



**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. 20/09

Date to Members: 21/05/09

Member's Deadline: 28/05/09 (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

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: 21/05/09

SCHEDULE NO. 20/09

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

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

Schedule Number	Date to Members 9am on	Members Deadline 5pm on
20/09	Thursday 21 st May 2009	Thursday 28 th May 2009

Circulated Schedule 21 May 2009

ITEM NO.	APPLICATION NO	RECOMMENDATIO	LOCATION	WARD	PARISH
1	PK09/0547/F	Approve with conditions	Westside, France Lane, Hawkesbury Upton, South Gloucestershire, GL9 1AS	Cotswold Edge	Hawkesbury Upton Parish Council
2	PK09/0550/CA	Approve with conditions	Westside, France Lane, Hawkesbury Upton, South Gloucestershire, GL9 1AS	Cotswold Edge	Hawkesbury Upton Parish Council
3	PK09/0644/F	Approve with conditions	59 Sunningdale Drive, Warmley, South Gloucestershire, BS30 8GP	Parkwall	Oldland Parish Council
4	PK09/0683/CLP	Refusal	Greatwood, Coxgrove Hill, Pucklechurch, South Gloucestershire, BS16 9PR	Boyd Valley	Pucklechurch Parish Council
5	PK09/0708/F	Approve with conditions	Broadlands, The Bungalow, Ryedown Lane, Bitton, South Gloucestershire, BS30 6JF	Bitton	Bitton Parish Council
6	PT08/2196/RM	Approved subject to Section 106	Land south of Ellinghurst Farm, Marsh Common Road, Pilning, South Gloucestershire, BS35 4JX	Pilning and Severn Beach	Pilning and Severn Beach
7	PT09/0408/F	Approve with conditions	J Sainsbury Plc, Fox Den Road, Stoke Gifford, South Gloucestershire, BS34 8SS	Frenchay and Stoke Park	Stoke Gifford Parish Council
8	PT09/0736/F	Approve with conditions	45 Henfield Road, Coalpit Heath, South Gloucestershire, BS36 2TG	Westerleigh	Westerleigh Parish Council

CIRCULATED SCHEDULE NO. 20/09 – 21 MAY 2009

App No.: PK09/0547/F
Site: Westside, France Lane, Hawkesbury Upton, South Gloucestershire, GL9 1AS

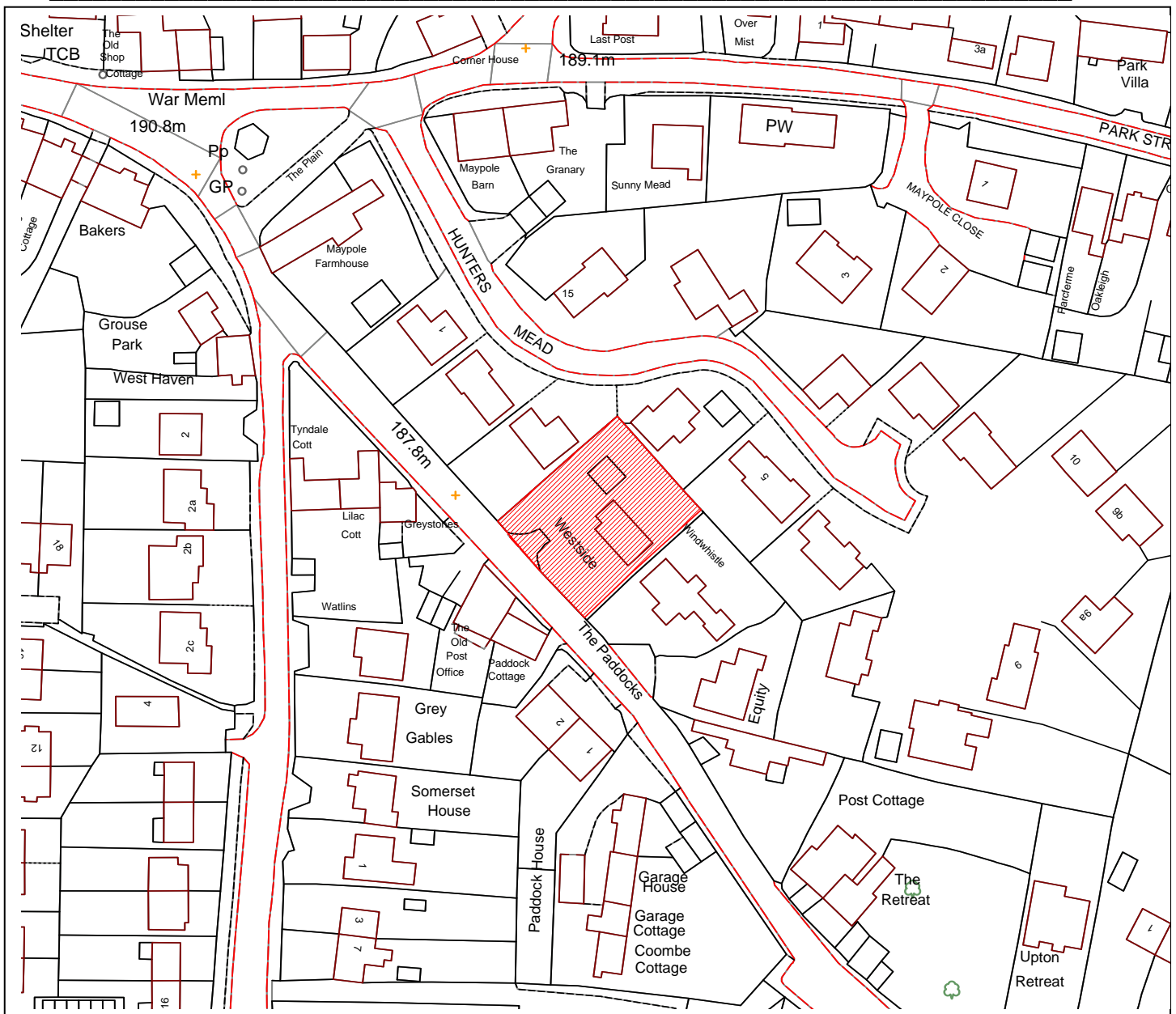
Applicant: Mr J Bleaken
Date Reg: 25th March 2009

Proposal: Demolition of existing dwelling and garage to facilitate the erection of 2no.dwellings with new vehicular access and associated works. (Resubmission of PK08/1898/F).

Parish: Hawkesbury Upton Parish Council

Map Ref: 78067 86861
Application Category: Minor

Ward: Cotswold Edge
Target Date: 14th May 2009



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100023410, 2008.

INTRODUCTION

This application is referred to Members in accordance with procedure given that objection to the proposal has been received.

1. THE PROPOSAL

1.1 The application relates to a site of 865sq.metres currently occupied by a single bungalow and associated double garage with garden area. The site is situated towards the south-eastern end of the village of Hawkesbury Upton, within the Defined Settlement Boundary. The site is surrounded on all sides by residential properties, a mix of two-storey and single storey properties. Access is onto France Lane. The site is also within the Hawkesbury Upton Conservation Area and also lies within the Cotswolds Area of Outstanding Natural Beauty (AONB).

In terms of existing boundary treatments, the site is bounded to the rear and sides by block walling with some fencing. To the front lies a recently improved dry stone wall with some vegetation either side of the entrance.

1.2 Following the demolition of the existing property, it is proposed to erect 2 no. two-storey, detached dwelling-houses on the site. Vehicular access would be from France Lane and would be moved marginally to the south of the existing position. Parking spaces are provided with a turning area. Existing boundaries are retained and bin storage would be provided to the rear.

1.3 In support of the application, the applicant has submitted the following information:

- The buildings have been situated to minimise energy demand with the having regard to the orientation, location of living areas and fenestration.
- Insulation is maximised.
- Bin storage and recycling are to be provided

1.4 An application for Conservation Consent for the Demolition of the bungalow and associated garage is currently being considered with this application (PK09/0550/CA). This application represents a resubmission of PK08/1898/F (see relevant history – para 3.1 below).

2. POLICY CONTEXT

2.1 National Guidance

PPS1 - Delivering Sustainable Development
PPS3 - Housing
PPG13 - Transport : Guide to Better Practice
PPG15 - Planning and the Historic Environment

2.2 South Gloucestershire Local Plan (Adopted) 6th January 2006

D1 - Design in New Development
L1 - Landscape Protection and Enhancement
L2 - Cotswolds AONB
L12 - Conservation Areas

L17 & L18 - The Water Environment
H2 - Residential Development in Urban Areas
H4 - Development within Existing Residential Curtilages
T7 - Cycle Parking
T8 - Parking Standards
T12 - Transportation Development Control Policy
EP2 - Flood Risk and Development

2.3 Supplementary Planning Guidance

Hawkesbury Conservation Area Advice Note (Adopted December 1999)
South Gloucestershire Council Design Checklist (Adopted August 2007)

3. RELEVANT PLANNING HISTORY

PK08/1898/F Demolition of existing dwelling and garage to facilitate the erection of two dwellings and attached garages with new vehicular access and associated works. This application was refused for the following reasons:

- The site is within the Hawkesbury Upton Conservation Area and it is considered that the proposed development, if allowed, would detract from the special architectural and historic character of the designated area through the removal of a part of a front stone boundary wall (to accommodate a new access). The proposal is therefore contrary to PPG15, Policy D1 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006 and Supplementary Planning Guidance Advice Note 17 "Hawkesbury Conservation Area" (Adopted December 1999).
- By reason of its scale (width and depth), design, appearance and materials, the proposed scheme would fail to either enhance or preserve the character and appearance of the Hawkesbury Conservation Area contrary to PPG15, L12 of the South Gloucestershire Local Plan (Adopted) and Supplementary Planning Guidance Advice Note 17 "Hawkesbury Conservation Area" (Adopted December 1999).
- The proposed development by reason of its position/close proximity, and height would result in the overlooking of No.4 and No.5 Hunters Mead with the loss of privacy to the detriment of residential amenity and would also be contrary to Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted).

PK08/1895/CA – Demolition of dwelling and garage – Refused for the following reason:

The proposed demolition is not part of an acceptable redevelopment scheme and would fail to preserve or enhance the character and appearance of the Hawkesbury Conservation Area. As such the proposal is contrary to PPG15 and L12 of the South Gloucestershire Local Plan (Adopted).

4. CONSULTATION RESPONSES

4.1 Hawkesbury Upton Parish Council

PC objects to the size and scale and impact on the residential amenity of neighbours. Loss of bungalow contrary to parish plan. Bungalows would be preferred to houses on this site. Access onto the highway will cause parking problems.

4.2 Sustainable Transport Team

This is a resubmission of the previous planning application No. PK08/1898/F and it proposes to demolish the existing dwelling in order to facilitate the erection of 2 no. dwellings. The applicant seeks to create a new access and further proposes to close the existing access.

The earlier application was refused but the refusal reasons did not include highway reasons. Details of the new access associated with the current application remains the same as those submitted with the previous planning application. The proposal includes provision of two parking spaces for each dwelling and additionally a suitable turning area will be created for each dwelling on the site to ensure vehicles could enter and leave the site access in forward gear.

From the highway records, it is noted that the land within the existing vehicular access unusually forms part of adopted highway in this case. The applicant is proposing to Stop-Up this section of highway by extending his boundary wall across this land. Land within the public highway can not generally be stopped up unless it is first made surplus to the highway's requirement. Highway authority at present time has no plan to Stop-Up this section of the highway land. Notwithstanding this, it is the case that individual people can apply directly to the Secretary of State for Stopping Up orders (under the Town and Country Planning act 1990, section 247). If planning permission to this -proposal is being considered then a suitable planning condition will be imposed so that any Stopping Up Order takes place accordingly.

Some of the existing local residents (who do not currently enjoy off-street parking facilities) raise the issue of parking outside their properties. Local resident felt that the new access will affect their ability to park on the road at this location. It must be noted however that although one new access will be created, the existing one will be closed at this location. In view of this therefore, it is considered that there would have no more impact than existing situation and neighbours' ability to park at this location would not materially be changed. If planning consent is being considered to this proposal then the following conditions are recommended,

1. No boundary wall shall be erected across the existing vehicular access until the applicant has secured successfully the necessary Stopping-Up Order.
2. Prior to occupation of any of the new dwelling, provide two off-street parking and turning area for each dwelling on the site as shown on the approved plan and maintain these satisfactory thereafter.
3. All parking spaces shall be constructed by permeably bound surfacing material and these shall be maintained satisfactory thereafter.

4. All works associated with formation of new access onto public highway would be carried out to full and final satisfaction of the Council's Street-Care Manager.

Other Representations

4.3 Local Residents

There have been 4 letters of objection received. The grounds of objection can be summarised as follows:

- The proposed entrance lies opposite a location where on-street parking takes place with resultant highway safety problems
- The proposed dwellings by reason of their height and location will have an adverse impact upon neighbouring occupiers (it is difficult to assess the impact from the submitted plans), by reason of loss of light, privacy and physical impact
- Works to the rear boundary wall would require the permission of the adjoining occupier and should take place prior to works to the building
- The application deletes bungalows which is contrary to the village plan
- Bungalows would be more appropriate given that this is a prime position for the elderly

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 allow for residential development within the Defined Settlement Boundaries and within curtilages of dwellings, subject to certain detailed criteria which are discussed below. The site is within the Defined Settlement Boundary as defined in the South Gloucestershire Local Plan.

The proposal falls to be determined under Policy H2 of the South Gloucestershire Local Plan, which permits the residential development proposed, subject to the following criteria:

- A. Development would not have unacceptable environmental or transportation effects, and would not significantly prejudice residential amenity; and
- B. The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved. The expectation is that all developments will achieve a minimum density of 30 dwellings per hectare and that higher densities will be achieved where local circumstances permit. Not least, in and around existing town centres and locations well served by public transport, where densities of upwards of 50 dwellings per hectare should be achieved.
- C. The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination; and
- D. Provision for education, leisure, recreation and other community facilities within the vicinity is adequate to meet the needs arising from the proposals.

