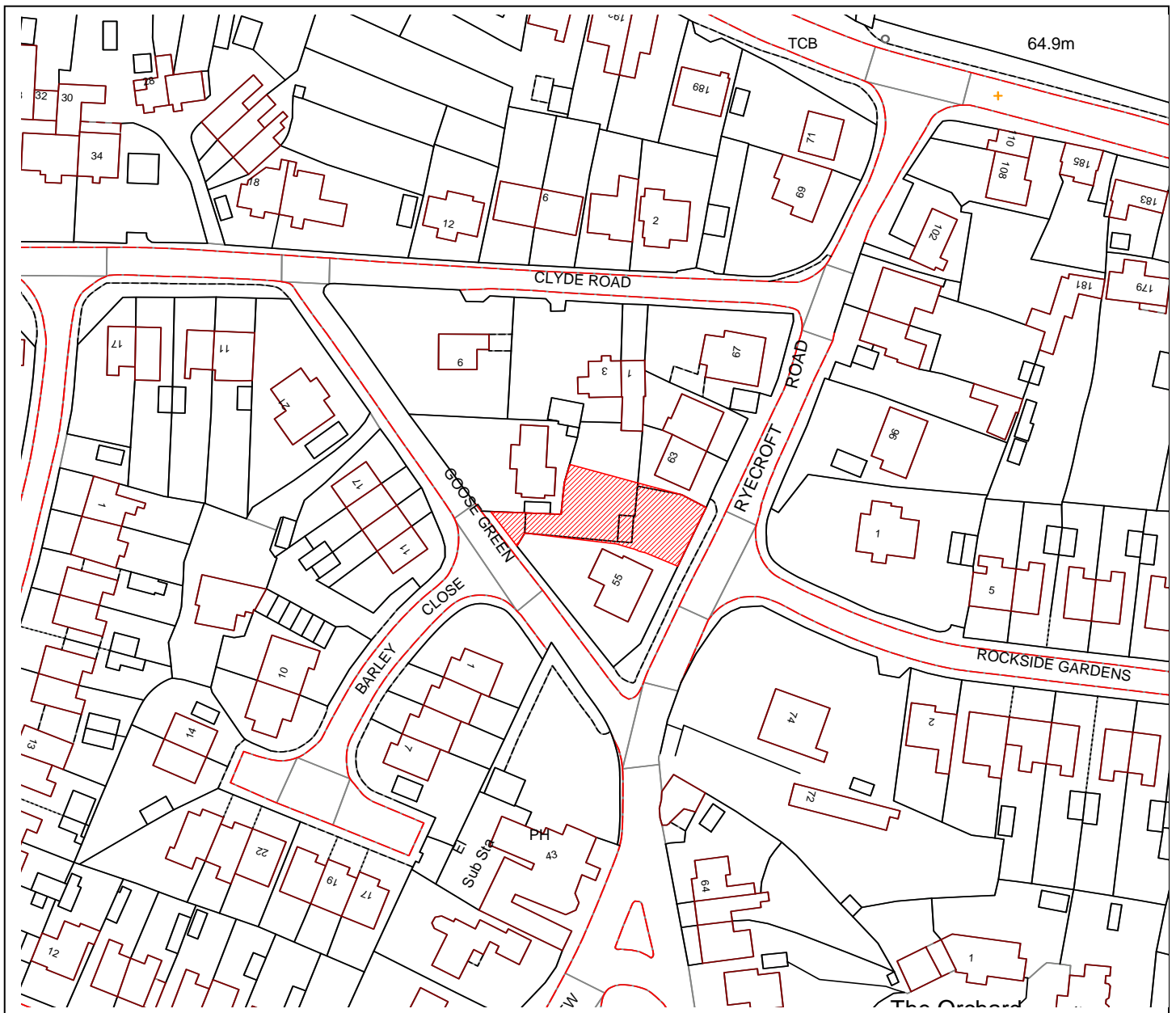
**Background Papers      PK09/0669/CLE**

**Contact Officer:      Chris Gosling**

**Tel. No.                      01454 863787**

**CIRCULATED SCHEDULE NO. 19/09 – 15 MAY 2009**

|                              |   |                     |                                      |
|------------------------------|---|---------------------|--------------------------------------|
| <b>App No.:</b>              | PT09/0570/F   | <b>Applicant:</b>   | Mr & Mrs A Sell                      |
| <b>Site:</b>                 | Land adjacent to 55 Ryecroft Road,<br>Frampton Cotterell, South<br>Gloucestershire, BS36 2HJ    | <b>Date Reg:</b>    | 27th March 2009                      |
| <b>Proposal:</b>             | Erection of 2 no. semi detached<br>dwellings with new vehicular access<br>and associated works. | <b>Parish:</b>      | Frampton Cotterell<br>Parish Council |
| <b>Map Ref:</b>              | 67062 81638   | <b>Ward:</b>        | Frampton Cotterell                   |
| <b>Application Category:</b> | Minor   | <b>Target Date:</b> | 22nd May 2009                        |



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PT09/0570/F

## **INTRODUCTION**

This application appears on the Circulated Schedule as a representation was made contrary to the Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of 2 no. semi detached dwellings with new vehicular access and associated works.
- 1.2 The application site relates to land within the curtilages of 55 Ryecroft Road and 1 Clyde Road, Frampton Cotterell. The application site is located within a well established residential area within the Frampton Cotterell settlement boundary.

### **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  | Achieving Good Quality Design                                 |
| H2  | Residential Development within Existing Urban Areas           |
| H4  | Development within Existing Residential Curtilage             |
| L1  | Landscape Protection and Enhancement                          |
| T8  | Parking Standards   |
| T12 | Transportation Development Control Policy for new Development |

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

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

PT08/0298/O - Demolition of existing dwelling to facilitate erection of 4 no. detached dwellings (Outline) with layout and access to be determined. All other matters reserved. Refused 14/03/2008.

PT08/3222/O - Erection of 1 no. dwelling (Outline) with access and layout to be determined. All other matters reserved. Approved 01/05/2009.

### **4. CONSULTATION RESPONSES**

#### 4.1 Frampton Cotterell Parish Council

No objection raised.

#### 4.2 Local Residents

11 letters of objection were received raising the following concerns:

- Loss of privacy in neighbouring properties
- Loss of light to neighbouring properties
- Concern at how many dwellings the area of land could accommodate
- Highways safety concern over an additional access
- The height of building should not exceed that of the present bungalow on the property at 55 Ryecroft Road
- Proposal would lead to increased on-street parking
- Loss of green space
- Near to school bus stop which could lead to traffic incidents
- There should be provision for more off-road parking in front of property and at 55 Ryecroft Road
- Application form is inaccurate stating that there is no vegetation/trees on site
- Is disabled access to the proposed dwellings provided?
- The proposal cannot be seen as sustaining or building our local community
- Proposal would be overbearing
- Surplus water may cause drainage problems
- The construction phase may cause discomfort and stress to local residents

#### 4.3 Village Action Plan

- Additional parking and increased vehicles entering and exiting a new property (especially such a large one) would increase traffic safety issues
- The height of building should not exceed that of the present bungalow on the property at 55 Ryecroft Road
- More parking for the proposed dwellings should be provided

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Advice contained within PPS3 encourages the provision of additional housing on previously developed land within existing towns and cities to promote more sustainable patterns of development. This policy stance is reflected in policies contained within the South Gloucestershire Local Plan.

