



**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. 44/09**

**Date to Members: 06/11/09**

**Member's Deadline: 12/11/09 (5pm)**

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by the Planning and Transportation Committee on 21 November 1996. The procedure is designed to increase the effectiveness and efficiency of the Development Control Service. Under the arrangement reports are circulated on a weekly basis.

The reports assess the application, consider representations which have been received, and make a recommendation regarding the proposal. The procedure is designed to ensure that Members are aware of any concern expressed by interested parties in their ward and indicate a recommendation.

Having considered the reports, those applications that Councillors feel should be referred to an appropriate Area Development Control Committee must be notified to the Development Control section **within five working days of the publication of the schedule (by 5pm)**. If there has been no member request for referral within the time period, the decision notices will be issued in line with the recommendation in this schedule. **Before referring an item to the Committee, Members may wish to speak to an officer about the issue, in order that any problems can perhaps be resolved without the need for referral to a Committee.**

## **NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS**

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate Area Committee, please let the Director of Planning, Transportation and Strategic Environment know within 5 working days of the date of this Schedule (eg, if the schedule is published on a Friday, comments have to be submitted by the end of Thursday) (see cover page for the date). A proforma is attached for your use and should be forwarded by fax to the appropriate Development Control Support Team, or by sending an email with the appropriate details to [PlanningApplications@southglos.gov.uk](mailto:PlanningApplications@southglos.gov.uk)

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

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

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

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

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

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

## CIRCULATED SCHEDULE

**DATE: 06/11/09**

**SCHEDULE NO. 44/09**

If you wish any of the applications to be considered by the appropriate Area Committee you should return the attached pro forma not later than 5 working days from the date of the appropriate schedule (by 5pm), to the appropriate Development Control Support Team. For the Kingswood area, extension 3544 (fax no. 3545), or the Development Control Support Team at the Thornbury office, on extension 3419 (fax no. 3440), or email [PlanningApplications@southglos.gov.uk](mailto:PlanningApplications@southglos.gov.uk)

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

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

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

**Please note: - Reason for Referral**

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

**SIGNATURE .....**

**DATE .....**

# CIRCULATED SCHEDULE – 06 November 2009

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK09/5239/R3F	Deemed Consent	Hanham Library High Street Hanham South Gloucestershire BS15 3EJ	Hanham	Hanham Parish Council
2	PK09/5277/F	Approve with Conditions	St Marys C Of E Primary School Church Road Yate South Gloucestershire BS37 5BG	Yate Central	Yate Town
3	PK09/5291/TRE	Approve with Conditions	Blackhorse Lane, Nr. Junction With Tunbridge Way Emersons Green South Gloucestershire BS16 7EW	Emersons	Mangotsfield Rural Parish Council
4	PK09/5303/F	Approve with Conditions	10 Gullivers Place Chipping Sodbury South Gloucestershire BS37 6HP	Chipping	Dodington Parish Council
5	PK09/5316/R3F	Approve with Conditions	Marshfield Primary School Chippenham Road Marshfield Chippenham South Gloucestershire SN14 8NY	Boyd Valley	Marshfield Parish Council
6	PK09/5364/R3F	Deemed Consent	Mangotsfield Church Of England Primary Church Farm Road Emersons Green South Gloucestershire BS16 7EY	Emersons	Mangotsfield Rural Parish Council
7	PK09/5432/TRE	Approve with Conditions	Rear Of 32 Causley Drive Barrs Court South Gloucestershire BS30 7JD	Parkwall	Oldland Parish Council
8	PT09/5140/RM	Approve with Conditions	Normans Farm Green Lane Winterbourne South Gloucestershire BS36 1RN	Winterbourne	Winterbourne Parish Council
9	PT09/5197/RM	Approve with Conditions	Normans Farm Green Lane Winterbourne South Gloucestershire BS36 1RN	Winterbourne	Winterbourne Parish Council
10	PT09/5322/FDI	Approve	Meadow Cottage Shellards Lane Alveston South Gloucestershire BS35 3SY	Thornbury South And	Alveston Parish Council
11	PT09/5425/F	Approve with Conditions	11 High Street Thornbury South Gloucestershire BS35 2AE	Thornbury North	Thornbury Town Council

## CIRCULATED SCHEDULE NO. 44/09 – 06 November 2009

<b>App No.:</b>	PK09/5239/R3F	<b>Applicant:</b>	South Gloucestershire Council
<b>Site:</b>	Hanham Library High Street Hanham Bristol South Gloucestershire	<b>Date Reg:</b>	17 <sup>th</sup> September 2009
<b>Proposal:</b>	Erection of single storey rear infill extension.	<b>Parish:</b>	Hanham Parish Council
<b>Map Ref:</b>	364390 172239	<b>Ward:</b>	Hanham
<b>Application Category:</b>	Minor	<b>Target Date:</b>	5th November 2009



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**PK09/5239/R3F**

## **INTRODUCTION**

The application has been forwarded to the Circulated Schedule for Member consideration as the applicant is South Gloucestershire Council.