Policy D1 of the South Gloucestershire Local Plan seeks to secure good quality designs. Policy L12 seeks to preserve or enhance the character or appearance of the Conservation Area.

The site is not subject to unacceptable levels of noise, disturbance, air pollution, smell, dust or contamination. There is adequate provision in the locality for Education, Leisure, Recreation and other Community Facilities to meet the needs arising from the proposal.

5.2 Density

Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and like PPS3 seeks to avoid development, which makes an inefficient use of land. PPS3 (para.47) indicates that a national indicative minimum density of 30 dwellings per hectare should be used. PPS3 (para.50) states that *“The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.”*

The density of the development is 24 dwellings per hectares (based upon 2 dwellings on 860 sq.m site area). This density is less than the standard of 30 dwellings per hectares however it is considered appropriate given the context and pattern of development within this part of the Conservation Area. While this density is considered appropriate, the following issues must be considered.

5.3 Design/Conservation Area Issues

The application is situated within the Hawkesbury Upton Conservation Area.

Policy L12 following guidance in PPG15, seeks to preserve or enhance the character or appearance of the Conservation Area. In particular development should demonstrate that “size, form, position, scale, materials, design, colour and detailing should have proper regard to the distinctive character and appearance of the Conservation Area”. The Policy also identifies boundary walls and other architectural or hard landscape features which contribute to the character and appearance of the Conservation Area as being features that must be retained”. The Hawkesbury Conservation Advice Note (Supplementary Planning Guidance Note 17) appraises important features of the Conservation Area, identifies a strategy for their enhancement and gives guidance for development proposals. The Council’s Conservation Officer has considered the scheme.

It is not considered that the existing 1960’s bungalow has any architectural merit and therefore the principle of its demolition is considered acceptable, although in terms of the duplicate Conservation Area consent currently under consideration this can only be approved if the Planning Application under consideration here, is deemed appropriate.

Impact upon Boundary Wall

The previous applications (PK08/1898/F and PK08/1895/F) were refused partly because of concerns relating to the impact of the proposal upon the wall to the front of the property. A large section of wall would have been removed, to accommodate the

access (approximately 3 metres of a natural stone wall to allow an increase in width from 8 metres to 11 metres). This area of France Lane is strongly characterised by a sense of enclosure created by the traditional dry stone walls located at the back edge of the road. The Hawkesbury Conservation Advice Note, identifies stone boundary walls as being important features and specifically identifies those along this road as being part of the Preservation and Enhancement Strategy.

The current proposal proposes the reinstatement of the wall where it is to be stopped up and the proposed new access will replicate the existing entrance and thus the proposal would be neutral in terms of its impact. It is therefore considered that this previous concern and hence reason for refusal has been overcome.

Proposed Buildings

With respect to the proposed buildings, it is considered that the previous linked buildings proposed as part of the previous application would have appeared dominant in the street scene by reason of their width, form and appearance and would have detracted from the character and appearance of the Conservation Area.

With respect to the current proposal, it is considered that the scale and design of the proposed houses follows the form and detailing of many of the traditional buildings within the village and would have simple detailing. The use of natural stone, timber windows and clay tiles are welcomed. Officers consider that the buildings are of a more appropriate design and palette than the existing buildings (bungalow and garage). The Council Conservation Officer fully supports the proposal subject to conditions to secure full details of the design and details of a range of external features. This information must be submitted prior to the commencement of any works. A condition will secure an appropriate colour for the windows and doors. A condition will require a sample panel of facing natural stonework to be constructed on site and made available for inspection. This panel would illustrate the proposed stone, coursing and colour and texture of pointing. A condition is recommended to secure dry stone walling on all boundaries, notwithstanding the details shown. Conditions are also recommended to remove the usual householder permitted development rights (given the need to carefully assess the impact of such proposals) and to ensure that a representative sample of the clay tile roof is submitted for approval prior to the commencement of the development.

Subject to the above conditions, the proposed development is considered to preserve the character and appearance of the Conservation Area and is therefore in accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006 and PPG15.

5.4 Transportation

Policy T8 states the maximum parking standard for residential developments. Policy T12 states that development should provide adequate and safe access, capable of accommodating the motorised traffic generated by the proposal.

The earlier application was refused but the refusal reasons did not include highway reasons. Details of the new access associated with the current application remains similar to those submitted with the previous planning application. The proposal includes provision of two parking spaces for each dwelling and additionally a suitable turning area will be created for each dwelling on the site to ensure vehicles could enter

and leave the site access in forward gear. It is considered that the access and parking is acceptable.

From the highway records, it is noted that the land within the existing vehicular access unusually forms part of adopted highway in this case. The applicant is proposing to Stop-Up this section of highway by extending his boundary wall across this land. Land within the public highway can not generally be stopped up unless it is first made surplus to the highway's requirement. Highway authority at present time has no plan to Stop-Up this section of the highway land. Notwithstanding this, it is the case that individual people can apply directly to the Secretary of State for Stopping Up orders (under the Town and Country Planning act 1990, section 247). The Transportation have indicated that if planning permission is to be permitted that a suitable planning condition could be imposed so that any Stopping Up Order takes place accordingly. It should be noted however that conditions should not be imposed to secure matters covered by other legislation, however an informative will be attached to the decision notice to advise the applicant of their duties with this matter.

Concern has been raised from existing local residents (who do not currently enjoy off-street parking facilities) regarding the issue of the ability to park outside their properties opposite the development site. It should be noted however that although one new access will be created, the existing one will be closed at this location. In view of this therefore, it is considered that there would have no more impact than existing situation and neighbours' ability to park at this location would not materially be changed.

The proposed development is considered acceptable in transportation terms, subject to a condition to secure a permanently bound material for the access and parking spaces and a further condition to ensure that the access onto the highway is completed to the full and final satisfaction of the Council's Street-Care Manager. In addition as indicated above an informative will also be attached to the decision notice to indicate that the applicant must have secured successfully the necessary Stopping-Up Order.

5.5 Landscape and Cotswolds AONB

Policy L1 seeks to protect and enhance the landscape in general whilst Policy L2 specifically seeks to conserve and enhance the natural beauty of the AONB.

Given the location within the main residential area of Hawkesbury Upton, it is not considered that the development would have an impact upon the wider landscape or the Area of Outstanding Natural Beauty. A hard and soft landscaping condition will be attached to the decision notice.

5.6 Impact Upon Residential Amenity

Impact upon residential amenity is assessed in terms of whether a proposal would appear oppressive or overbearing when viewed from a neighbouring property or whether loss of privacy would result from overlooking of that property.

Given the scale and location of the proposal it is not considered that there would be any significant impact upon the residential amenity of the properties to either side or to those on the opposite side of France Lane.

In particular given its location, it is considered that the impact of the semi-detached pair must be assessed upon the effect upon the residential amenity of No.4 and No.5 Hunters Mead, immediately to the rear (north-east). With respect to the physical impact of the proposal, it should be noted that the replacement dwelling although two-storey, with a height of 7.2 metres is approximately 2 metres higher than the existing bungalow. In addition House "A" as indicated on the submitted drawings lies largely to the side of No.4 Hunters Mead to the rear. It is not considered, given their scale and location, (there is a 10 to 11 metre gap between the buildings and the rear boundary and a gap of 14.2 metres from the two storey element of House "B" to the rear boundary), that the proposal would appear oppressive when viewed from those properties.

Turning to the issue of privacy, the previous application was refused on the basis that the development would result in a significant loss of privacy to the occupiers to the rear, principally No.4 and No.5 Hunter's Mead.

The current proposal includes a single window at second floor level on House A that faces directly towards the side of No.4. This window is to a bathroom and would be obscure glazed. A condition is recommended to ensure that this window is obscure glazed to Level 3. A second window facing towards the south, does not directly overlook properties to the rear and any view would be at an extremely acute angle. A north-west facing window to a bathroom at second floor level is also to be obscure glazed and again a condition will ensure that this is glazed to Level 3 standard. All other windows at ground floor given their elevation and the boundary treatment to the rear or orientation would not overlook the adjoining properties.

With respect to Building "B", there is a single rooflight proposed at the upper floor level on the rear elevation. Given the height above floor level (approximately 1.8 metres) and the angle in the roof it is not considered that this would result in overlooking of the properties to the rear. There is a single bathroom window on the north-west elevation, again this is to be obscure glazed and a condition is recommended to secure Level 3 glazing. All other windows at ground floor given their elevation and the boundary treatment to the rear or orientation would not overlook the adjoining properties.

In summary it is considered that the current proposal has addressed the previous concerns and that there would not be any significant detriment to residential amenity caused to neighbouring occupiers such as would justify the refusal of the application and sustain that decision upon appeal. The proposal is considered to be in accord with Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted January 2006).

5.7 Drainage Issues

In terms of drainage the Council's Drainage Engineer has raised no objection to the proposal. A condition will be attached to the decision notice to secure a full drainage scheme (to incorporate SUDS) to be approved prior to the commencement of any development on the site.

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 South Gloucestershire Council Design Checklist (Adopted August 2007).

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) 6th 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 PK09/0547/F

Contact Officer: David Stockdale
Tel. No. 01454 864533

CONDITIONS

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

Reason:

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

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

Reason:

To ensure that a satisfactory means of drainage is provided, and to accord with Policies L17 and L18 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 bathroom windows on the side/north-west elevation of Buildings A and B and the rear elevation of Building A on the first floor shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed'.

Reason:

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. No development shall take place until full details comprising elevations and section drawings (with cross-sections) to a minimum scale of 1:5 have been submitted to and approved in writing by the Local Planning Authority of the items listed below. All works shall be carried out in accord with the agreed details.

- a. eaves
- b. verges
- c. ridges
- d. rainwater goods
- e. doors
- f. reveals
- g. all external windows (including cill and head details)
- h. extract vents and flues
- i. conservation rooflights
- j. chimney.
- k. Dormer windows (including cheeks, eaves and ridge)
- l. Alarms, aerials and electrical and mechanical systems
- m. Lintols
- n. Porch/canopies

Reason:

To ensure that the development serves to preserve the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L12 of the Adopted South Gloucestershire Local Plan. These are important details which need to be constructed in the traditional local manner to ensure that the development is compatible with its surroundings.

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

Reason:

To ensure that the development serves to preserve the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L12 of the Adopted South Gloucestershire Local Plan (Adopted). These are important details which need to be constructed in the traditional local manner to ensure that the development is compatible with its surroundings.

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

Reason:

To ensure that the development serves to preserve the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L12 of the Adopted South Gloucestershire Local Plan. These are important

details which need to be constructed in the traditional local manner to ensure that the development is compatible with its surroundings.

7. Notwithstanding the submitted drawings, all new boundaries shall be traditional natural stone dry walling, to match the front boundary wall. Prior to the commencement of development full details of all means of enclosure within the site (including materials, finishes and coping detail, as appropriate) shall be submitted to and agreed in writing by the local planning authority. The proposed development shall thereafter be implemented strictly in accordance with the agreed details and thereafter so maintained.

Reason:

To ensure that the development serves to preserve the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L12 of the Adopted South Gloucestershire Local Plan. These are important details which need to be constructed in the traditional local manner to ensure that the development is compatible with its surroundings.

8. Within 2 MONTHS of the commencement of works, the existing entrance shall be "stopped-up" in accordance with the submitted details.

Reason):

To ensure a satisfactory standard of external appearance in the Hawkesbury Conservation Area, and to accord with and Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. All works associated with the formation of the new access shall be completed to the full and final satisfaction of the Council Street-Care Manager.

Reason:

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

10. Prior to the commencement of development a representative sample of hand made clay tile shall be submitted and approved in writing by the local planning authority.

Reason:

To ensure that the development serves to preserve the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L12 of the Adopted South Gloucestershire Local Plan. These are important details which need to be constructed in the traditional local manner to ensure that the development is compatible with its surroundings.

11. 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:

Given the size of the site and the need to assess the impact of proposals upon the character and appearance of the Conservation Area and to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

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

13. The off-street parking spaces and turning area shall be provided prior to the first occupation of the development as shown on the drawings hereby approved and retained as such thereafter.