Policy H2 of the South Gloucestershire Local Plan January 2006 incorporates current planning advice contained within PPS3 and allows for new residential development within the boundaries of settlements. This is subject to compliance with a number of criteria as expressed through policy H2 and H4, which are assessed below.

### 5.2 Design and Visual Amenity

The application seeks full planning permission for the erection of 2 no. 3-bedroom semi detached dwellings within the side and rear gardens of 55 Ryecroft Road and 1 Clyde Road, Frampton Cotterell. The site is situated opposite a junction between Ryecroft Road and Rockside Gardens. The proposal also includes provision for a detached rear garage serving the property adjacent to no. 63 Ryecroft Road, with access off Goose Green.

The properties either side of the application site consist of a single storey dwelling, with two storey element to the rear (55 Ryecroft Road) and a three storey dwelling (63 Ryecroft Road) although it is viewed as a two storey dwelling from the front and streetscene, with the other storey to the rear and

below ground level. The proposal is to erect two new dwellings that vary in height to relate to both adjacent properties. It is considered that the scale, massing and varied heights of the proposed dwellings does integrate successfully with the adjacent properties and streetscape.

The proposed detached garage to the rear of the properties would be located just off the highway and would also be in keeping with its surroundings. Two other properties on Goose Green have detached single garages. There is no harm caused to the visual amenity and therefore the proposal complies with policies D1 and H4 of the Local Plan.

### 5.3 Density

Planning policy H2 cites that the maximum density compatible with the site, its location, its accessibility and surroundings should be achieved. To this extent, the expectation is that all development will achieve a minimum density of 30 dwellings per hectare and that higher densities (upwards of 50 dwellings per hectare) will be achieved where local circumstances permit.

In this instance, the total site area equates to 0.07ha providing for a density of some 30 dwellings per hectare. Therefore, the proposal meets the threshold required. It is not considered that any more than two dwellings could be provided for given the design, access and transportation issues which would arise from more than two dwellings on this site. As such, there is no objection to the proposal on this basis.

### 5.4 Residential Amenity

#### Overbearing Analysis

The proposed dwellings are to be located in an existing building line off Ryecroft Road adjacent to existing side elevations of properties 55 Ryecroft Road and 63 Ryecroft Road. It is not considered that either property would suffer an undue loss of light or that the two proposed dwellings would have an overbearing impact upon neighbouring occupiers.

#### Privacy Analysis

The side elevations of no's 63 and 55 Ryecroft Road, facing the application site both have windows into habitable rooms. As a consequence a condition will be attached to this decision notice stating that no windows should be inserted in either side elevation. To the rear the nearest property is approximately 15 m away, and this is considered a sufficient distance for there to be no loss of privacy or overlooking. The proposed dwelling would not be significantly closer to the properties at the rear than no's 55 and 63 Ryecroft Road.

#### Amenity Space

Sufficient private amenity space would remain for both the existing dwelling and be provided for the new properties.

### 5.5 Transportation

The Council's Highways Engineer was consulted as a part of this application. A minimum of 2 parking spaces are to be provided for each new dwelling which accords to the Council's standards as set out in Policy T8 of the Local Plan. The accesses are proposed opposite a junction (Ryecroft Road with Rockside

Gardens); however this is not considered a safety issue given the slow speed nature of the adjoining residential roads and the low level of traffic generated. It is considered that adequate visibility is achievable and therefore there is no objection on highways safety grounds.

## 5.6 Environmental Issues

### Landscaping

Although there is some planting to the frontage of the application site, this shrubbery is not protected by way of a Tree Preservation Order and not considered to contribute significantly to the visual amenity of the local area. It is therefore considered that its removal would not be harmful to the character of the local area.

### Drainage

The Council's Drainage Engineer raised no objection to the scheme.

## 5.7 Other Matters

Concern was raised over disabled access to the properties and the construction phase causing discomfort and stress to local residents. The first issue is covered by building regulations. The second issue is acknowledged but it is not considered that this is sufficient to amount to a refusal reason as it would apply to any development. Construction impacts are normally temporary in duration.

There is an existing consent (PT08/3222/O) on this site relating to an outline application for 1 dwellinghouse, approved on 1<sup>st</sup> May 2009. A condition will be attached to the decision notice ensuring that only one of these developments may be built. This is in agreement with the applicant.

## 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 Improvements achieved to the scheme

No improvements to the scheme were considered necessary.

## 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 is **GRANTED** subject to the following conditions.

### Background Papers      **PT09/0570/F**

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

### CONDITIONS

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

Reason(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 1st May 2009 for 'Erection of 1 no. dwelling (Outline) with access and layout to be determined. All other matters reserved' at 55 Ryecroft Road, Frampton Cotterell (Reference PT08/3222/O) 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.