### **1. THE PROPOSAL**

1.1 The application site is situated on Hanham High Street and comprises a modern building which is used as the local library. The site is bounded by residential development to the east, Hanham Youth Centre attached to the west with vehicular access beyond to the west leading to a shared car park at the rear and all weather playing area to the south. The building is mainly brick built with some rendered parts. The building has an outdoor terrace to the rear, enclosed on three sides with door access from the south elevation of the library and emergency pedestrian access leading to the rear car park.

The application site is situated within the urban area as defined in the adopted Local Plan.

1.2 The application proposes erection of single storey rear infill extension on the existing terrace at the rear.

### **2. POLICY CONTEXT**

2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPS6 Planning and Town Centres  
PPG13 Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
T8 Parking Standards  
LC4 Education and Community Facilities

2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist – August 2007

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

3.1 P76/4358 Library, youth centre, play area and ancillary parking  
Approved 12.07.1976

### **4. CONSULTATION RESPONSES**

4.1 Hanham Parish Council  
No objection

#### 4.2 Other Consultees

Sustainable transport – No objection

#### **Other Representations**

#### 4.3 Local Residents

None received

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

#### 5.1 Principle of Development

Policy LC4 of the adopted South Gloucestershire Local Plan is supportive in principle of proposals for extensions and alterations to existing community facilities within the urban area, provided the building is situated within a sustainable location, there are no highway safety or environmental implications and that there is no unacceptable impact on residential and visual amenity.

#### 5.2 Design

Policy D1 of the Local Plan requires all new development to be well-designed. The library is situated within a (local High Street) mixed commercial and residential context. The proposed extension would be situated at the rear of the building on an area, which was built as an external terrace but it is evident that the area has not been in use for some time. The rear of the building is not visible from the High Street, nevertheless the proposal would be visible from the shared car park and all weather pitch at the rear. The design and materials would be of good quality in keeping with the character of the existing dwelling and would respect the character distinctiveness and amenity of the surrounding area. Additionally, the replacement of the disused terrace would be a positive improvement to the appearance of the rear of the building. As such it is considered that the design of the proposal accords with the criteria of Policy D1.

#### 5.3 Residential Amenity

With regard to neighbouring properties, the proposed extension would be situated some distance from the nearest adjacent dwelling to the east, no.2A (19m). The proposal would also be screened from no.2A by a 2m high closed boarded fence on the rear boundary. The modest scale of the proposal, the distance to the neighbouring occupiers and the 2m closed boarded fence would ensure there is no prejudice to the amenity of neighbouring occupiers.

#### 5.4 Other issues

The proposal would create an additional 55m<sup>2</sup> floorspace to the existing building which would constitute a 15.6% increase to the existing floorspace.

The existing car-park benefits from 13 car spaces and 2 disabled spaces. Due to the existing level of parking provision and the modest size of the additional floorspace to be created the existing number of off street parking spaces are considered to be sufficient. As such the proposal is considered not to result in any significant additional highway safety implications.

The proposal would be attached to a building situated within the urban area and located in a sustainable location in the local commercial centre and close to bus routes and amenities.

#### 5.5 Design and Access Statement

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

#### 5.6 Use of Energy and Sustainability

As indicated above the proposal would be attached to an existing library building situated in a sustainable location. As such the proposal would result in a sustainable form of development and the maintenance of the existing level of energy efficiency.

#### 5.7 Improvements Achieved to the Scheme

None

#### 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.

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report. A summary of reasons for granting planning permission in accordance with article 22 of the town and country planning (general development procedure) order 1995 (as amended) is given below.



- a) Due to its scale and position in relation to the nearest adjacent dwelling (no.2A), the proposed development is considered not to give rise to a material loss of amenity to the adjacent occupiers. The development therefore accords to Policy LC4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) It has been assessed that the proposed extension has been designed to respect and maintain the massing scale, proportions, materials and overall design and character of the building and situated at the rear would have no significant impact on the street scene and surrounding area. The development therefore accords to Policy D1 and LC4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.