Reason:

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

14. All parking spaces and the access shall be of a permeable bound material and retained as such thereafter.

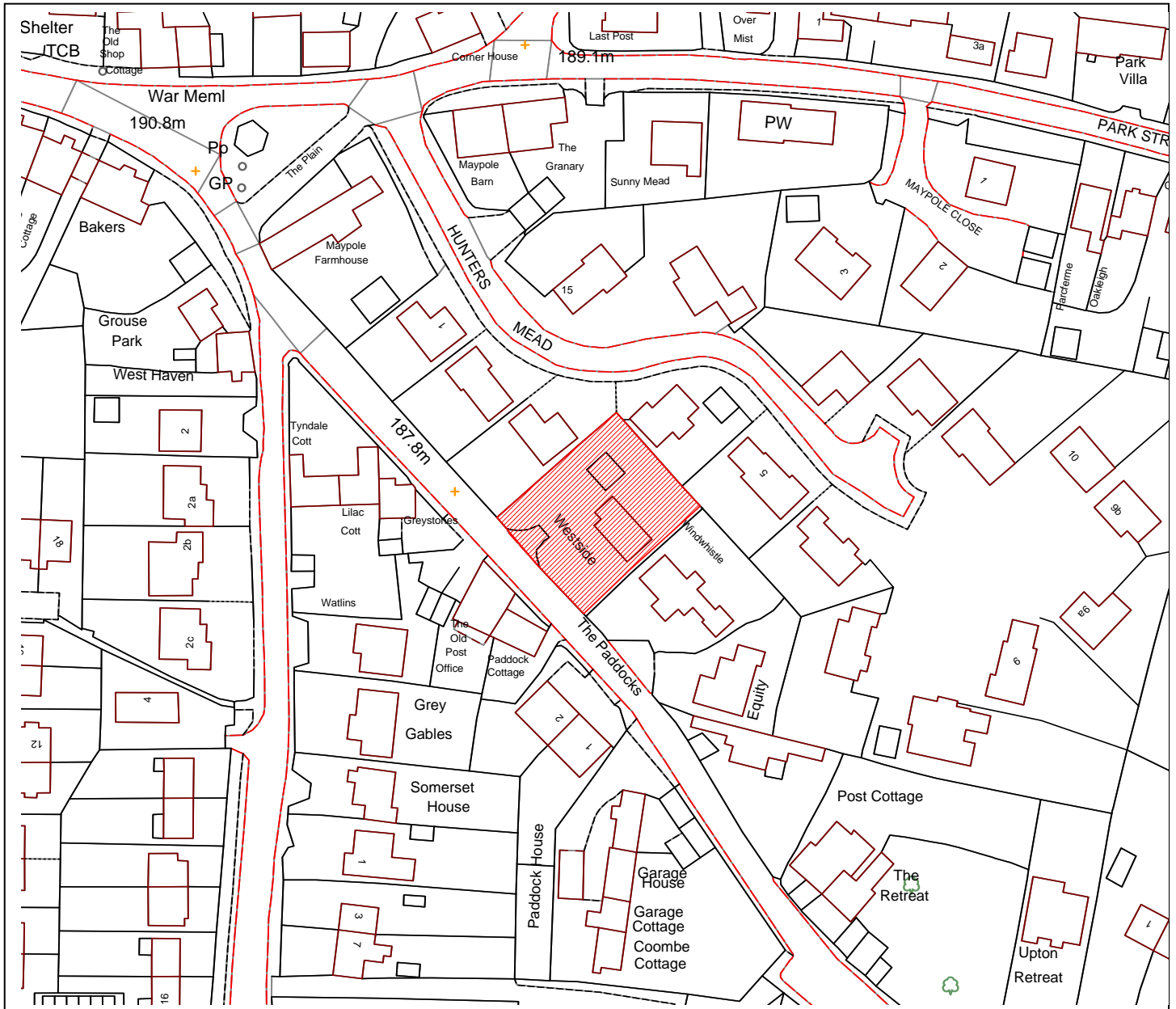
Reason:

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

CIRCULATED SCHEDULE NO. 20/09 – 21 MAY 2009

App No.: PK09/0550/CA
Site: Westside, France Lane, Hawkesbury Upton, South Gloucestershire, GL9 1AS
Proposal: Demolition of dwelling and garage. (Resubmission of PK08/1895/CA).
Map Ref: 78067 86861
Application Category: Minor

Applicant: Mr J Bleaken
Date Reg: 25th March 2009
Parish: Hawkesbury Upton Parish Council
Ward: Cotswold Edge
Target Date: 14th May 2009



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N.T.S

PK09/0550/CA

INTRODUCTION

This application is referred to the Circulated Schedule to Members, in accordance with procedure given that objections have been raised.

1. THE PROPOSAL

1.1 The application relates to a site of 865sq.metres currently occupied by a single bungalow and associated double garage with garden area. The site is situated towards the south-eastern end of the village of Hawkesbury Upton, within the Defined Settlement Boundary. The site is surrounded on all sides by residential properties, a mix of two-storey and single storey properties. Access is onto France Lane. The site is also within the Hawkesbury Upton Conservation Area and also lies within the Cotswolds Area of Outstanding Natural Beauty (AONB).

In terms of existing boundary treatments, the site is bounded to the rear and sides by block walling with some fencing. To the front lies a recently improved dry stone wall with some vegetation either side of the entrance.

1.2 Following the demolition of the existing property, it is proposed to erect 2 no. two-storey two storey dwelling-houses on the site. Vehicular access would be from France Lane albeit moved marginally to the south of the existing entrance, with the original entrance stopped up. Existing boundaries are retained and bin storage would be provided to the rear.

1.3 In support of the application, the applicant has submitted the following information:

- The buildings have been situated to minimise energy demand having regard to the orientation, location of living areas and fenestration.
- Insulation is maximised.
- Bin storage and recycling are to be provided

1.4 An application for Full Planning Consent for the erection of 2 no. dwellings and associated works was submitted with this application (PK09/0547/F). The application represents, the resubmission of application PK08/1895/CA previously refused – see paragraph 3.1 below for full details.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 – Delivering Sustainable Development
PPG15 – Planning and the Historic Environment

South Gloucestershire Local Plan (Adopted January 2006)

D1 – Achieving Good Quality Design in New Development
L12 – Conservation Areas

2.2 Supplementary Planning Guidance

Hawkesbury Upton Conservation Area Supplementary Planning Guidance Note.
South Gloucestershire Council Design Checklist (Adopted August 2007)

3. **RELEVANT PLANNING HISTORY**

3.1 PK08/1895/CA – Demolition of dwelling and garage – Refused for the following reason:

The proposed demolition is not part of an acceptable redevelopment scheme and would fail to preserve or enhance the character and appearance of the Hawkesbury Conservation Area. As such the proposal is contrary to PPG15 and L12 of the South Gloucestershire Local Plan (Adopted).

PK08/1898/F – Demolition of existing dwelling and garage to facilitate the erection of two dwellings and attached garages with new vehicular access and associated works. Refused for the following reasons

1. The site is within the Hawkesbury Upton Conservation Area and it is considered that the proposed development, if allowed, would detract from the special architectural and historic character of the designated area through the removal of a part of a front stone boundary wall (to accommodate a new access). The proposal is therefore contrary to PPG15, Policy D1 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006 and Supplementary Planning Guidance Advice Note 17 "Hawkesbury Conservation Area" (Adopted December 1999).

2. By reason of its scale (width and depth), design, appearance and materials, the proposed scheme would fail to either enhance or preserve the character and appearance of the Hawkesbury Conservation Area contrary to PPG15, L12 of the South Gloucestershire Local Plan (Adopted) and Supplementary Planning Guidance Advice Note 17 "Hawkesbury Conservation Area" (Adopted December 1999).

3. The proposed development by reason of its position/close proximity, and height would result in the overlooking of No.4 and No.5 Hunters Mead with the loss of privacy to the detriment of residential amenity and would also be contrary to Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted).

4. **CONSULTATION RESPONSES**

4.1 Hawkesbury Upton Parish Council

PC objects size & scale and impact on the residential amenity of the neighbours. Loss of a bungalow contrary to the parish plan. Bungalows would be preferred to houses on this site. Access onto main highway will cause parking problems.

Other Representations

4.2 Local Residents

There have been 4 letters of objection received. The grounds of objection can be summarised as follows:

- The proposed entrance lies opposite a location where on-street parking takes place with resultant highway safety problems
- The proposed dwellings by reason of their height and location will have an adverse impact upon neighbouring occupiers (it is difficult to assess the impact from the submitted plans), by reason of loss of light, privacy and physical impact
- Works to the rear boundary wall would require the permission of the adjoining occupier and should take place prior to works to the building
- The application deletes bungalows which is contrary to the village plan
- Bungalows would be more appropriate given that this is a prime position for the elderly

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

The site is situated within the Hawkesbury Conservation Area. Policy L12 of the South Gloucestershire Local Plan (Adopted January 2006) considers the impact of new development within Conservation Areas. Reflecting the guidance given within PPG15, development within or affecting a Conservation Area will only be permitted where it would preserve or enhance the character or appearance of the Conservation Area.

The proposed development is considered acceptable in principle subject to an assessment of these issues below.

5.2 **Design/Conservation Area Issues**

The application is situated within the Hawkesbury Upton Conservation Area.

Policy L12 following guidance in PPG15, seeks to preserve or enhance the character or appearance of the Conservation Area. In particular development should demonstrate that “size, form, position, scale, materials, design, colour and detailing should have proper regard to the distinctive character and appearance of the Conservation Area”. The Policy also identifies boundary walls and other architectural or hard landscape features which contribute to the character and appearance of the Conservation Area as being features that must be retained”. The Hawkesbury Conservation Advice Note (Supplementary Planning Guidance Note 17) appraises important features of the Conservation Area, identifies a strategy for their enhancement and gives guidance for development proposals. The Council’s Conservation Officer has considered the scheme.

It is not considered that the existing 1960’s bungalow has any architectural merit and therefore the principle of its demolition is considered acceptable, although in terms of the duplicate Conservation Area consent currently under consideration this can only be approved if the Planning Application under consideration here, is deemed appropriate.

Impact upon Boundary Wall

The previous applications (PK08/1898/F and PK08/1895/F) were refused partly because of concerns relating to the impact of the proposal upon the wall to the front of the property. A large section of wall would have been removed, to accommodate the

access (approximately 3 metres of a natural stone wall to allow an increase in width from 8 metres to 11 metres). This area of France Lane is strongly characterised by a sense of enclosure created by the traditional dry stone walls located at the back edge of the road. The Hawkesbury Conservation Advice Note, identifies stone boundary walls as being important features and specifically identifies those along this road as being part of the Preservation and Enhancement Strategy.

The current proposal proposes the reinstatement of the wall where it is to be stopped up and the proposed new access will replicate the existing entrance and thus the proposal would be neutral in terms of its impact. It is therefore considered that this previous concern and hence reason for refusal has been overcome.

Proposed Buildings

With respect to the proposed buildings, it is considered that the previous linked buildings proposed as part of the previous application would have appeared dominant in the street scene by reason of their width, form and appearance and would have detracted from the character and appearance of the Conservation Area.

With respect to the current proposal, it is considered that the scale and design of the proposed houses follows the form and detailing of many of the traditional buildings within the village and would have simple detailing. The use of natural stone, timber windows and clay tiles are welcomed. Officers consider that the buildings are of a more appropriate design and palette than the existing buildings (bungalow and garage). The Council Conservation Officer fully supports the proposal subject to conditions to secure full details of the design and details of a range of external features. This information must be submitted prior to the commencement of any works. A condition will secure an appropriate colour for the windows and doors. A condition will require a sample panel of facing natural stonework to be constructed on site and made available for inspection. This panel would illustrate the proposed stone, coursing and colour and texture of pointing. A condition is recommended to secure dry stone walling on all boundaries, notwithstanding the details shown. Conditions are also recommended to remove the usual householder permitted development rights (given the need to carefully assess the impact of such proposals) and to ensure that a representative sample of the clay tile roof is submitted for approval prior to the commencement of the development.

Subject to the above conditions, the proposed development is considered to preserve the character and appearance of the Conservation Area and is therefore in accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006 and PPG15.

5.3 Design and Access Statement

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

6. CONCLUSION

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

6.2 The recommendation to grant consent has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) 6th January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 Conservation Consent be granted subject to the following conditions

Background Papers **PK09/0550/CA**

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

CONDITIONS

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

Reason:

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

2. No development shall take place until full details comprising elevations and section drawings (with cross-sections) to a minimum scale of 1:5 have been submitted to and approved in writing by the Local Planning Authority of the items listed below. All works shall be carried out in accord with the agreed details.

- a. eaves
- b. verges
- c. ridges
- d. rainwater goods
- e. doors
- f. reveals
- g. all external windows (including cill and head details)
- h. extract vents and flues
- i. conservation rooflights
- j. chimney.
- k. Dormer windows (including cheeks, eaves and ridge)
- l. Alarms, aerials and electrical and mechanical systems
- m. Lintols
- n. Porch/canopies

Reason:

To ensure that the development serves to preserve the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L12 of the Adopted South Gloucestershire Local Plan. These are important details which need to be constructed in the traditional local manner to ensure that the development is compatible with its surroundings.

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

Reason:

To ensure that the development serves to preserve the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L12 of the Adopted South Gloucestershire Local Plan. These are important details which need to be constructed in the traditional local manner to ensure that the development is compatible with its surroundings.

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

Reason:

To ensure that the development serves to preserve the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L12 of the Adopted South Gloucestershire Local Plan. These are important details which need to be constructed in the traditional local manner to ensure that the development is compatible with its surroundings.

5. Notwithstanding the submitted drawings, all new boundaries shall be traditional natural stone dry walling, to match the front boundary wall. Prior to the commencement of development full details of all means of enclosure within the site (including materials, finishes and coping detail, as appropriate) shall be submitted to and agreed in writing by the local planning authority. The proposed development shall thereafter be implemented strictly in accordance with the agreed details and thereafter so maintained.

Reason:

To ensure that the development serves to preserve the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L12 of the Adopted South Gloucestershire Local Plan. These are important details which need to be constructed in the traditional local manner to ensure that the development is compatible with its surroundings.

6. Within 2 MONTHS of the commencement of works, the existing entrance shall be "stopped-up" in accordance with the submitted details.

Reason:

To ensure a satisfactory standard of external appearance in the Hawkesbury Conservation Area, and to accord with and Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 20/09 – 21 MAY 2009

App No.: PK09/0644/F
Site: 59 Sunningdale Drive, Warmley, South Gloucestershire, BS30 8GP
Proposal: Erection of two storey rear extension to provide additional living accommodation.
Map Ref: 66634 72940
Application Category: Householder

Applicant: Mr A Furlong
Date Reg: 8th April 2009
Parish: Oldland Parish Council
Ward: Parkwall
Target Date: 1st June 2009



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N.T.S

PK09/0644/F

INTRODUCTION

This planning application has been referred to the Council's Circulated Schedule Procedure as a result of objections received from the Parish Council regarding the proposed development.

1. THE PROPOSAL

1.1 This planning application seeks permission for the erection of a two storey rear extension.

1.2 The application site relates to a two storey dwelling within a block of two other two storey dwellings.

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 Extension

2.3 Supplementary Planning Guidance
SPD Design

3. RELEVANT PLANNING HISTORY

3.1 None

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council
Object on the grounds of overdevelopment and overbearing effect on neighbouring properties.

Other Representations

4.2 Local Residents
No response received

5. ANALYSIS OF PROPOSAL

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

5.2 Visual Amenity

The application site relates to a modern dwelling which is elongated in form and sandwiched between two other two storey dwellings. This application seeks permission for the erection of a two storey rear extension. The Parish have raised concerns on the grounds of overdevelopment. The Planning Officer is of the view that the extension is in keeping with the scale of the existing dwelling and the garden in which it is set. The main private garden area is sited to the side of the property and will not be affected by the proposal.