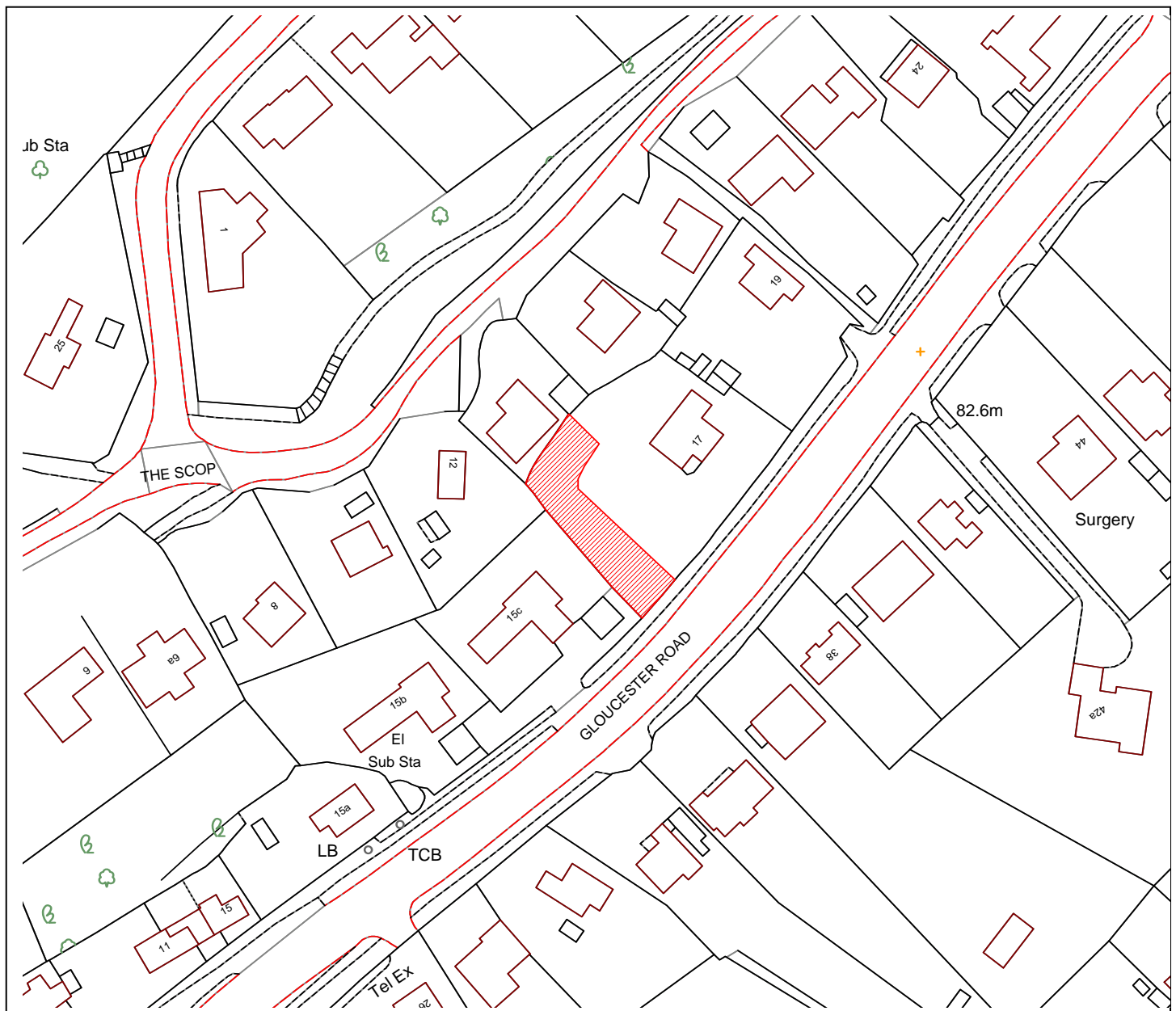
Reason(s):

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



## CIRCULATED SCHEDULE NO. 19/09 – 15 MAY 2009

|                              |   |                     |                            |
|------------------------------|---|---------------------|----------------------------|
| <b>App No.:</b>              | PT09/0581/F   | <b>Applicant:</b>   | Mr N Harris Premier Homes  |
| <b>Site:</b>                 | Land adjacent 17 Gloucester Road, Almondsbury, South Gloucestershire  | <b>Date Reg:</b>    | 31st March 2009            |
| <b>Proposal:</b>             | Erection of 1 no. detached dwelling new vehicular access and associated works. (Re-Submission of PT08/2628/F) | <b>Parish:</b>      | Almondsbury Parish Council |
| <b>Map Ref:</b>              | 60814 84215   | <b>Ward:</b>        | Almondsbury                |
| <b>Application Category:</b> | Minor   | <b>Target Date:</b> | 22nd May 2009              |



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PT09/0581/F

## **INTRODUCTION**

This application appears on the Circulated Schedule as a representation was received contrary to the Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of 1 no. detached dwelling with new vehicular access and associated works. The application is a re-submission of PT08/2628/F which was withdrawn following Officers concerns over design.
- 1.2 The application site relates to land adjacent to 17 Gloucester Road, Almondsbury. The application site is located within a well established residential area within the Almondsbury settlement boundary which is 'washed over' by the Green Belt.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

|       |                                    |
|-------|------------------------------------|
| PPS1  | Delivering Sustainable Development |
| PPG2  | Green Belts                        |
| PPS3  | Housing                            |
| PPG13 | Transport                          |
| PPG14 | Unstable Land                      |
| PPG24 | Planning and Noise                 |

#### **2.2 Development Plans**

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

|     |   |
|-----|---|
| D1  | Achieving Good Quality Design                                 |
| EP1 | Environmental Pollution                                       |
| GB1 | Green Belt  |
| H2  | Residential Development within Existing Urban Areas           |
| L1  | Landscape Protection and Enhancement                          |
| T8  | Parking Standards   |
| T12 | Transportation Development Control Policy for new Development |

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

Design Checklist (Adopted) 2007  
Development in the Green Belt (June 2007)

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

PT05/0307/O - Erection of new dwelling on 0.06 hectares of land. Refused

PT05/2816/O - Erection of dwelling on 0.06 hectares of land and formation of new vehicular access (Resubmission). Refused and then allowed on appeal.

PT08/2628/F - Erection of 1 no. detached dwelling and integral garage. Construction of new vehicular and pedestrian access. Withdrawn.

## 4. CONSULTATION RESPONSES

### 4.1 Almondsbury Parish Council

The Parish Council has no objection/comment to this application.

### 4.2 Local Residents

One letter of objection was received raising the following concerns:

- Quarrying of rock during development may destabilise hill and effect nearby property
- Water run off from parking area will cause accelerated erosion of hillside
- The proposal would be overbearing
- The proposal would lead to a loss of privacy

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The application site lies within the Green Belt, therefore, consideration must be taken in regards to the impact on the openness of the Green Belt. PPG2 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006 allow in principle for limited infilling within 'washed over' boundaries of settlements provided the criteria set out in Policy H2 are satisfied.

Advice contained within PPS3 encourages the provision of additional housing on previously developed land within existing towns and cities to promote more sustainable patterns of development. This policy stance is reflected in policies contained with the South Gloucestershire Local Plan.

Policy H2 of the South Gloucestershire Local Plan March 2006 incorporates current planning advice contained within PPS3 and allows for new residential development within the boundaries of settlements. This is subject to compliance with a number of criteria as expressed through policy H2, which are assessed below.

### 5.2 Design and Visual Amenity

The application seeks full planning permission for the erection of 1 no. detached new dwelling on land to the side of 17 Gloucester Road, Almondsbury. The new dwelling would have 4 bedrooms and parking is provided for in the form of two off street spaces to the front of the property. The site is situated off the busy A38 road.

The ridge height of the proposed building is at the same level as the road and the development will therefore not have a significant impact upon the street scene of Gloucester Road. The proposed building would be similar in siting and layout to a number of buildings along Gloucester Road – slightly set back from the road and single-storey on this frontage, reducing its impact in views from this road. In this context it is considered that the proposed siting and layout of the dwelling is acceptable.

The proposed building is to be split-level, single-storey to the Gloucester Road frontage increasing to two-storey to the rear. The Design and Access Statement sets out how the proposed roofline and pitch have taken cues from

adjacent development, as well as proposed materials, all of which will help give the building a sense of scale in keeping with its immediate surroundings.

Accordingly it is considered that the overall scale, massing and detailing of the building is in accordance with Policy D1.

### 5.3 Density

Planning policy H2 cites that the maximum density compatible with the site, its location, its accessibility and surroundings should be achieved. To this extent, the expectation is that all development will achieve a minimum density of 30 dwellings per hectare and that higher densities (upwards of 50 dwellings per hectare) will be achieved where local circumstances permit.