## **7. RECOMMENDATION**

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

**Contact Officer: Sean Herbert**  
**Tel. No. 01454 863056**

### **CONDITIONS**

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

Reason

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

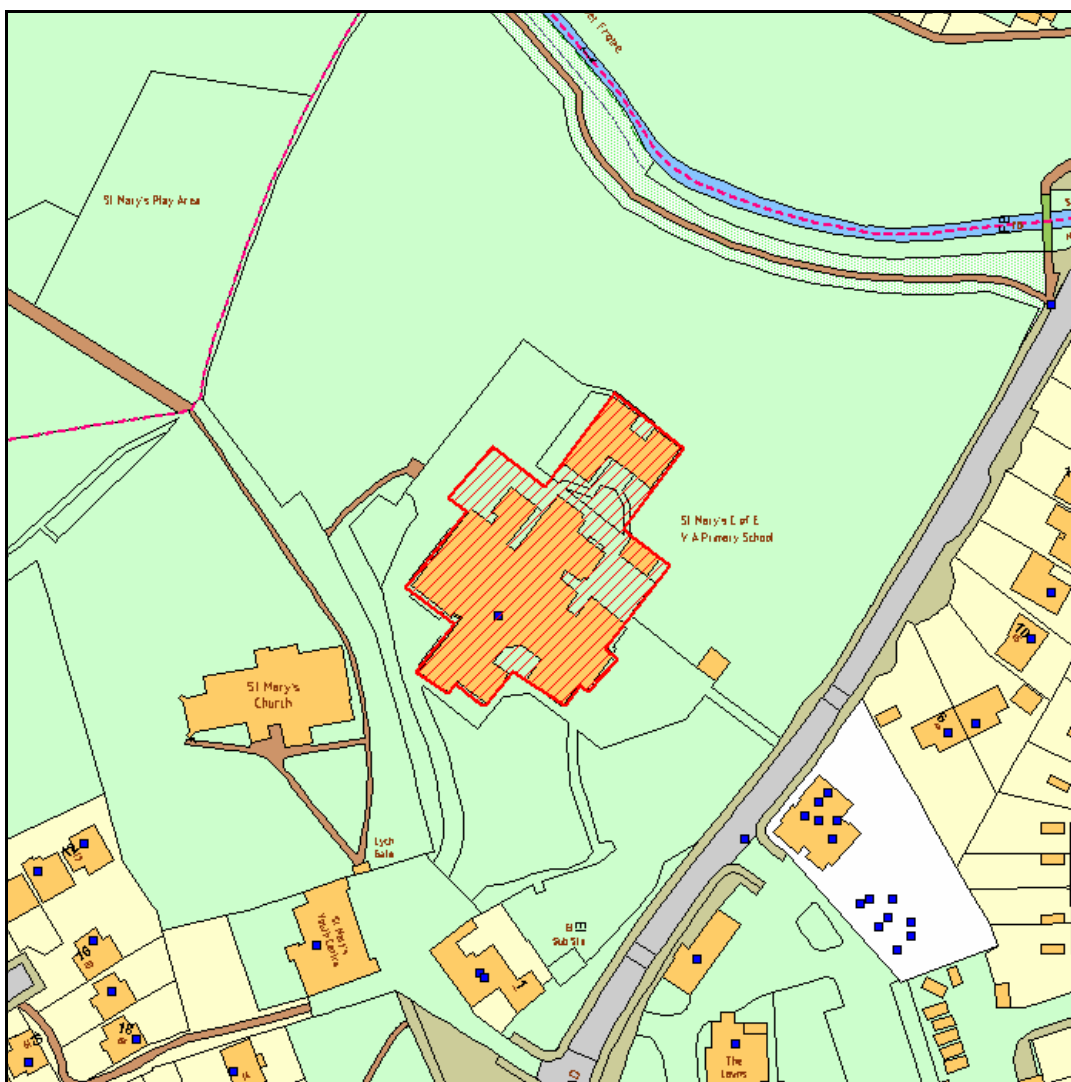
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

## CIRCULATED SCHEDULE NO. 44/09 – 06 November 2009

<b>App No.:</b>	PK09/5277/F	<b>Applicant:</b>	The Board Of Governors
<b>Site:</b>	St Marys C Of E Primary School Church Road Yate South Gloucestershire	<b>Date Reg:</b>	1st October 2009
<b>Proposal:</b>	Erection of extension to create Assembly Hall with community access including demolition of existing classroom.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	371420 182832	<b>Ward:</b>	Yate Central
<b>Application Category:</b>	Minor	<b>Target Date:</b>	19th November 2009



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PK09/5277/F

## **INTRODUCTION**

This application is reported on the Circulated Schedule because it was submitted on behalf of the Council itself.