5.3 The proposed extension is therefore considered in keeping with the existing dwelling in terms of scale, design and materials.

5.4 Residential Amenity

Objections have been raised by the Parish Council on the grounds that the proposed extension would result in overdevelopment and have an overbearing effect on neighbouring properties.

5.5 The proposed extension will be sited adjacent the adjoining boundary with no. 61 measuring 3.20m in length. Whilst it is accepted that the application site garden at this point is not particularly deep i.e. 6.0m, the extension however will be set back from the boundary by 0.80m. Given that no. 61 is an end property with open aspects to the rear and side, it is considered that the proposed extension by reason of its siting and scale would not have an overbearing impact.

5.6 The proposed extension will be set back at a distance of 4.0m from the side elevation of no. 75, which comprises of a first floor non habitable room window in place. A first floor bedroom window is proposed on the side of the extension. Whilst it is accepted this will allow for an element of overlooking, it is considered that as such views will be restricted to the lower end of no.75's garden which is already overlooked by neighbouring properties the proposed extension will not have an adverse impact on existing amenities.

5.7 Design and Access Statement

Not required with this planning application.

5.8 Use of Energy and Sustainability

No proposed measures as part of this scheme.

5.8 Improvements achieved to the scheme

Not required as proposed scheme is considered acceptable as addressed above.

5.9 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK09/0644/F**

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

CONDITIONS

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

Reason:

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

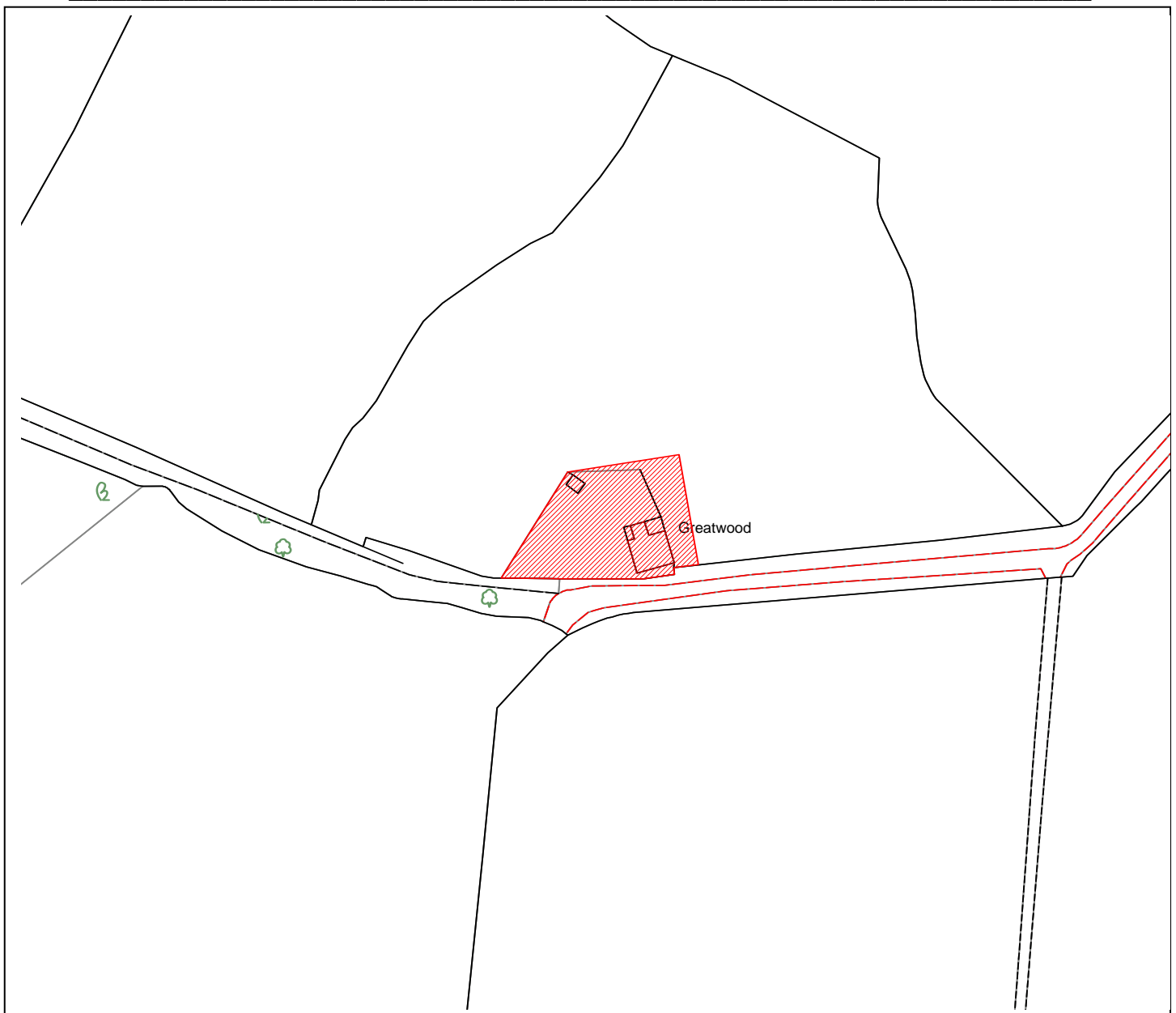
2. No windows other than those shown on the plans hereby approved shall be inserted at any time in the side elevation (adjacent no.61 Sunningdale Drive) of the property.

Reason:

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

CIRCULATED SCHEDULE NO. 20/09 – 21 MAY 2009

App No.:	PK09/0683/CLP	Applicant:	Mr P Barden Barfon Network Engineering
Site:	Greatwood, Coxgrove Hill, Pucklechurch, South Gloucestershire, BS16 9PR	Date Reg:	15th April 2009
Proposal:	Application for Certificate of Lawfulness for the proposed erection of a single storey side extension.	Parish:	Pucklechurch Parish Council
Map Ref:	68424 76543	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	2nd June 2009



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PK09/0683/CLP

INTRODUCTION

This application appears on the Circulated Schedule in accordance with the standard procedure for the determination of such applications.

1. THE PROPOSAL

- 1.1 This application seeks clarification that a proposed single storey side extension does not require planning permission. The application site relates to a two storey semi detached property in an isolated rural location on the edge of Pucklechurch.

2. POLICY CONTEXT

- 2.1 Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK08/1102/F Erection of two storey rear extension to form additional living accommodation.
Approved June 2008

4. CONSULTATION RESPONSES

- 4.1 Pucklechurch Parish Council
Parish Councillors object to this application being concerned that the applicant is pushing the bounds of language for their own advantage.

Other Representations

- 4.2 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The purpose of this application for a Certificate of Lawful Development is to establish whether or not the proposed development can be implemented lawfully without the need for Planning Consent. This is not a Planning Application but is an assessment of the relevant planning legislation, and as such the policies contained within the South Gloucestershire Local Plan (Adopted) January 2006 do not apply in this instance. The assessment must be made on the 'balance of probability'.

5.2 The proposed development consists of a single storey side extension. This development would fall under the criteria of *Schedule 2, Part 1, Class A*, subsection (h) of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 1995 (The enlargement, improvement or other alteration of a dwellinghouse). Developments which fail any of the following criteria would not be permitted:

(h) (i) Exceed 4 metres in height

The extension does not exceed 4 metres in height and this requirement is satisfied.

(ii) have more than one storey, or

The extension does not have more than one storey and thus this requirement is satisfied.

(iii) have a width greater than half the width of the original dwellinghouse;

The dwelling already has one single storey side extension in place – on the eastern elevation. A letter was sent to the agent by the Council confirming that this existing side extension is permitted development for which formal planning consent is not required. Subsequently, the applicant now wishes to construct another extension on the opposite side of the dwelling – on the western elevation. Each extension would have a width equal to half the width of the existing dwelling house so cumulatively the side extensions would have a width greater than half the width of the original dwellinghouse. “original” is defined under Article 1(2) of the GPDO as meaning (a) in relation to a building ...existing on 1st July 1948 as existing on that date and in relation to a building ..built on or after 1st July 1948 as so built.

This means that if the ‘Greatwood’ dwelling was existing on 1st July 1948 the footprint would be taken as built on 1st July 1948 and any other extension after that date will be additional and would need to be included into any calculation when applying the GPDO.

Where the ‘Greatwood’ building was built after the 1st July 1948, the as built building or original footprint would be determined as ‘the original dwelling house’.

Therefore any extension under both limbs after 1948 would be included in any calculation to ascertain whether the proposal would have a width greater than half the width of the original dwelling house. The conclusion to this is that planning permission is necessary.

5.3 Conclusion

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

6. RECOMMENDATION

6.1 That a Certificate of Lawfulness for Proposed Development is refused for the following reason;

Background Papers PK09/0683/CLP

Contact Officer: Marie Bath
Tel. No. 01454 864769

CIRCULATED SCHEDULE NO. 20/09 – 21 MAY 2009

App No.:	PK09/0708/F	Applicant:	Mr P Derrick
Site:	Broadlands, The Bungalow, Ryedown Lane, Bitton, South Gloucestershire, BS30 6JF	Date Reg:	17th April 2009
Proposal:	Conversion of existing detached garage to form ancillary living accommodation. Erection of raised decking area with associated handrails.	Parish:	Bitton Parish Council
Map Ref:	67740 70507	Ward:	Bitton
Application Category:	Householder	Target Date:	9th June 2009



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N.T.S

PK09/0708/F

This application has been referred to the circulated schedule due to an objection raised by Bitton Parish Council.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the conversion of an existing garage to form ancillary living accommodation. The building concerned is situated within the residential curtilage of Broadlands, The Bungalow and to the west of this building. In addition the application proposes the erection of a raised decking area to the rear of the existing garage.
- 1.2 The application property is a substantial detached bungalow located outside of any settlement boundary and is situated within the Bristol/Bath Green Belt.
- 1.3 The proposed development would not involve any increase in the footprint of the building or any increase in height. External alterations would include the replacement of the double garage door on the front elevation with inset windows and a door, the removal of the windows and doors on the east elevation and the replacement of the window on the rear elevation with patio doors and a raised decked area.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
GB1 Development within the Green Belt
T8 Parking Standards
T12 Transportation Development Control for new Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Council Supplementary Planning Guidance
Development in the Green Belt Adopted June 2007

3. RELEVANT PLANNING HISTORY

- 3.1 P90/4237 Demolition of existing bungalow and erection of 1no bungalow and garage
Approved July 1990
- 3.2 P90/4613 Re-siting of garage 3.6 metres back from approved position
Approved November 1990
- 3.3 PK07/1690/F Erection of single storey front and rear extensions
Refused July 2007

- 3.4 PK07/2297/F Erection of single storey rear extension to form additional living accommodation.
Approved August 2007

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Town Council
Object to the proposal as it appears to be a self contained unit for visitors and guests and so not to be used as accommodation ancillary to the main dwelling.

Other Representations

- 4.2 Local Residents
No response received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that extensions should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space. The application site lies within the Bristol/Bath Green Belt so would also be assessed against policy GB1.
- 5.2 Green Belt
In this instance the subject garage would not change in respect of its size or volume as a result of this development. As such, it is considered that there is no material impact in terms of the openness of the Green Belt and the development is acceptable in Green Belt terms.
- 5.3 Design / Visual Amenity
The application does not propose to extend the existing garage building either in terms of the footprint or the height of the building. A small area of raised decking measuring 1.5 metres in depth by 3.5 metres in width is proposed on the rear elevation. The proposed conversion would include the removal of the garage door and its replacement with a door and two windows and the removal of all doors and windows on the eastern elevation. The development would also include the installation of two roof lights and the replacement of the rear window with patio doors. The infilling of existing openings would be finished with spar render to match the existing. It is considered that the proposed alterations are of an appropriate standard in design and reflect the character of the main dwelling house and surrounding properties. It is therefore considered that the proposal would not be harmful to the character and appearance of the principal dwelling and street scene.

5.4 Residential Amenity

In this instance the building already existing and no increase in footprint is proposed, as such it is not considered that the proposal would have any overshadowing or overbearing effect on the neighbouring dwellings.

Given that the boundary between the application site and the neighbouring property is defined by closed board fencing reaching over 2 metres in height, in combination with hedges and shrubs. It is not considered that the addition of raised decking to the rear of the proposed annex would result in any loss of privacy or overlooking. Therefore the impact on residential amenity is subsequently deemed acceptable.

5.5 Transportation Issues

The proposal details that the building is to be used as ancillary residential accommodation associated with the existing dwelling house. As such the existing level of parking and manoeuvring space is considered to be adequate and in line with the Council's Parking Standards.

5.6 Other Issues

With regard to the concern raised by the Parish Council, whilst the unit is self contained, the building would be used in conjunction with the existing dwelling. An informative would be attached to the permission highlighting that the building could not be used as a separate residential unit without planning permission.