In this instance, the total site area equates to 0.04ha providing for a density of some 30 dwellings per hectare. Therefore, the proposal meets the threshold required. It is not considered that any more than one dwelling could be provided for given the design, access and transportation issues which would arise from more than one dwelling on this site. As such, there is no objection to the proposal on this basis.

### 5.4 Green Belt

The proposed new dwelling consists of the filling in of a small gap within built development. The proposal would not significantly impinge upon the openness of the Green Belt and therefore the proposal for a new dwelling is acceptable subject to the criteria set out in Policy H2 being satisfied, namely; density, residential amenity, environmental impact, and transportation effects.

### 5.5 Transportation

Gloucester Road is a busy, classified highway subject to a 40 mph speed limit. Given the road conditions all vehicles must access/egress the site in forward gear; reversing manoeuvres cannot be undertaken safely. The parking and turning facilities provided are clear of the public highway and considered acceptable in line with Policies T8 and T12 of the Local Plan.

### 5.6 Residential Amenity

#### Overbearing Analysis

Due to the overall scale and size of the proposed development and sufficient boundary treatment between the neighbouring properties the proposal would not be overbearing on the residential amenity of neighbouring occupiers. To the rear the proposed dwelling would be approximately 14 m away from the nearest property to the rear and to the north east 17 Gloucester Road is a similar distance away. No. 15c Gloucester Road, to the south west would be approximately 6 m from the proposed dwelling, however there is substantial boundary treatment in situ in the form of 3.5m high hedges and due to the buildings orientation it is not anticipated that the neighbouring property will suffer from undue loss of light as a result of the proposal.

#### Privacy Analysis

To the rear the proposed dwelling would be approximately 14 m away from the nearest property to the rear, which has its rear window largely obscured by shrubbery and blinds. To the north east 17 Gloucester Road is a similar

distance away and this is considered an acceptable distance between habitable rooms for there to be no undue loss of privacy. Two windows are proposed at ground floor level on the south west elevation however the established hedgerow of approximately 3.5 m in height means there would be no overlooking or undue loss of privacy.

#### Amenity Space

There will be sufficient garden space to the rear to serve occupiers of the property.

### 5.7 Environmental Issues

#### Landscaping / Tree Preservation Orders

A significant amount of vegetation including a small tree is proposed on the front boundary. Two large trees covered by Tree Preservation Orders are located on the front boundary of the site. The proposed hardstanding for parking vehicles will be within the Root Protection Areas (RPAs) of the trees. This will mean that all excavations – if any are required – will need to be carried out by hand. Therefore a condition for the provision of a tree survey in line with BS5837:2005 incorporating a tree constraints plan, arboricultural impact appraisal and full detailed method statement for all works within the RPAs of both trees will be attached to the decision notice.

#### Drainage

The Council's Drainage Engineer raised no objection to the scheme.

#### Noise

One of the original refusal reasons for a dwelling on this site under application PT05/2816/O was that a dwelling sited on this land was unacceptable due to the noise generated by traffic on Gloucester Road. This application was however allowed at appeal following an environmental noise survey which concluded that subject to design guidance being followed a dwelling could be accommodated on the site. The Planning Inspector agreed with this assessment in allowing the appeal. Although part of the proposal falls within Noise Exposure Category (NEC) 'C' as defined in Planning Policy Guidance 24, part of the site also lies within the less severe NEC 'A'. The applicant has demonstrated that by positioning habitable rooms (ie bedrooms, kitchen, lounge) in this area and using levels to position bedrooms on the ground floor that there would be no objection on the grounds of undue noise pollution being experienced by inhabitants of the proposed dwelling.

### 5.8 Other Matters

Concern was raised in regard to quarrying of rock during development destabilising the hill and effecting the nearby property. PPG14 makes it clear that the onus of ensuring the development land is fit for development remains with the developer. The Local Planning Authority should only require information on this point if there are reasonable grounds to do so, as under the vast majority of instances the Building Regulations will address this. Given that the principle of development is already established it is not considered any new material points have been raised that would necessitate further consideration of this issue. Any developer will have other legal duties not to cause damage to neighbouring properties but this falls outside of the planning decision.

## 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 Improvements achieved to the scheme

An improved design was sought following the withdrawn application PT08/2628/F.

## 5.11 Section 106 Requirements

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

**Background Papers**      **PT09/0581/F**

**Contact Officer:**      **Will Collins**

**Tel. No.**                      **01454 863819**

## CONDITIONS

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

Reason(s):

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 (specifically a tree survey in line with BS5837:2005 incorporating a tree constraints plan, arboricultural impact appraisal and full detailed method statement for all works within the Root Protection Areas of both trees covered by Tree Preservation Orders) 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 protect the character and appearance of the area and to ensure works are carried out in an appropriate manner to accord with Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the commencement of development the area for the turning of vehicles shall be provided in accordance with drawing RB/340/SK4 as approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details with the turning area kept clear at all times for the manoeuvring of vehicles.

Reason(s):

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

**CIRCULATED SCHEDULE NO. 19/09 – 15 May 2009**

|                              |   |                     |                              |
|------------------------------|---|---------------------|------------------------------|
| <b>App No.:</b>              | PT09/0636/F   | <b>Applicant:</b>   | Redrow Homes<br>South West   |
| <b>Site:</b>                 | Walls Court Farm, Filton Road, Stoke Gifford, South Gloucestershire, BS34 8QZ   | <b>Date Reg:</b>    | 7th April 2009               |
| <b>Proposal:</b>             | Various amendments to the siting and design of plot numbers 2001-2013, 2016, 2023,2024,2108-2116 and 2123-2130 as previously approved under planning permission PT07/3519/RM (Phase 2). | <b>Parish:</b>      | Stoke Gifford Parish Council |
| <b>Map Ref:</b>              | 61910 77790   | <b>Ward:</b>        | Frenchay and Stoke Park      |
| <b>Application Category:</b> | Major   | <b>Target Date:</b> | 14th July 2009               |



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## **INTRODUCTION**

Although the proposed scheme seeks consent for a number of minor revisions to the appearance and siting of a number of previously approved dwellings, the proposals affect in excess of 10 units and so this application is referred to the Circulated Schedule as by breaching this threshold it represents major development.

### **1. THE PROPOSAL**

- 1.1 The proposed scheme seeks planning permission for various minor revisions to the design and position of a number of dwellinghouses previously approved under planning reference PT07/3519/RM. The rationale for the revisions is a combination of enhancing the levels of residential amenity, simplifying building lines and internal modifications to the house types.
- 1.2 The revisions sought comprise mainly of the following:
- Setting a number of houses back by 225mm from their approved position to help simplify building lines;
  - Specifying bi-fold doors as opposed to single doors;
  - Reducing but raising stone banding details;
  - Addition of a limited number of first floor balconies; and
  - Further various minor changes to openings such as omission of rooflights and hall windows.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPS3 Housing
- 2.2 Joint Replacement Structure Plan: Saved Policies  
Policy 1 Sustainable development  
Policy 33 Housing provision and distribution
- 2.3 South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
H2 Proposals for Residential Development within the existing Urban Area and Defined Settlement Boundaries  
T12 Transportation Development Control Policy for New Development
- 2.4 Supplementary Planning Documents  
Design Checklist (Adopted).