5.7 Design and Access Statement

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

5.8 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK09/0708/F**

Contact Officer: **Kirstie Banks**

Tel. No. **01454 865207**

CONDITIONS

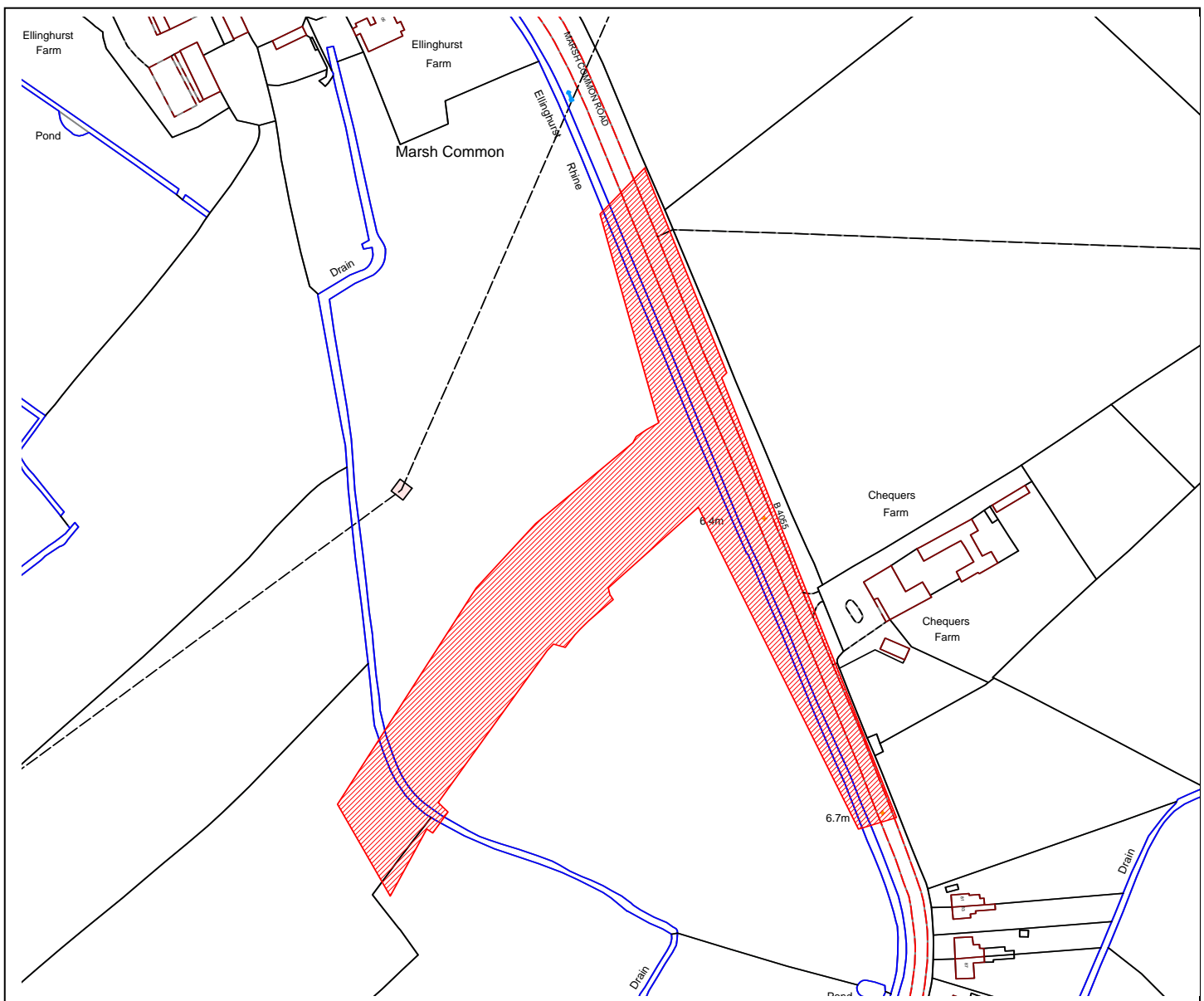
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:

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

CIRCULATED SCHEDULE NO. 20/09 – 21 MAY 2009

App No.:	PT08/2196/RM	Applicant:	Redrow Homes (South West) Ltd
Site:	Land south of Ellinghurst Farm, Marsh Common Road, Pilning, South Gloucestershire, BS35 4JX	Date Reg:	5th August 2008
Proposal:	Creation of vehicular access in compliance with the terms of Condition 5 attached to Planning Permission SG4244 dated 27 November 1957	Parish:	Pilning and Severn Beach
Map Ref:	56147 84010	Ward:	Pilning and Severn Beach
Application Category:	Major	Target Date:	20th October 2008



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 100023410, 2008.

The application is a major one and therefore falls under the current scheme of delegation to be considered by the circulated schedule procedure. Furthermore, there are representations received contrary to the officer's recommendation.

1. **THE PROPOSAL**

- 1.1 The application seeks reserved matters consent to construct a vehicular access from Marsh Common Road. The principle of a vehicular access in the vicinity, called 'Access 6C', was agreed as part of extant outline planning permission ref: SG4244 dated 27 November 1957. A previous application, PT07/3051/RM (which sought to amend a 2003 permission, PT00/0261/RM, for an access in this vicinity), was approved 16 April 2008, following the signing of a S106 agreement to secure highway improvements, for an access at Ellinghurst Farm itself, the current application seeks to move the access to the south of Ellinghurst Farm. The current application seeks to replace the previously approved schemes for Access 6C.
- 1.2 The site consists of open farmland, and is approximately 80m from Ellinghurst Farm buildings. Most of the application site is outside the Green Belt, Marsh Common Road is itself within the Green Belt, which extends to the north east. The application has been submitted with a Junction Capacity Assessment, a Flood Risk Assessment and a Wintering Bird Survey. The applicants have also stated that they will enter into a S106 Agreement very similar to that agreed on the previous application PT07/3051/RM.
- 1.3 The site lies within the Severn Estuary area of various international designations (Special Protection Area and a Ramsar site) , and these come under the jurisdiction of the Habitat Regulations 1994.

2. **POLICY CONTEXT**

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPS7	Sustainable Development in Rural Areas
PPG13	Transport
PPS25	Planning and Flood Risk
PPS9	Biodiversity and Geological Conservation

2.2 Development Plans

Joint Replacement Structure Plan (Saved Policies)

Policy 14	Avonmouth/Sevenside
Policy 17	Landscape

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	Landscape Protection and Enhancement
E2	Sevenside
T12	Transportation Development Control Policy

GB1	Green Belt
L9	Species Protection
EP2	Flood Risk and Development

3. **RELEVANT PLANNING HISTORY**

- 3.1 SG4244: Mixed development, predominately industrial, in excess of 1000 hectares. Outline planning permission application 27 November 1957. Condition 5 of this permission states:

‘The proposed accesses shown on the application plan shall not be constructed until their precise location has been agreed with the local planning authority or in default of agreement determined by the Minister of Housing and Local Government and until detailed plans thereof have been approved by the local planning authority or by the Minister of Housing and Local Government on appeal.’

- 3.2 At appeal in 2003 the Secretary of State confirmed that the 1957 outline planning permission remains extant. Therefore planning permission SG4244 remains extant and is able to be implemented.
- 3.3 PT00/0261/RM Creation of vehicular access in compliance with terms of condition 5 attached to planning permission SG4244 dated 27 November 1957. Allowed on appeal 6 May 2003.
- 3.4 PT07/3051/RM Construction of vehicular access (Amendment to previous permission PT00/0261/RM approved on appeal). Approved with conditions 16 April 2008.

4. **CONSULTATION RESPONSES**

4.1 Pilning and Severn Beach Parish Council

The parish Council objects to the application. The objection is based on traffic reasons, the development being contrary to the off-site arrangement, in that no consideration is given to the effect on the local highways.

The highway to which this development is linked is the B4055, an inadequate local road which is not capable of dealing with any increase in heavy traffic. Due to housing development within the villages, and light traffic already using the road as a short cut to the M48 bridge, peak hour traffic already tails back at the traffic lights in Pilning. The other end of the road, at junction 17, M5, already has excessive exit problems, problems which are already well-known to the traffic authority.

The development is unsatisfactory in that no indication is given of the future scale of development on land adjacent to this site. Access to this site should be limited to M49/A403 so that existing traffic problems will not be exacerbated.

Almondsbury Parish Council

The Parish Council would like to strongly object to this application. Although it is not located within our Parish it is very close and the traffic will have a major impact on our Parish. The rural roads and villages are not designed to take the

type of heavy traffic destined for this site, the site should have its own exit from the M49 motorway not form a small B road.

4.2 Other Consultees

Environment Agency

The Environment Agency made the following comments: The site is within the "high risk" of flooding area, as identified by the Environment Agency flood zone maps. The proposal seeks to establish a raised access road implying a loss to flood storage volumes, this conflicts with PPS25 Development & Flood Risk. Consequently the Agency would now normally object to such proposals. However, if the Local Planning Authority considers the previous permissions, which this application replaces, establishes the principle of this development and that these proposals do NOT imply any greater loss of flood storage volumes. Then the Agency would not object, subject to Lower Severn Drainage Board being satisfied that there is no detriment to the local rhyne drainage system, or any impediment to flood flows.

The Flood Risk Assessment (FRA) does not appear to have considered the loss of flood storage volumes implied by the raised access road.

PPS25 also requires that development solutions should be robust enough to take account of climate change for their lifetime, see Annex B. The FRA does not appear to have considered climate change. The applicant is advised that new development in this area is presently being reviewed in the light of government advice on Development & Flood Risk and Climate Change. This is likely to have financial implications over the long-term vulnerability of developments in such areas.

The site is within Lower Severn Drainage Board's area, and the Drainage Board should be consulted.

Lower Severn Drainage Board

The Lower Severn Drainage Board have stated that are broadly happy with the proposals for development here but recommend that the applicant approach the Board with a view to developing a wider drainage strategy for the area.

Natural England

Two letters have been received by Natural England. The first, dated 29 October 2008 stated the following:

- They did not accept that the reserved matters application was valid as that the proposed access is not on the site of Access 6C as noted on the original 1957 site plan
- The Council need to decide whether the proposed access would have a significant effect on the international designations relating to the Severn Estuary, and should be assessed by the Council under Regulations 48 and 50 of the Habitat Regulations 1994.
- They considered that there was insufficient information to determine whether implementation of the remainder of the 1957 consent is likely to have a significant effect on the Severn Estuary. The first step in the process will be undertake winter bird surveys over the whole of the undeveloped area.

Further to this letter, Counsel's opinion was sought on the validity of the current reserved matters application, which was found to be valid (see para 5.2 below).

Natural England in conjunction with the Council conducted over wintering bird surveys in the area of the 1957 consent area from Nov-Feb 08/09 (see para 5.11 below). Further to this the Council's Ecologist has submitted a Local Authority Record of Assessment of Likely Significant Effect on a European Site, which concludes that the construction of the proposed road will not have an adverse effect on the features of interest on the Severn Estuary European Site.

Natural England wrote to the Council's Ecologist as part of the Local Authority Record of Assessment stating that the works associated with the new access point is in an area which does not appear to be important for the wintering birds associated with Severn Estuary Special Protection and the effects of the development not likely to be significant, and as such, withdrew their objection to the scheme.

Other Representations

4.3 Local Residents

Twelve objections have been received from local residents, objecting on the following grounds:

- Consent should not be granted for a road before the development it is to serve is known in detail
- No indications of the type and number of vehicles that will use the proposed road
- Do not know what part of the 1957 consent land it will serve
- The original 1957 permission allowed for a number of accesses from the site and it is inappropriate to develop this huge area from a single point
- No assessment can be made of the effect the traffic generation will have on Pilning and Easter Compton
- Junction 17 of M5 already running well beyond its design capacity
- Should be rejected on insufficient detail
- A local plan should be prepared to inform the community
- A distribution centre operating 24 hours a day is going to have a large no of HGV's running up and down the B4055, a country road
- Residents will be subject to noise, pollution and dangers on narrow road
- There is a weight restriction on B4055
- Why cannot the lorries be taken through the Western Approaches Park over the bridge at the back of Ellinghurst Farm
- Set a precedent for future vehicular access
- Junction 17 cannot be improved
- Already get queues from Over Lane turnings
- Land lies within a high risk flood zone, serious risk of flooding to properties
- Car parking on both sides of road will inhibit lorries
- Damage to wildlife
- Avonmouth has all the infrastructure to manage industrial growth
- 1957 consent not relevant

- Access to the site should be from the A403 and the M49
- Increase in highway danger in Easter Compton
- Insufficient data on increased traffic flows
- Loss of trees and hedgerows
- No pavements or street lighting along Marsh Common Road

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of the proposed development is established by reason of consent PT00/0261/RM (amended by consent PT07/3051/RM) and the extant planning permission SG4244 to which it relates.

5.2 Further to the issues raised in the letter from Natural England dated 29 October 2008, officers sought the opinion of Counsel with regard to the validity of the application. Condition 5 of the 1957 consent (SG4244) provided that the proposed accesses shown on the application plan should not be constructed until their precise location had been agreed and until detailed plans had been approved. Counsel considered that the plan submitted with the 1957 consent describes a large area of land and most certainly does not reveal a precise position for access 6C. The thick black lines which are used to mark 6C themselves cover on the ground a considerable area, and therefore the original permission does not give a precise location for access 6C.

5.3 Counsel took the view, given the above, that the accesses are shown approximately, so that a variation of 100 metres or so in the context of the site is perfectly acceptable. Given that the proposed access as part of this reserved matters application is 80m from Ellinghurst Farm, it is considered to be within the parameters suggested by Counsel, and therefore the validity of the reserved matters application is accepted.

5.4 The main issues to be considered therefore are:

- In transportation terms whether the proposed access is of an appropriate design having regard to the nature of the development and the highway
- Whether the proposal raises any substantive landscape or nature conservation issues or Green Belt issues
- Whether drainage and flood risk matters are satisfactory
- The implications of the proposals in relation to Regulations 48 and 50 of the Habitat Regulations
- Whether there are any material considerations compared to PT00/0261/RM and PT07/3051/RM that would preclude consent being granted.

5.5 Transportation

The Council's Highway Engineer has commented that the principle of this junction has been accepted in highway terms in the assessment of previous applications. The junction has been relocated south to a straighter section of the B4055 that is considered preferable from a safety perspective. The likelihood of nose to tail accidents decreases with improved forward visibility, achievable on straighter sections of the highway.

- 5.6 An additional 'left turn in' lane has been introduced that has improved the capacity of the junction and reduced the impact on through traffic from the previous applications. The Highway Engineer is satisfied that the junction can accommodate the level and type of traffic associated with the development without significant disruption to the free flow of traffic.
- 5.7 The Highway Engineer states that the S106 agreement has been included with the application adequately covers the construction of the junction and issues of adoption.
- 5.8 Landscape/Visual Amenity/Green Belt
Having regard to the extant planning permission to which the application relates and the previously approved access (PT00/0261/RM and PT07/3051/RM) the proposal will have no greater impact on the openness or visual amenities of the Green Belt. Clearly, the proposal will impact on the character of the landscape, but, in the context of the extant 1957 consent and the approved reserved matters application for access, planning permission could not be withheld for this reason.
- 5.9 The Council's Landscape Officer has stated that whilst there is not an in principle landscape objection, the proposal offers nothing by way of landscape enhancement especially given the substantial amount of existing hedgerow that is to be lost. Previous proposals for vehicular access into the site have included landscape proposals and it is considered this proposal should also contain landscape proposals that make good the loss of the hedgerow and echo the landscape character of the locality. To this end a landscape condition will be recommended.
- 5.10 Nature Conservation
The site lies within various international designations covering the Severn Estuary that protect over-wintering birds (mostly migratory waterfowl). The mechanism for protection of these designations is the Habitat Regulations 1994, notably Regulations 48 and 50.
- 5.11 The applicant had submitted an over-wintering bird survey, however, the data in this was considered out of date and it was considered inadequate for the purposes of assessment under the Habitat Regulations. Further to the letter received from Natural England in October 2008, the Council and Natural England undertook an over-wintering bird survey for winter 08/09. The Local Authority Record of Assessment of Likely Significant Effect on a European Site, undertaken by the Council's Ecologist, concluded the following:
- No European wildfowl were recorded using the field the subject to the current application.
 - Construction phase of the road: the survey indicated that the Special Protection Area wildfowl are peripatetic in habit, moving about the floodplain according to where there is standing water. Any unforeseen disturbance could therefore be avoided by scheduling works for outside the over-wintering period of October-April
 - Loss of habitat: the actual loss of habitat (grazing pasture) to the proposed access road is small in comparison to the land covered by the 1957 consent and in the context of the overall floodplain

- The proposed access could only be said to have an ‘in combination’ effect in the context of it forming part of the 1957 consent area. This outline consent is as yet only partially implemented and as such will be subject to review under Regulation 50 of the Habitat Regulations.
 - Natural England has, after discussions with the Council’s Ecologist, and reviewing the survey data from the wintering study of 08/09, concluded that the application will have no significant effect.
- 5.12 The Local Authority Record of Assessment concluded that the construction of the proposed road will not have an adverse effect on the Features of Interest of either of the Severn Estuary European Site designations. As such, the ecological implications of the proposed access 6C, in relation to the Habitat Regulations, is considered acceptable.
- 5.13 The Council’s Ecologist has recommended a condition relating to a survey of the length of ditch to be culverted for any noteworthy aquatic or terrestrial flora/fauna associated with it and if present, a mitigation strategy to avoid any adverse impacts.
- 5.14 Drainage and Floodrisk
The area lies within a high risk flood zone and the applicant has submitted a Flood Risk Assessment. Given the extant 1957 planning permission and the previously approved schemes for an access in this general location, it is considered that the proposal raises no additional concerns in respect of flood risk. Furthermore, the Lower Severn Internal Drainage Board have stated that they are broadly happy with the proposals in terms of drainage, and will work with the applicants regarding a detailed drainage scheme. Details of surface water drainage will be required by a recommended condition.
- 5.15 Other matters
It is acknowledged that local residents have raised issues with regard to traffic increases, pollution, noise and amenity issues. However, the 1957 planning permission remains valid, and the principle of an access in this general location has been agreed with the previously approved reserved matters applications. Furthermore, the Highway Engineer has stated that the access currently under consideration provides improved forward visibility than the previous reserved matters application. On this basis, there are no material considerations compared to PT00/0261/RM and PT07/3051/RM that would preclude consent being granted.
- 5.16 Cllr Tyzack has requested that a condition be attached to the permission restricting hours of construction, to protect the amenity of the area.
- 5.17 The current application seeks to replace the existing permission for an Access 6C. Since the outline 1957 permission (SG4244) shows only one access at Access 6C, the applicants could not implement this access, as well as the other approved access the vicinity, the subject of previously approved applications.
- 5.18 Design and Access Statement
The application is for reserved matters and therefore there is no requirement for a Design and Access Statement.

5.19 Section 106 Requirements

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

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The 1957 planning permission (SG4244) remains valid. There are two approved reserved matters applications that establish the principle of an access in this general location. The only grounds that the Council could refuse planning permission are the technical details of the access. Issues such as nature conservation, landscape impact and drainage can be satisfactorily dealt with by condition.
- 6.3 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

- (1) That authority be delegated to the Director of Planning, Transportation and Strategic Environment to APPROVE the reserved matters submitted in accordance with condition 5 associated with outline planning permission SG4244 subject to the conditions set out below and the applicant first voluntarily entering into a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) (or appropriate alternative agreement) within 12 months of the determination to secure the following:

To secure the implementation of the proposed junction works.

The reason for the agreement is:

To provide the appropriate standard of junction as proposed as part of the application in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

- (2) That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.
- (3) If the Section 106 Agreement (or appropriate alternative agreement) is not signed within 12 months of this determination then, in view of the length of time that would have elapsed, the application should either:
 - a) Return to the circulated schedule for reconsideration or alternatively,
 - b) The application should be refused due to the failure to secure the Heads of Terms listed above under a Section 106 Agreement (or appropriate alternative agreement) for the reasons listed in para 7.1

Background Papers PT08/2196/RM

Contact Officer: Sarah Tucker
Tel. No. 01454 863780

CONDITIONS

1. Prior to the commencement of the construction of the access further details of the design shall be submitted to and approved in writing by the local planning authority in accordance with a timescale to be agreed with the local planning authority. The access shall be constructed in accordance with the approved details prior to its first use for the approved purpose.

Reason:

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

2. The access shall not be open for vehicular traffic until the associated footways and cycleways have been completed in accordance with the approved plans.

Reason:

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

3. Notwithstanding the provisions of Article 3 and Part 2 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no walls, fences or other means of enclosure shall be erected within 8 metres of the watercourses without the prior written consent of the Local Planning Authority.

Reason:

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

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

Reason:

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

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority measures in respect of:
 - (i) The identification, through site survey, of aquatic flora and fauna in affected ditches and rhynes.
 - (ii) An ecological mitigation strategy.

Development shall proceed in accordance with the agreed details. The approved mitigation strategy shall be undertaken to a timetable to be agreed as part of that strategy.

Reason:

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

6. Within 3 months from the date of the decision a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details in the first available planting season.

Reason:

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

7. No development shall take place until there has been submitted to and approved by the Local Planning Authority a programme of archaeological investigation and recording for the site. Thereafter, the approved programme shall be implemented in all respects, unless the Local Planning Authority agrees in writing to any variation.

Reason:

In the interest of archaeological investigation or recording, and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006.

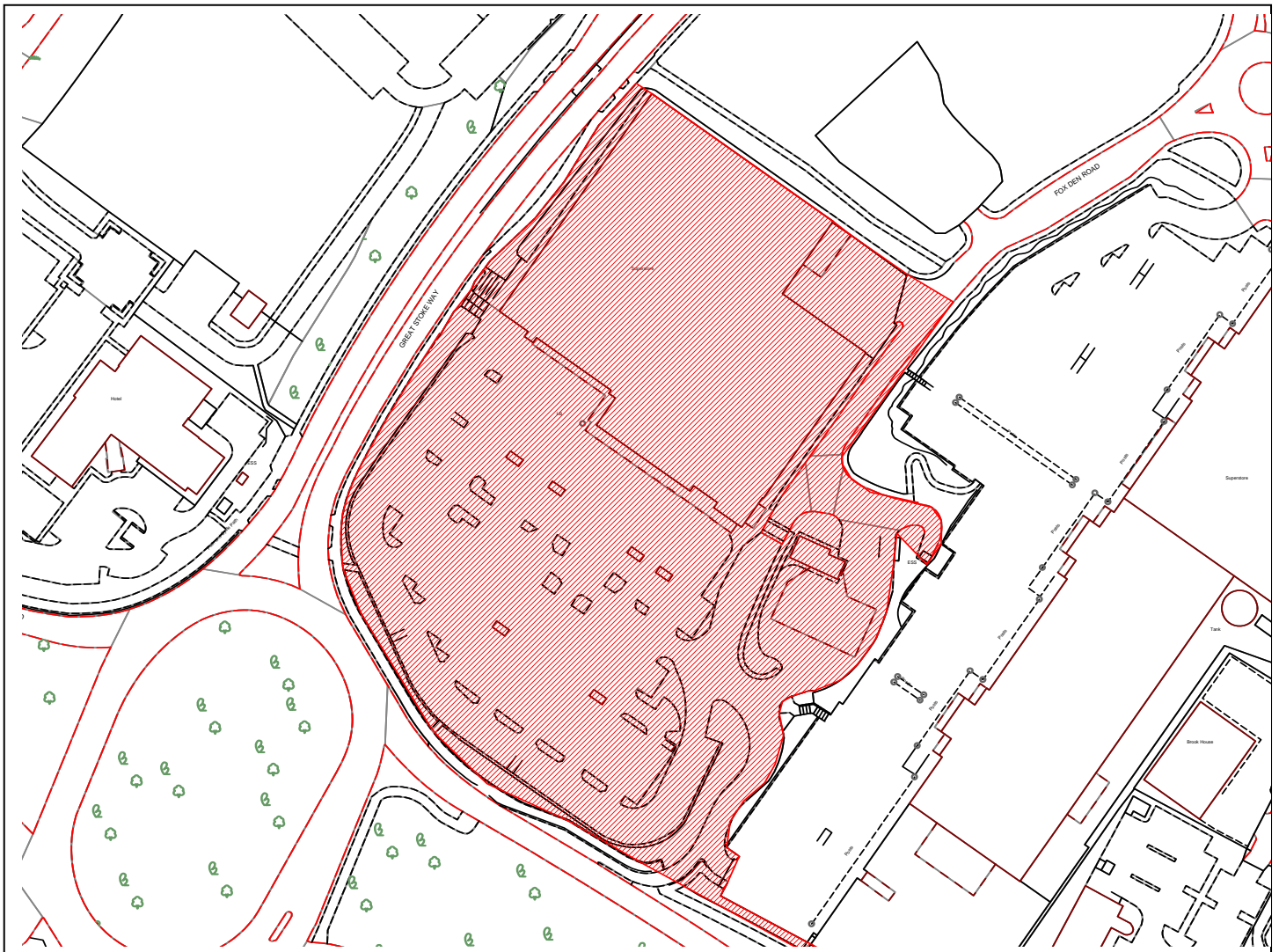
8. The hours of working on site during the period of construction shall be restricted to 0800 hours to 1800 hours and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other) the carrying out of any maintenance/cleaning work or any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of the site.

Reason:

To minimise disturbance to occupiers of Chequers Farm and 81-91 (evens) Marsh Common Road and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 20/09 – 21 MAY 2009

App No.:	PT09/0408/F	Applicant:	Sainsbury's Supermarkets Ltd
Site:	J Sainsbury Plc, Fox Den Road, Stoke Gifford, South Gloucestershire, BS34 8SS	Date Reg:	9th March 2009
Proposal:	Erection of extension to south elevation of existing store. Installation of mezzanine floor and travelator. Reconfiguration of existing car park including provision of new parking deck. Construction of new pedestrian access ramp (Re-Submission of PT08/1692/F)	Parish:	Stoke Gifford Parish Council
Map Ref:	61710 78843	Ward:	Frenchay and Stoke Park
Application Category:	Major	Target Date:	2nd June 2009



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INTRODUCTION

The application appears on the circulated schedule as there are objections to the proposed development where the recommendation is one of approval.

1. THE PROPOSAL

- 1.1 The site consists of an established food super market, currently operated by Sainsbury's Plc. The site is located within the Bristol North Fringe Urban Area, however the site is not within an identified town centre (i.e. the site is out-of-centre). The site currently provides approximately 7445 sqm of retail and associated floor space with car-parking capacity for 417 spaces.
- 1.2 The planning application seeks approval for the extension of the existing store in order to provide additional retail floor space including a new mezzanine floor; together with a single deck over the existing car parking area to provide for additional car parking spaces. Essentially, the development comprises of the following;
- i) 1083 sq metres of additional Gross External Area (foot-print) including 484 of additional ground floor retail floor space
 - ii) 1791 sq metres of internal mezzanine floor space containing retail and café.
 - iii) 854 sq metres of additional lobby/entrance space
 - iv) 5967 sq metres of new single decked car parking area increasing the car parking capacity to 548 spaces.
- 1.3 The current vehicular access to the site off Fox Den Road will remain. The development also includes the provision of a new access ramp which would allow pedestrian access to a modified crossing across Great Stoke Way. Amendments to the highway and within the site itself to allow this would also facilitate the provision of a new bus lane along the Southwest bound carriageway of Great Stoke Way (although this is not part of this planning application).

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS6	Town Centres and Retail Development
PPG13	Transport

2.2 Development Plans

Adopted Joint Replacement Structure Plan

Policy 38	Town Centre Hierarchy
Policy 40	Location of Retail Development

South Gloucestershire Local Plan (Adopted) January 2006

RT5	Proposals for Out of Centre and Edge of Centre Retail Development
D1	Achieving Good Design in new development
L1	Landscape Character and Enhancement

- LC13 Public Art
- T4 Bus Priority Measure
- T7 Cycle Parking
- T8 Parking Standards
- T12 Transportation Development Control for New Development

2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 There are a significant number of planning applications which relate to this site. However, the most relevant planning history is set out below.
- 3.2 P91/1830 Erection of a shop within class A1 of the town and country planning (use classes) order 1987, totalling 35000 square feet together with garden centre and petrol filling station (including retail sales within class a1). Construction of car park and new vehicular and pedestrian access (outline).
Approved
- 3.3 P92/1204 Erection of a shop (class A1 of the town and country planning (use classes) order 1987) together with petrol filling station and garden centre; provision of car parking; landscaping and associated highway works (in accordance with the amended elevational details received by the council on 18th February 1992. The additional information received on 3rd march 1992, revised layout plan received on 09/03/92 and the revised landscaping details received on 13/03/92)
Approved
- 3.4 P98/2814 Erection of extension to existing store and alterations to car park.
Approved.
- 3.5 PT00/1019/F Extension and alterations of existing store (revision of P98/2814)
Approved

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
Wish to make no comment
- 4.2 Sustainable Transport
No Objection in principle subject to the provision of a new access ramp within the site to give universal access to the pedestrian network.