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

- 3.1 PT04/0684/O Residential development at a density of 50 units per hectare overall across the site together with supporting infrastructure and ancillary facilities. Approved. This planning permission also agreed the details

of the access from Coldharbour Lane. A masterplan, required of a section 106 legal agreement, has also been approved.

- 3.2 PT06/1893/F Extension and alteration to access road (from MoD roundabout). Approved.
- 3.3 PT07/1107/F Alterations to existing access road (from Coldharbour Lane) Approved.
- 3.4 PT07/1432/RM Access road for construction vehicles. Approved.
- 3.5 PT07/1886/F Alterations to access and junction (onto Coldharbour Lane). Approved.
- 3.6 PT07/2424/R3F Formation of public transport bus link. Approved 11 October 2007.
- 3.7 PT07/1715/RM 100No. dwellings (Phase 1). Approved 15 November 2007.
- 3.8 PT07/3519/RM 225No. dwellings (Phase 2). Approved 16 May 2008.
- 3.9 PT08/3093/F Construction of Access Road to link Phases 4,5 and 6 and Primary School Site. Approved 06 February 2009.

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

- 4.1 Stoke Gifford Parish Council  
It was noted that the proposal alterations could not be viewed on the website and Councillors had to inspect hard copies. The new house designs were thought acceptable.
- 4.2 Local Residents  
No consultation replies were received

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

- 5.1 Principle of Development  
This application only seeks permission for a number of external design, siting and specification revisions to houses types that have previously been approved in detail (PT07/3519/RM) and in principle (PT04/0684/O).
- 5.2 The principle of the development has therefore been established and in light of the policies listed above, the limited nature of the scheme seeking approval and all other material considerations, the proposals are to be considered under the following headings.  
  
Visual Amenity
- 5.3 Following an assessment of the proposed revisions, it is not considered that they would represent any diminution in the quality of the architecture previously approved. In a number of instances it is considered that the revisions actually represent an enhancement through providing further refinement to the

appearance of the rear elevation of the buildings. In light of this the Council's Urban Design Officer has raised no objections to the proposed revisions.

Residential Amenity

- 5.4 In view of the minor nature of the revisions proposed, there are no concerns regarding any reduction in the existing levels of residential amenity previously proposed and approved.

Transportation

- 5.5 The proposed revisions will have no implications for highway safety or parking provision.

5.6 Design and Access Statement

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

5.7 Section 106 Requirements

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

**6. CONCLUSION**

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

**7. RECOMMENDATION**

- 7.1 Planning permission is to be APPROVED subject to the following conditions.

**Background Papers      PT09/0636/F**

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

## **CONDITIONS**

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

Reason(s):

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

## **CONDITIONS**

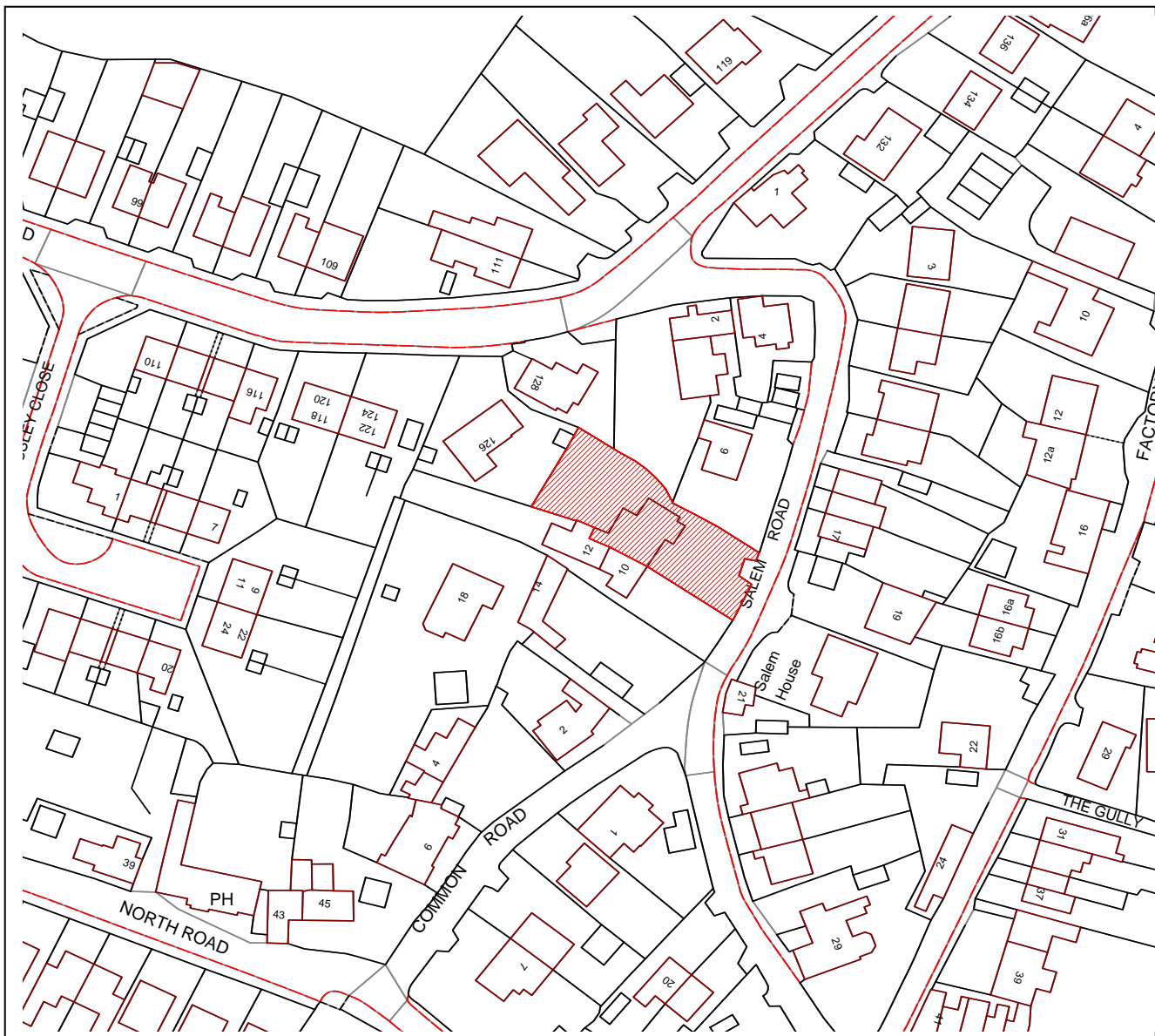
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason(s):

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

## CIRCULATED SCHEDULE NO. 19/09 – 15 MAY 2009

|                              |   |                     |                             |
|------------------------------|---|---------------------|-----------------------------|
| <b>App No.:</b>              | PT09/0687/F   | <b>Applicant:</b>   | Mr P Bruce                  |
| <b>Site:</b>                 | 8 Spindle Cottage, Salem Road, Winterbourne, South Gloucestershire, BS36 1QF  | <b>Date Reg:</b>    | 15th April 2009             |
| <b>Proposal:</b>             | Erection of single storey front extension with entrance porch. Erection of car port and side extension to form additional living accommodation. Installation of front dormer. Erection of first floor rear extension to provide ensuite facility incorporating alterations to roofline. | <b>Parish:</b>      | Winterbourne Parish Council |
| <b>Map Ref:</b>              | 65758 81204   | <b>Ward:</b>        | Winterbourne                |
| <b>Application Category:</b> | Householder   | <b>Target Date:</b> | 7th June 2009               |



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## **INTRODUCTION**

The application is circulated as the officer recommendation conflicts with the Parish Council objection.