Other Representations

- 4.3 Local Residents
No Comments Received

4.4 Surrounding Retail Interests

Submissions have been made on behalf of Morrison's Plc in objection to the proposed development. The objections can be summarised as follows;

It is noted that the previous application to extend the Supermarket (PT08/1692/F) was withdrawn by the applicant. The comments submitted on behalf of Morrison's Plc at that stage remain valid.

It is argued that the proposal does not demonstrate that there will be no detrimental impact to the Morrison's Store located in Fishponds Town Centre or that the development would not have a detrimental impact upon the new town centre at Bradley Stoke.

The proposed development should be supported by a household shopping survey in order to show a robust statistical assessment.

The retail assessment catchment area is not in accordance with the requirements of PPS6 in that it is not realistic and well related to the size and function; and does not take account of competing town centres.

The proposed development will compete with some non-food retail stores located within existing town centres.

The development will absorb expenditure from a wide catchment which should be directed to existing town centres

It is argued that many of the improvements sited by Sainsbury's in justification of the proposed development could be carried out without substantially extending the existing store.

There is concern raised as to the potential for altering the ration of convenience and comparison goods on sale in the store and this should form the basis of a restrictive condition should the application be approved.

The proposed development does not accord with key retail policy tests.

5. **ANALYSIS OF PROPOSAL**

5.1 The proposed development consists of the construction of an extension to an existing retail super market and associated car parking development. The development would take place in an out-of-centre location. The purpose of the proposed development is to improve the facilities on offer within this supermarket and to facilitate an increased provision for the sales of comparison goods (such goods which are defined in PPS6 as being products where purchasers will compare prices elsewhere before buying; such as electrical goods and clothing).

5.2 Circular 15/93 (Town and Country Planning (Shopping Development) (England and Wales) (No.2) Direction 1993 is relevant to this application. The circular sets out the criteria by which a planning application for new retail development is referred to the Secretary Of State for consideration. In this instance, the additional retail floor space development is below the retail floor space

threshold for referral (2500 square metres). For the avoidance of doubt, the lobby/entrance floor space and the car parking deck cannot be considered to be retail floor space for the purposes of the assessment of this application and circular. The floor space calculations in this regard are made up of retail sales floor area where there is a net additional 2053 sq metres of retail sales floor proposed.

5.3 Circular 02/2009 (The Town and Country Planning (Consultation) (England) Direction 2009 serves a very similar purpose for retail and other forms of development. In this instance the circular is not applicable to this application as it was received prior to 20th April 2009, when this direction came into force.

5.4 Principle of Development

Policy RT5 of the South Gloucestershire Local Plan (Adopted) January 2006 is particularly relevant to this planning application. Essentially the policy makes a presumption against new retail development in 'out-of-centre' locations. Development would not normally be permitted unless it can be demonstrated that it would meet certain criteria as set out below. This approach is supported by PPS6 (Retailing and Town Centres) and through policies contained within the Adopted Joint Replacement Structure Plan (which at his present time is to be treated as the Regional Spatial Strategy until such time that this document becomes adopted).

5.5 In order to address the criteria, the applicant has submitted a Retail Impact Assessment. In this instance, the previously withdrawn application was also submitted with a Retail Impact Assessment. However, this was considered to be inadequate in that it failed to fully demonstrate that the criteria would be met and as such did not demonstrate that the development could be justified in the face of retail planning policy. This application is supported with the same retail assessment but this document is now supplemented with further information to address the initial concerns raised. This submission includes data derived from the use of a loyalty card system (Nectar Card), which will allow the operator to establish the origins of its customers on a store by store basis. It is considered that this data will be comprehensive and allow a reasonable assessment relating to the needs of the store to be carried out; and that this data is a suitable alternative to the use of a specific household shopping survey in the case of an extension to an existing store.

5.6 In this instance there is 854 sq metres of floor space (on two floors) which would facilitate access into the supermarket via the ground level parking or via the decked parking area. This is regarded as circulation space and as such has been excluded from the calculation of floor space amounts for the purpose of assessing the need for referral of this application under circular 15/93 (as set out above). Similarly, the proposed car-parking deck is excluded from this calculation. However, for the avoidance of doubt, it is appropriate to enforce a planning condition on any approval of this development so that no retail sales can take place on within the lobby/atrium areas or on the car parking deck. This is necessary to ensure that the requirements set out in circular 15/93 are not exceeded.

5.7 Need and Location (Sequentially Preferable Sites)

- The applicant sets out that the development cannot be accommodated within an existing town centre; or within existing vacant floor-space at the nearby B&Q store. The applicant also maintains that the development would not substantially change the role of the super-market. Indeed the applicant argues that the development is aimed at addressing the needs of its existing customers, and that the scale of the additional comparison goods to be sold would not bring the super-market into a destination competing with specialist non-food retailers. As part of the assessment of the previously withdrawn application, the Local Planning Authority (LPA) engaged a planning consultant to scrutinise the original Retail Impact Assessment submitted. The LPA's consultant agreed with the applicant's submission at that time in that the additional floor space would not substantially change the role of the super-market or shopping patterns within its Primary Catchment Area (PCA). However, the report did question whether the proposed development is appropriate in terms of scale, and whether or not it could be better accommodated elsewhere in a shopping centre.
- 5.8 As set out above, the LPA's retail consultant agrees that the nature of the development would not substantially alter the role of the existing supermarket. The proposed ground floor extension would provide accommodation for additional checkout and payment facilities. The proposed area of floor space is relatively modest in comparison with the existing footprint and together with its proposed use is not considered to be a significant addition in its own right. A key element of this proposal is the mezzanine floor addition, which is most likely to be used to accommodate comparison goods, as well as the detailed café area, whilst the ground floor areas will continue to support the role of the supermarket as a predominantly food retailing store. A mezzanine floor is exclusive to the store which it relates as such floors would not be capable of providing a separately accessible primary retail floor space (i.e. at ground floor level). To this end it is not possible to segregate such floor space to accommodate a separate retail unit. It is therefore logical, that such accommodation cannot be accommodated within existing nearby retail units (such as the nearby B&Q) as mezzanine floor space.
- 5.9 PPS6 allows for consideration of quality in addressing the justification for new retail floor space. The applicant has set out that there is a need to improve and modernise the store in respect of its customer experience and convenience. Given that mezzanine floor is exclusive, and in this instance would provide a relatively low scale provision (as addressed below) it is considered that the provision of this floor space (at ground floor level) within an existing unit elsewhere would not provide a workable solution in respect of a quality solution for the role of this supermarket. In particular, where unoccupied units exist on the Abbey Wood retail park nearby, those units are far in excess of the mezzanine floor space being proposed, and for this reason, the use of those units is not likely to be viable.
- 5.10 On this basis, officers are content that no sequentially preferable sites (having regards to the need and nature of the development) are available currently, or likely to become available within the next five years.

5.11 Scale and Proportion

In respect of scale, the applicant has set out that the increased sales in respect of comparison goods would amount to 4% of the projected growth within this Primary Catchment Area (PCA) of this particular Sainsbury's store up to 2013. The applicant has also set out that the PCA for this supermarket is spread over a wide area, and that the additional floor space represents a very small proportion of the projected growth on this area between now and 2013.

5.12 The supplementary submission in support of the applicant's Retail Impact Assessment sets out the PCA of the store is based upon its loyalty card data. This shows a relatively wide catchment and population of use. The primary role of the supermarket is shown to be for the purchase of convenience goods for the surrounding resident population and also that the store serves the surrounding employment on a convenience basis. It is set out above that officers (having regards to the evidence submitted) are content that the role of the super-market will not change significantly and on this basis, it is considered that the proposed development is not greater in scale and proportion to the needs identified.

5.13 Impact upon Existing Town and Local Centres

The nearest Town Centre is located at Bradley Stoke (Willow Brook Centre) and this is capable of serving the requirements of a wide catchment in the Bristol North Fringe in its own right. Fishponds is also relatively close by, and is located within the Bristol City Council administrative area. Bristol City Centre is also within a reasonable catchment. There are a significant number of local centres close by such as Filton Town Centre, Filton Avenue, Patchway, Little Stoke, Stoke Gifford, Peartree Road, and Webbs Heath Road in Bradley Stoke.

5.14 The applicant has set out its analysis of the state of these centres in their Retail Impact Assessment. In particular, it is argued that the Filton Town Centre remains vibrant as demonstrated by its majority of A1 uses. The applicant argues that the provision of both comparison and convenience goods is relatively limited, but that there are specialist comparison retailers (such as Snow and Rock, Automotive Retailing which do not directly compete with the comparative goods function available (and proposed to be expanded) at Sainsbury's. Similarly, the provision of these goods within the lower tier centres in this locality is limited, and there is very limited prospect for this to increase. These centres serve predominantly as a convenience role for the immediate local population and again are not in direct competition in terms of the role of the subject supermarket. Officers would concur with this analysis.

5.15 Officers have previously expressed concern (through the previously withdrawn application) on the impact of this development specifically on the Bradley Stoke Town Centre. To this end the applicant has offered an additional analysis of the impact specifically upon it. In this respect, the issues of scale and need have been addressed and it is the opinion of officers that the argument that the scale of what is proposed would not itself undermine the function and vitality of the Willow Brook Centre (which is dominated by a Tesco Superstore) is a reasonable one. In particular, the applicant shows (through loyalty card data) that approximately 30% of the trade in the Sainsbury's Store derives from the Bradley Stoke Catchment. Officers would concur that this is a result of preference of choice (i.e. Sainsbury's is preferred to Tesco) and given that

- these sites are both located within a major sub-urban conurbation this is very unlikely to be affected by the relatively modest increase in comparison goods proposed for the Sainsbury's Store.
- 5.16 The developer has offered further information in response to the objection made on behalf of Morrison's Plc in respect of the impact of the proposed development specifically on Fishponds Town Centre. Essentially the loyalty card data shows that the existing Sainsbury's Store subject to this application retains a 1.1% share of expenditure generated in the Fishponds area; and that the proportion of the stores takings derived from the Fishponds locality amounts to less than 3%. On this basis, the proposed development would not represent a material impact in terms of the vitality and viability of Fishponds Town Centre. The Local Planning Authority has no specific evidence by which to substantiate this figure, however, given the nature of the data and the demographic nature of its collection it is considered that the figures represent a reasonable analysis. Therefore on a basis of scale, it is considered that the proposal would have a lesser impact in relation to Fishponds and indeed Bristol City Centre itself.
- 5.17 On this basis it is considered that the proposed development would not have a detrimental impact upon the vitality and viability of established town, district or local centres; and would not prejudice the implementation of the Town Centre at Bradley Stoke.
- 5.18 Design, Landscape and Visual Amenity Considerations
The existing building is functional and typical of a super-market in appearance. It is embellished with corporate logo's and branding associated with Sainsbury's Plc. The building has three main elements. The main warehouse forms the bulk of the building which occupies the Northwestern part of the site. This is 7.6 metres high. There is a smaller wing to the East which is approximately 6 metres high; and a further lobby on the southwest elevation measuring approximately 4 metres in height.
- 5.19 Policy D1 (supported by L1) provides the primary policy framework for the assessment of this issue. Policy RT5 (criterion G) sets out the requirement for new development in respect of environmental effects and this can therefore relate to design and visual amenity.
- 5.20 The proposed development will involve the increase in the footprint of the building. This extension is in two parts, namely the extension to the existing retail floor area in order to provide additional space to be occupied by checkout and payment facilities. This element would extend to the same plain as the front of the existing building. A further extension will provide circulation space giving access via 'travelators' (moving pedestrian ramps) to the proposed mezzanine floor and the proposed car-parking deck (discussed below); in addition there is a small area of service floor space at ground and mezzanine level. The resulting building would increase to 8.8 metres across the majority of its enlarged footprint. This would accommodate the proposed mezzanine floor elements. The height of the building would remain at 7.6 metres along its Great Stoke Way elevation.

- 5.21 The existing building already dominates the elevation of the site along Great Stoke Way. It is not considered that this relationship would materially change as a result of the proposed extensions to the building itself. Given the nature of the topography of the surrounding area and the position of the building within the site, the increased overall height of the building would not significantly impact upon the surrounding area. Indeed, the site is characterised by a functional building in terms of appearance and form. The proposed development will not deviate from this character.
- 5.22 Nonetheless, the presence of the building is relieved at the front of the site by the existing car park and landscaping along Great Stoke Way and Filton Road (A4174 Avon Ring Road). It is proposed to develop a single deck over the existing car park in order to provide additional car parking spaces. This would be accessed by a ramp from the existing car park which would itself be visible from Great Stoke Way. The appearance of this deck is purely functional. It is considered that its impact upon the character of the area would be significant, and would be detrimental in the views across the site from The Abbey Wood Roundabout. In order to mitigate this impact, the developer has submitted landscaping proposals with the application. Whilst these demonstrate that there is the potential to screen the deck from view so reducing the impact to an acceptable level, it is the opinion of officers that there is also the opportunity to provide public art within the site and relating to Abbey Wood Roundabout to further mitigate this impact and offer improvements to this locality in general. Officers have entered into negotiations with the applicant on this point and as such the applicant has agreed to accommodate such an approach and agrees with officers that public art can provide significant improvements within this sub-urban context.
- 5.23 The use of landscaping and planting proposed is considered acceptable in principle and would still be required as part of improvements in conjunction with a public art installation in order to soften and improve the appearance of the deck. Given the constraints and limitations of the site, special consideration would need to be given to the irrigation, root zone area, soil quality and choice of species. It is considered that planting should be provided to reduce the impact of new retaining walls in the street scene. Although this approach has not been taken specifically, it is considered that this can be investigated through further landscaping proposals which can be submitted by way of condition.
- 5.24 On this basis, it is considered that any visual harm can be adequately mitigated through the introduction of combined landscaping and public art works within the site. Two separate conditions are suggested which will be adequate to secure these works are provided prior to first occupation of the proposed development; and subject to these conditions the proposed development is considered acceptable from a design and visual amenity perspective.
- 5.25 The Water Environment
The application is supported by a comprehensive Flood Risk Assessment (FRA) which demonstrates that the site is within Flood Zone 1. However, the Environment Agency has suggested that conditions are imposed on any approval so that the methods of dealing with storm water drainage and fuel storage attenuation. It should be noted that there is no fuel storage proposed as part of this development. However, it is appropriate to ensure that the

necessary measures are in place to prevent pollution to the water environment from fuel or other contaminants collecting upon the new car parking facility. This can be secured by way of appropriately worded condition.