### **1. THE PROPOSAL**

- 1.1 The site consists of a terraced cottage with existing vehicular access. There is a large front garden and a large rear garden which is enclosed on one side by the third house in this unusually shaped terrace of dwellings. The site is located within the development boundary of Winterbourne. The proposal is to erect a single storey front, side and rear extension, to raise the roof and erect a new first floor extension to the rear. A new carport forms part of the front extension and a dormer window is located in the front roof elevation.
- 1.2 The front extension would be constructed as a timber frame structure with weatherboarding to the carport and pointed stone to the front extension (solar). The roofing materials will be glass and lead to the solar, and double roman tiles are proposed over the rest of the roofs.

### **2. POLICY CONTEXT**

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

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

- 3.1 N2803 Erection of front porch.

### **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
Objection  
Overdevelopment of the site. The proposed development extends right up to the property boundary.
- 4.2 Local Residents  
None received

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 is relevant to this planning application. The policy indicates that the proposed extension is acceptable subject to the following considerations.

### 5.2 Design and Residential Amenity

Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development achieves a high standard of design. Policy H4 supports this principle and also seeks to ensure that new development would not have a detrimental impact upon the privacy and residential amenity of the occupants of nearby dwellings.

5.3 The house is one of a three terraced houses. The roofline to the far terraced house differs from the other two houses which in themselves are dissimilar. As such the raising of the roof to add insulation, and thereby being higher than the adjoined house is not in itself an alien feature to this range of terraced houses.

5.4 The alterations at first floor at the rear are in keeping with the house and acceptable in appearance in relation to the two adjoined houses. Indeed being in the corner of this range of buildings where the neighbours have no windows visible from the applicants garden and located some sixteen metres from the boundaries of the site, the first floor extension causes no loss of privacy or amenity to either the adjoined or non-adjoined neighbouring properties. The same can be said of the alterations to the ground floor roof slopes.

5.5 With regard to the side extension, a land swap has been arranged with the owner of 130 Watleys End Road to facilitate the utility room. The side extension (corridor) and forward projecting carport are proposed to be constructed within the applicants stone boundary wall. The area of the land swap is located well away from areas of public view and the wall facing 130 Watleys End Road will be constructed in natural stone. This stone elevation and the retention of the existing stone garden walls help to retain the character of the site.

5.6 The front extension works require the removal of an existing relatively modern porch structure. The proposal covers the whole of the ground floor of the house but given that its design is relatively simple and the house set well back from the street, it would not be unduly prominent nor detract from the design of the house. The front dormer window is equally acceptable given its modest scale and form.

5.7 None of the extension works proposed would have any detrimental impact on the residential amenity or privacy of neighbours and the design of the proposals are acceptable. Whilst there are a number of elements to this proposal none of these either singularly or when considered together are considered to be detrimental to the house or surrounding area. Over all therefore the application is considered to accord with policy H4 and D1. Whilst the comments of the Parish Council are noted there is nothing in principle terms to prevent up to a boundary. The development scale should be assessed in relation to the size of the existing dwelling, the curtilage as a whole and the surrounding context.



5.8 Design and Access Statement

A Design and Access Statement is not required as part of this planning application.

5.9 Use of Energy and Sustainability

The proposal is intended to improve insulation and thus conserve energy, and make use of passive solar gain through the use of the solar.

5.10 Improvements achieved to the scheme

None required.

5.11 Section 106 Requirements

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

**6. CONCLUSION**

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

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

**7. RECOMMENDATION**

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

**Background Papers**      **PT09/0687/F**

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

**CONDITIONS**

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

Reason(s):

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

2. The tiles, stone and render finishing materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

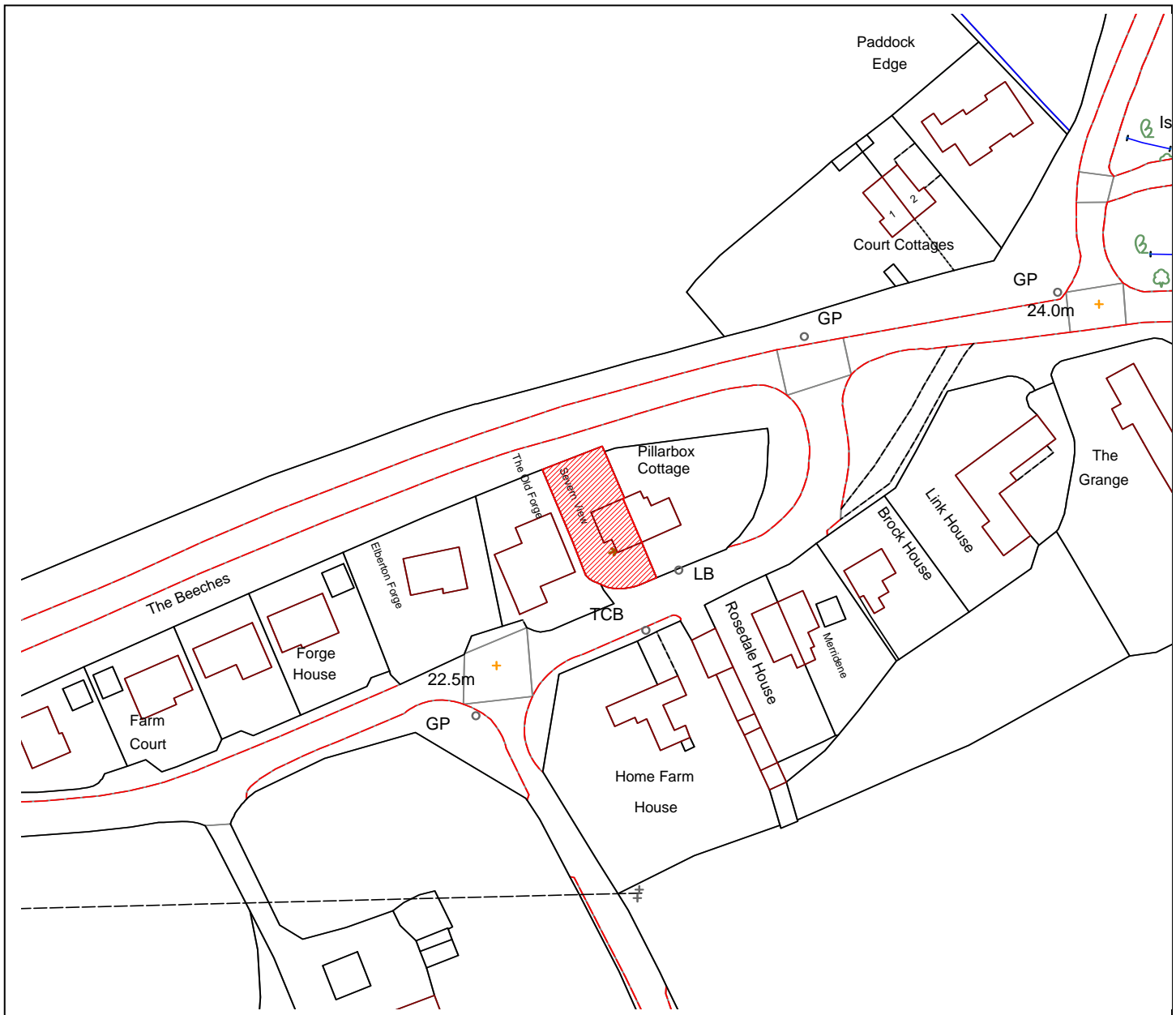
Reason(s):

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

**CIRCULATED SCHEDULE NO. 19/09 – 15 MAY 2009**

**App No.:** PT09/0699/F  
**Site:** Severn View, Redhill Lane, Olveston,  
 South Gloucestershire, BS35 4AE  
**Proposal:** Erection of single storey side extension  
**Map Ref:** 59888 88637  
**Application Category:** Minor

**Applicant:** Mr & Mrs D Grant  
**Date Reg:** 16th April 2009  
**Parish:** Aust Parish Council  
**Ward:** Severn  
**Target Date:** 10th June 2009



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**N.T.S**

**PT09/0699/F**

## **INTRODUCTION**

This application appears on the circulated schedule because the case officer decision to refuse the application is contrary to that of the Parish council's response of support.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of a single storey side extension to form a store.
- 1.2 The application site relates to a semi-detached dwelling outside of any defined settlement boundaries, within the Parish of Aust. The dwelling forms part of a small collection of dwellings facing onto a semi-circular road. The area is washed over by Green Belt, surrounding the site is agricultural land.
- 1.3 There has been a significant amount of history at the site, with a previous approval for a two storey side extension (ref: P92/1195) and two refusals (ref: PT07/1249/F and PT07/3201/F) at the site for large schemes involving the erection of a single storey side and first floor side extensions to provide additional living accommodation. These were both refused for the following reasons:

*The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt because the proposed extension would result in a disproportionate addition over and above the size of the original building. The applicant has not demonstrated that very special circumstances apply such that the normal presumption against development within the Green Belt should be overridden. The proposal is therefore contrary to the provisions of PPG2, and Policies GB1 and H4 of the South Gloucestershire Local Plan.*

*The proposed extension, by reason of its size, design and external appearance, would be out of keeping with the existing dwellinghouse and other nearby properties and, if allowed, would detract from the visual amenities of the locality. The proposal is therefore considered contrary to Policy H4 of the South Gloucestershire Local Plan .*

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPG2 Green Belt

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design  
H4 Development within the Residential Curtilage  
GB1 Green Belt Development

Supplementary Planning Document

South Gloucestershire Council Design checklist (adopted)  
Development in the Green Belt (adopted)

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

P92/1195 Two storey side and rear extension....approved  
PT07/1249/F Extension to the property.....Refused  
PT07/3201/F Extension to the property.....Refused

### **4. CONSULTATION RESPONSES**

4.1 Aust Parish Council  
Support Development.

4.2 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 extensions to residential dwellings subject to there being no adverse impact on the existing residential and visual amenities, and maintenance of highway safety.

The application sites lies within designated Green Belt as such national and local policies apply, PPG2 and GB1 respectively. Additions to residential dwellings within the Green Belt are permitted so long as the cumulative addition to the dwelling would be proportionate to the original dwelling size and not prejudice the openness of the Green Belt

#### **5.2 Green Belt**

The site lies within the open Green Belt. To the front and rear of the dwelling there are views of agricultural fields, with the site lying in a small collection of residential units. The proposed when considered cumulating with previous extensions would see a considerable increase in volume over the original dwelling, as built.

The proposed extensions will provide approximately a 64% increase over the size of the original dwelling. Such an addition is defined as being disproportionate given the size of the original building. In the development in the Green Belt Supplementary Planning Document, this advocates 30% or at the very maximum 50% is being possibly a proportionate addition. Given this, the extension is considered to be inappropriate development and by definition is harmful to the openness of the Green Belt. Consequently the scheme is recommended for refusal, has no very special circumstances have been advanced that outweigh the harm.

#### **5.3 Design/ Visual Amenity**

It is considered that the proposed single storey side extension integrates reasonably with the existing dwelling. in terms of design.

#### **5.4 Residential Amenity**

It is considered that this proposal would not impact upon the residential amenities of the surrounding properties given its single storey size, design and

location. Additionally given the scale of the remaining amenity space within the applicant's garden, it is therefore not considered that there would result a loss of amenity to the applicant's property.

## **6. CONCLUSION**

- 6.1 In accordance with Section 54A of the Town and Country Planning Act 1990 (as amended), Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

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

## **7. RECOMMENDATION**

- 7.1 Planning permission be **refused** for the following reasons:

**Background Papers**      **PT09/0699/F**

**Contact Officer:**    **Toby Adams**  
**Tel. No.**                **01454 863438**

## **CONDITIONS**

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

Reason(s):

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

**CIRCULATED SCHEDULE NO. 19/09 – 15 MAY 2009**

**App No.:** PT09/0725/ADV  
**Site:** University Of West Of England,  
 Coldharbour Lane, Stoke Gifford, South  
 Gloucestershire, BS16 1QY