5.26 Transportation and Access

Policy RT5 of the South Gloucestershire Local Plan (Adopted) January 2006 sets out that new development should not have a detrimental effect in transportation terms. This is supported by Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006. Policy RT5 of the South Gloucestershire Local Plan (Adopted) January 2006 also sets out that new retail development should be accessible to public transport, cyclists, pedestrians and those with special mobility needs.

5.27 In highway safety and capacity terms, the proposed development would not introduce a level of additional traffic which would itself compromise highway safety and/or capacity. The proposed level of car parking is acceptable and is designed in such a way that it would facilitate the safe movement of vehicles and pedestrians through the site. The capacity of the existing vehicular access is sufficient to cater for safe vehicular access to and from the supermarket as proposed to be extended. It is also considered that adequate cycle parking will be made available as part of the development.

5.28 In addition to the above, the proposed development will include the provision of a new pedestrian access ramp onto the site from Great Stoke Way. This will link directly with improvements to the pedestrian crossing facilities on Great Stoke Way and will greatly improve the pedestrian access into the site from the surrounding locality and nearby bus stops. A further benefit of this provision is that it would allow the Local Highway Authority the option to widen the highway along the Southwestern bound carriageway of Great Stoke Way through the realignment of the existing footway to cater for these works. This would provide sufficient room to provide a new dedicated bus-lane along this part of Great Stoke Way, which in turn will aid the implementation of the Local Authority's public transport initiative.

5.29 Having regards to the above it is considered that the proposed development would be acceptable in transportation terms and would meet the requirement to improve the accessibility of the site as part of new development as required under Policy RT5 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.30 Concluding Analysis

Having regard to the above assessment as a whole and taking account of the merits of this particular case, it is considered that the proposed development would meet the tests of retail policy in terms of its function to protect the vitality and viability of existing retail centres. It is considered that in this instance, the proposed development is of such a scale and nature that it would not itself have a material impact upon the vitality and viability of the nearby local and district centres and in particular would not have a material impact upon Bradley Stoke Town Centre. Nonetheless, it is considered appropriate to apply restrictive conditions in terms of the amount of retail sales floor space, its location within the greater footprint of the building and the amount of retail floor space dedicated to the sales of comparison goods. This would ensure that the

parameters of this development are not exceeded and would allow the Local Planning Authority to control ad-hoc development within the store and to fully address formal submissions for further increases in the future should they arise.

5.31 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.

5.32 Use of Energy and Sustainability

Given the scale and nature of the proposed development it is not appropriate to impose any further energy saving/sustainability control over and above the requirements of the building regulation legislation. As such the development is acceptable in this regard.

5.33 Improvements achieved to the scheme

Officers have sought to gain significant mitigation of visual impact through discussions to secure the commitment to public art and very high quality landscaping within the site. These discussions have formed the basis of the assessment and the requirements for additional information to be submitted in support of the implementation of these issues prior to the first occupation of the proposed development; should it benefit from planning consent.

5.34 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 That Planning Permission is granted subject to the following conditions.

Background Papers **PT09/0408/F**

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

CONDITIONS

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

Reason

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

2. Prior to the first occupation of the development hereby approved, full details demonstrating the method of construction of the pedestrian access ramp and the realignment of the existing footway (along Great Stoke Way) within the site as detailed upon the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. The access ramp and footway realignment shall be provided and completed in accordance with the agreed details prior to the first occupation of the development hereby approved and shall be retained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason

In order to provide adequate and safe accessibility to the site from the surrounding locality and to accord with Policy T12 and RT5 of the South Gloucestershire Local Plan (adopted) January 2006.

3. The maximum area of retail sales floor space shall not exceed 6903 square metres at any time.

Reason

In order to protect the vitality and viability of surrounding City, Town, District and Local Town Centres and in accordance with Policy RT5 of the South Gloucestershire Local Plan (Adopted) January 2005.

4. No more than 3000 square metres of retail sales floor space within this supermarket shall be dedicated to the sale of Comparison Goods (as defined in PPS6) at any time.

Reason

In order to protect the vitality and viability of surrounding City, Town, District and Local Town Centres and in accordance with Policy RT5 of the South Gloucestershire Local Plan (Adopted) January 2005.

5. Prior to the first occupation of the development hereby approved, a brief relating to the provision of Public Art within the site shall be submitted and agreed in writing by the Local Planning Authority; and prior to the first occupation of the development hereby approved, a final proposal detailing the method and appearance of the Art Work to be installed within the site shall be submitted and agreed in writing by the Local Planning Authority. The agreed Art Work installation shall then be installed in accordance with the agreed details within 12 months of the date of the first occupation of the development hereby approved.

Reason

In order to provide enhancements to the locality through the implementation of development facilitated public art and in order to protect and enhance the character and visual amenity of the site and the surrounding locality and to accord with policies D1, L1 and LC13 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Notwithstanding the submitted details, further details demonstrating the methods of landscaping and planting within the site along its elevation with Great Stoke Way and Filton Road (and Abbey Wood Roundabout) together with a detailed management plan relating to the landscaping shall be submitted to and agreed in writing by the Council. Thereafter the landscaping shall be implemented in accordance with the agreed details in the next available planting period following the agreed implementation of the Public Arts Installation as referred to in condition 5 of this decision notice. The landscaping shall be maintained in accordance with the agreed details and the agreed management plan unless otherwise agreed in writing by the Local Planning Authority.

Reason

In order to protect and enhance the character and visual amenity of the site and the surrounding locality and to accord with policies D1, L1 and LC13 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

8. All surface water run-off from all new and restored vehicle parking areas shall pass through a properly constructed oil/ petrol interceptor or such other alternative system as may be agreed with the Local Planning Authority, before discharge to the public sewer, or other drainage system.

Reason

To prevent non-point source pollution and flooding, and to accord with Policies L17 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

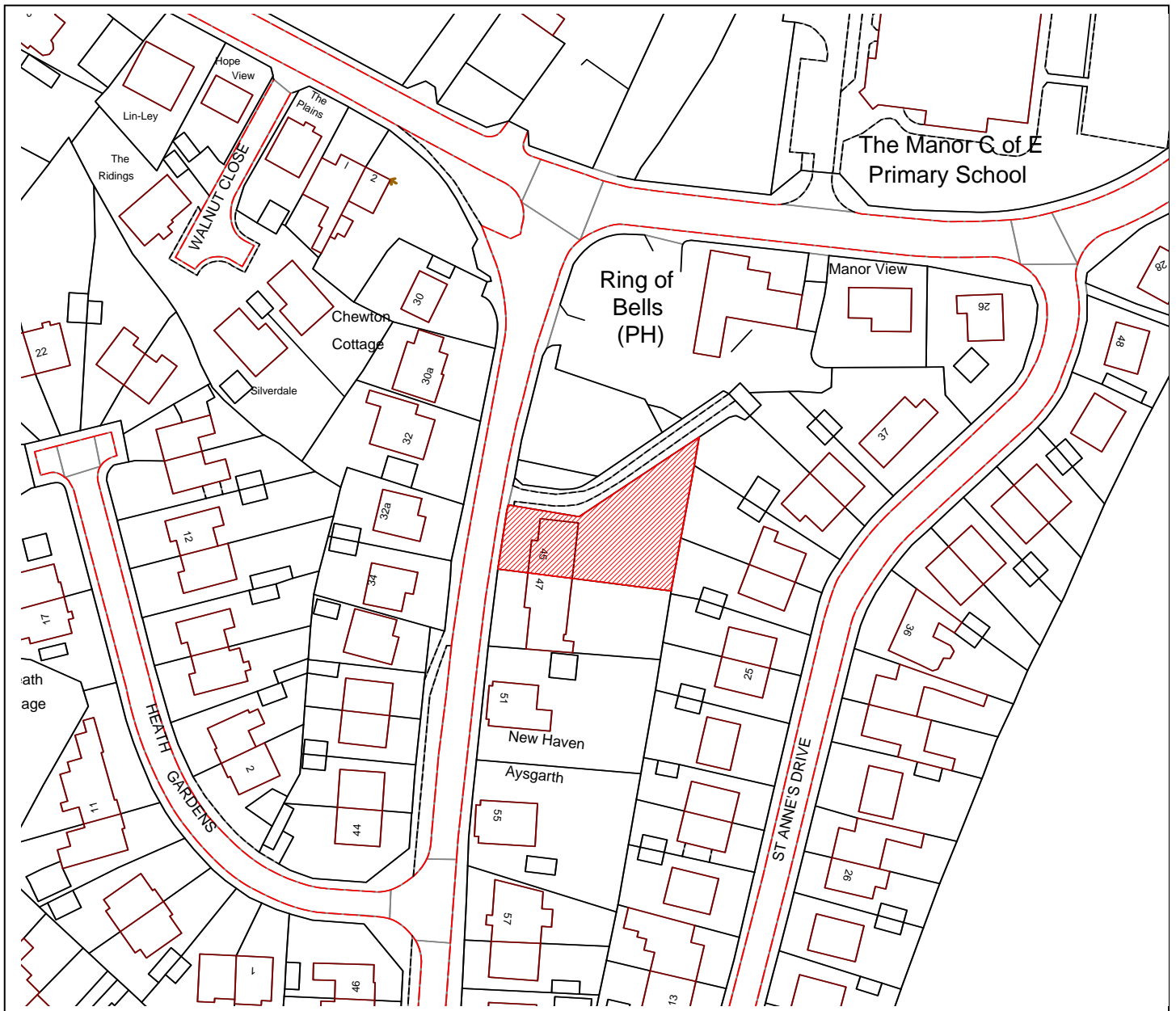
9. The developer shall notify the Local Planning Authority of the date of the first occupation of the development hereby approved on or before such date.

Reason

in order to assist the Local Planning Authority to monitor the development and compliance with those conditions as set out in this decision notice.

CIRCULATED SCHEDULE NO. 20/09 – 21 MAY 2009

App No.:	PT09/0736/F	Applicant:	Mr J Rose
Site:	45 Henfield Road, Coalpit Heath, South Gloucestershire, BS36 2TG	Date Reg:	22nd April 2009
Proposal:	Erection of single storey and two storey rear and side extension to provide additional living accomodation to include rear balcony. Erection of rear conservatory.	Parish:	Westerleigh Parish Council
Map Ref:	67454 80496	Ward:	Westerleigh
Application Category:	Householder	Target Date:	15th June 2009



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 100023410, 2009.

INTRODUCTION

This application appears on the circulated schedule as a letter of objection has been received which is contrary to the officer recommendation of approval.

1. THE PROPOSAL

- 1.1 The application is for the erection of single storey and two storey rear and side extension to include rear balcony. Erection of rear conservatory.
- 1.2 The site relates to a predominantly detached dwelling that features an attached single garage with a flat roof, and is set within a moderate curtilage, within an established residential area inside the development boundary of Coalpit Heath.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 Development within Existing Residential Curtilage
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted SPD)
Frampton Cotterell and Coalpit Heath Village design Statement

3. RELEVANT PLANNING HISTORY

None.

4. CONSULTATION RESPONSES

- 4.1 Westerleigh Parish Council
No Objection
- 4.2 Other Consultees

Public Rights of Way Officer
No Objection

Other Representations

- 4.3 Local Residents

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

- Concern over implications of development on the neighbouring garage roof and party associated structural party wall matters.
- Concern over water run off from the proposed extension and responsibility for providing mitigation.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the Adopted South Gloucestershire Local Plan (January 2006), allows for the principle of house extensions subject to considerations of design, residential amenity and highway safety.

5.2 Design/ Visual Amenity

The cumulative effect of the proposal is considerable in scale; however there have been no other extensions at the property. In terms of design, the proposed materials are to match the existing ones including smooth render and tiles. Although the proposed two storey side element is visually prominent within the street scene, the roof pitch has been set down in height and the front elevation has been set back to ensure it remains subservient and retains the character of the existing dwelling. The changes at the rear will not be visible within the street scene and are generally in keeping with the character of the dwelling, featuring relative proportioning and symmetry. The conservatory proposed is typical in design for this type of property.

Whilst there is a public right of way running alongside the property, the changes proposed will not be visible as the boundary with the applicant's property features mature trees and foliage that will provide substantial screening.

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

5.3 Residential Amenity

Whilst the proposed alterations are substantial in scale, the only property that will be affected is that of no. 47 that sits adjacent and to the South. The main part of the proposed to affect this property is the two storey side element which will extend 5.4 metres behind the applicant's rear building line. However given the 4.1m spacing that will remain between these two dwellings and that the wall associated with the rear balcony is 4.6 metres in height and extends 3.4m, it is not considered that any significant detriment will result to the neighbour's amenity in the form of encroachment or a loss of light.

Additionally the applicant's curtilage is of a suitable size and scale in order to accommodate the proposal without any loss of amenity and there is adequate offroad parking to accommodate the additional bedroom.

With regards to the letter of objection received, the issues raised do not relate to material planning considerations as they involve building regulations and the party wall act. Whilst it is noted that the applicant has not provided a certificate B form, this is not considered to be a formal requirement in this instance as the proposal is 0.25m from the boundary and it is not considered that any encroachment on the neighbours land will result.

5.4 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 05/05 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 1/97 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) 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 **PT09/0736/F**

Contact Officer: Toby Adams
Tel. No. 01454 863819

CONDITION

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

Reason

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