**Applicant:** Mr F Dekker UWE  
**Date Reg:** 21st April 2009

**Proposal:** Display of 2 no. freestanding signs.

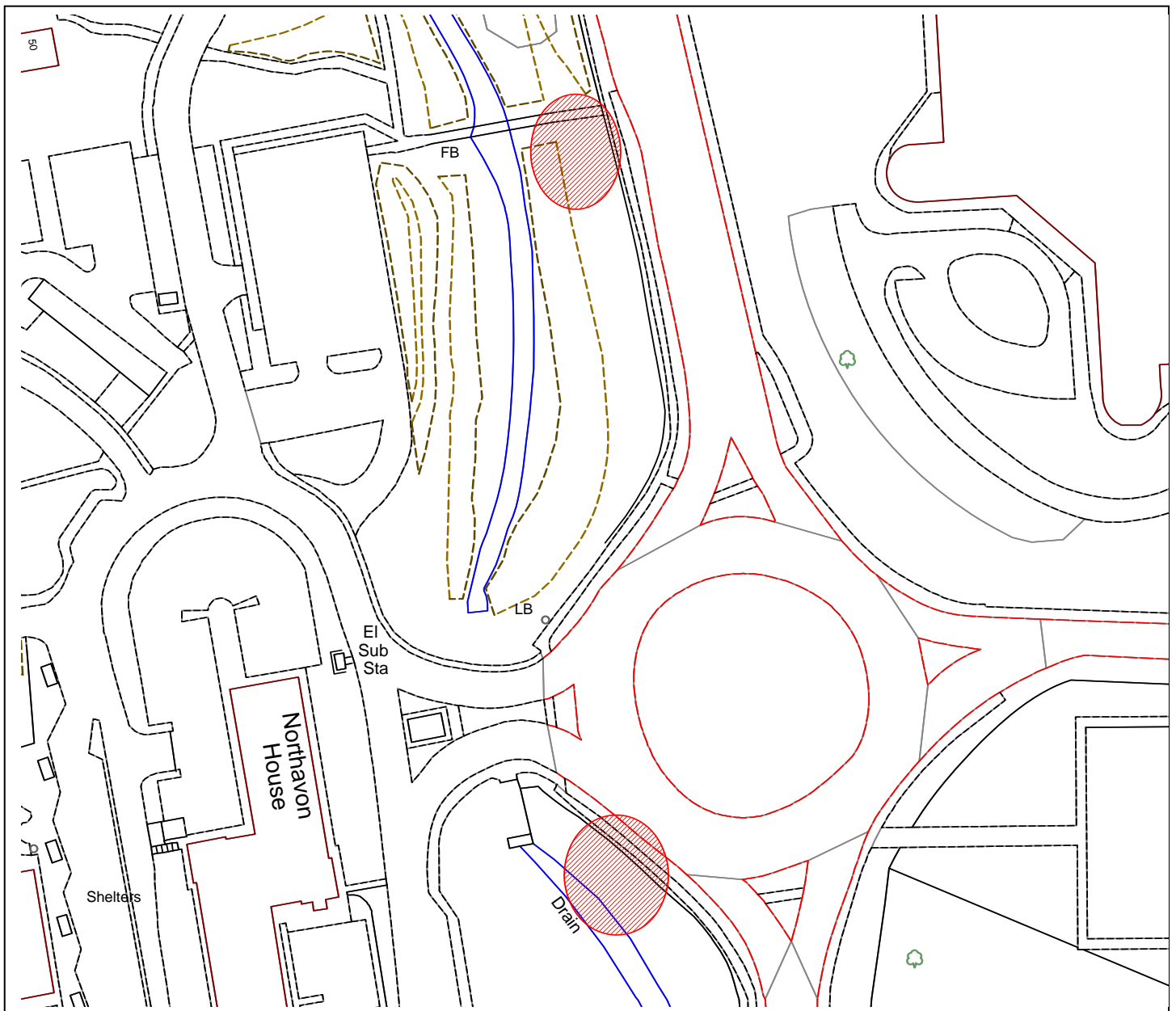
**Parish:** Stoke Gifford Parish  
 Council

**Map Ref:** 62298 78100

**Ward:** Frenchay and Stoke  
 Park

**Application Category:** Minor

**Target Date:** 12th June 2009



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**N.T.S**

**PT09/0725/ADV**

**This application appears on the Circulated Schedule List because an objection has been received from Stoke Gifford Parish Council.**

## **1. THE PROPOSAL**

- 1.1 This application seeks advertisement consent for the display of 2no. freestanding signs. Both signs would measure 3 metres in height, 2.60 metres in width and 0.30 metres in depth. Sign 1 would be positioned at a height of 0.10 metres from the ground; sign 2 would be positioned at a height of 1.70 metres from the ground.
- 1.2 The application site comprises the University of the West of England Complex. The signs would be located at the front elevation of the site adjacent to Cold Harbour Lane. The site is within the established residential area of Stoke Gifford.
- 1.3 The applicant has stated that the decision has been made not to include illumination on either advertising sign until further notice. This is because the University is looking at alternative ways to provide the energy required, which will have an effect on the specification of possible future illumination for the signs. The description of the proposal has therefore, been amended to reflect this.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPG19 Outdoor Advertisements
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development

## **3. RELEVANT PLANNING HISTORY**

- 3.1 P95/1288/A, Addition of illumination to existing freestanding sign, 25/04/1995, Advert Approval.

## **4. CONSULTATION RESPONSES**

- 4.1 Stoke Gifford Parish Council  
Objection – Object to illumination as being unnecessary and environmentally unfriendly, and a distraction to drivers.
- 4.2 Transportation  
No objection
- 4.3 Public Rights of Way  
No objection



## **Other Representations**

- 4.3 Local Residents  
No comments received

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Planning Policy Guidance 19 states that advertisements can only be controlled on the basis of visual amenity and public safety. It states that when assessing amenity, the Local Planning Authority should have regard to the impact of the sign on the building or on the immediate neighbourhood where it is to be displayed as well as the cumulative impact on the surroundings. With regard to public safety, Local Planning Authorities are expected to assess the impact on any traffic or transport on land (including pedestrians), water or air.

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

This application seeks consent for the display of 2no. signs. Both signs would be freestanding and measure 3 metres in width, 2.6 metres in height and 0.3 metres in depth. They would both be constructed from aluminium with a white, red and grey powder coated finish. The signs would contain the text 'UWE Bristol Frenchay Campus' in a white font and the University corporate logo. Sign 1 would be located on a grassed area adjacent to the main University entrance and the Coldharbour Lane roundabout. Sign 2 would be located further north adjacent to the western boundary hedge. The signs would replace existing signs in the same location. The proposed signs would be smaller than the existing signs.

- 5.4 It is considered that the proposed signs, by reason of their scale, design and siting would not have a negative impact on the visual amenities of the surrounding area. The immediate area is urban, characterised by the University, the busy Coldharbour Lane and street lighting as well as the Bristol business park opposite. Whilst the proposed signs would be somewhat more prominent than the existing signs by reason of the colour scheme, they are not unattractive nor would they appear out of place given the context of the surroundings.

### **5.6 Public Safety**

The proposed signs are located clear of the public highway and so is unlikely to distract motorists.

### **5.7 Further Matters**

An objection has been received from the Parish Council on the basis that the illumination is 'unnecessary and environmentally unfriendly and a distraction to drivers'. Since the signs will not be illuminated as detailed in this application, the Officer is unable to address the concerns of the Parish Council as part of this application.

Nonetheless, the Council Transportation Officer considered that illuminated signs in the proposed location would not cause a distraction to motorists. On this basis, and given the urban character of the area, it is considered that the

principle of displaying illuminated signs in the proposed location would not necessarily be harmful. A new application will however, be required for the Council to fully assess the method and intensity of illumination. The Parish Council will be able to comment further on any subsequent application for the signs to be illuminated.

## **6. CONCLUSION**

6.1 The decision to grant 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.

**Background Papers      PT09/0725/ADV**

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