### **1. THE PROPOSAL**

1.1 The application seeks planning permission for the demolition of an existing classroom to facilitate the erection of an extension to create an assembly hall and two storerooms and an entrance foyer. The site contains a large single storey brick and tile (sometimes slate) group of buildings, forming a school in its own grounds. A playground area stands to the south of the buildings and a car park to the north. To the west of the site as a whole stands a church and to the southeast, it is bounded by Church Road. The current assembly hall is in the middle of the main building.

1.2 The proposed extension would replace a classroom with an extension approximately five times that size, in place of part of the car park. It would be one and a half storeys high, brick built, with a shallow roofslope using concrete interlocking tiles. The proposed extension would be the tallest part of the school.

### **2. POLICY CONTEXT**

2.1 National Guidance  
PPS1 Delivering Sustainable Development

2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
LC4 Development on school sites

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

3.1 Nothing of relevance to the current proposal.

### **4. CONSULTATION RESPONSES**

4.1 Yate Town Council  
No objection

4.2 Other Consultees  
Sport England  
The proposal affects land incapable of forming, or forming part of, a playing pitch and does not affect the use of any current playing pitch or the loss of any other sporting facilities on site. No objection.

#### **Other Representations**

4.3 Local Residents  
No replies received.

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

5.1 Principle of Development  
This application stands to be assessed against the policies listed above, in the light of all material considerations. The issues are therefore set by the criteria to

be met in policy LC4, as well as an examination of the design of the building.

5.2 LC4A: Is the site highly accessible by foot and cycle?

The site is located close to the middle of Yate, from which it draws the majority of its pupils. It is located next to Church Road with good foot and cycle links into it, such as the Frome Valley Walkway. It also benefits from foot and cycle links to the centre of the town. The site is considered to be adequately served for accessibility by foot and cycle, in accordance with criterion A of policy LC4.

5.3 LC4B: Effect on Residential Amenity

The extension would be located to the north of the existing school building, between that building and the remainder of the staff car park. Beyond this is the playing fields of the school and beyond that is an area of open land. In this location, it is considered that there would be no impact on existing levels of residential amenity which would occur from this proposal and therefore it satisfies policy LC4B.

5.4 LC4C: Are there unacceptable transportation or environmental effects?

No specific measures are proposed to mitigate the impact of the new assembly hall. It should be noted that there will be no additional pupils on the site as a result and access arrangements would be the same as for the school as a whole. There may be a minor loss to staff car parking which would occur. No environmental effects of the proposal have been identified. It is considered that the proposal meets this criterion.

5.5 LC4D: Would the development cause problems with on street parking?

There would be no direct impact arising from the proposal, other than the potential, unconfirmed, loss of some staff parking. Since there is a generous supply of parking for this purpose, it is not considered that there would be any overspill effect onto surrounding streets, therefore the proposal is considered to accord with this criterion of policy LC4.

5.6 D1: Design

The proposed use of brick and tile in the outside of the building would match the materials of the host dwelling, as indicated on the submitted plans. It is acknowledged that the extension would be larger in scale than the rest of the main school and would therefore be a focal point, visually, which is appropriate as it would also form the entrance to the building. As an assembly hall, it is considered that the proposal follows the principle of form following function as it is clearly identifiable as a part of the building which performs a function central to the main one on site. The design of the proposed extension is therefore considered to be appropriate to the host building, respecting local distinctiveness, in accordance with policy D1.

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 Use of Energy and Sustainability

No information has been provided in this respect and issues arising would be dealt with through implementation of the Building Regulations.

5.9 Improvements Achieved to the Scheme

None sought.

5.10 Section 106 Requirements

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

**6. CONCLUSION**

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

6.2 The recommendation to approve 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.

6.3 The site is considered to have adequate ideal accessibility by foot and cycle, the proposed building would have no negative environmental or transportation impacts, nor would it affect on street parking in anything other than potentially a marginal manner. Furthermore it is considered to have no impact on residential amenity. The above is considered to demonstrate compliance with policy LC4, while the design is considered to be successful, which complies with policy D1.

**7. RECOMMENDATION**

7.1 That planning permission is approved, subject to the condition shown below.

**Contact Officer: Chris Gosling**  
**Tel. No. 01454 863787**

**CONDITIONS**

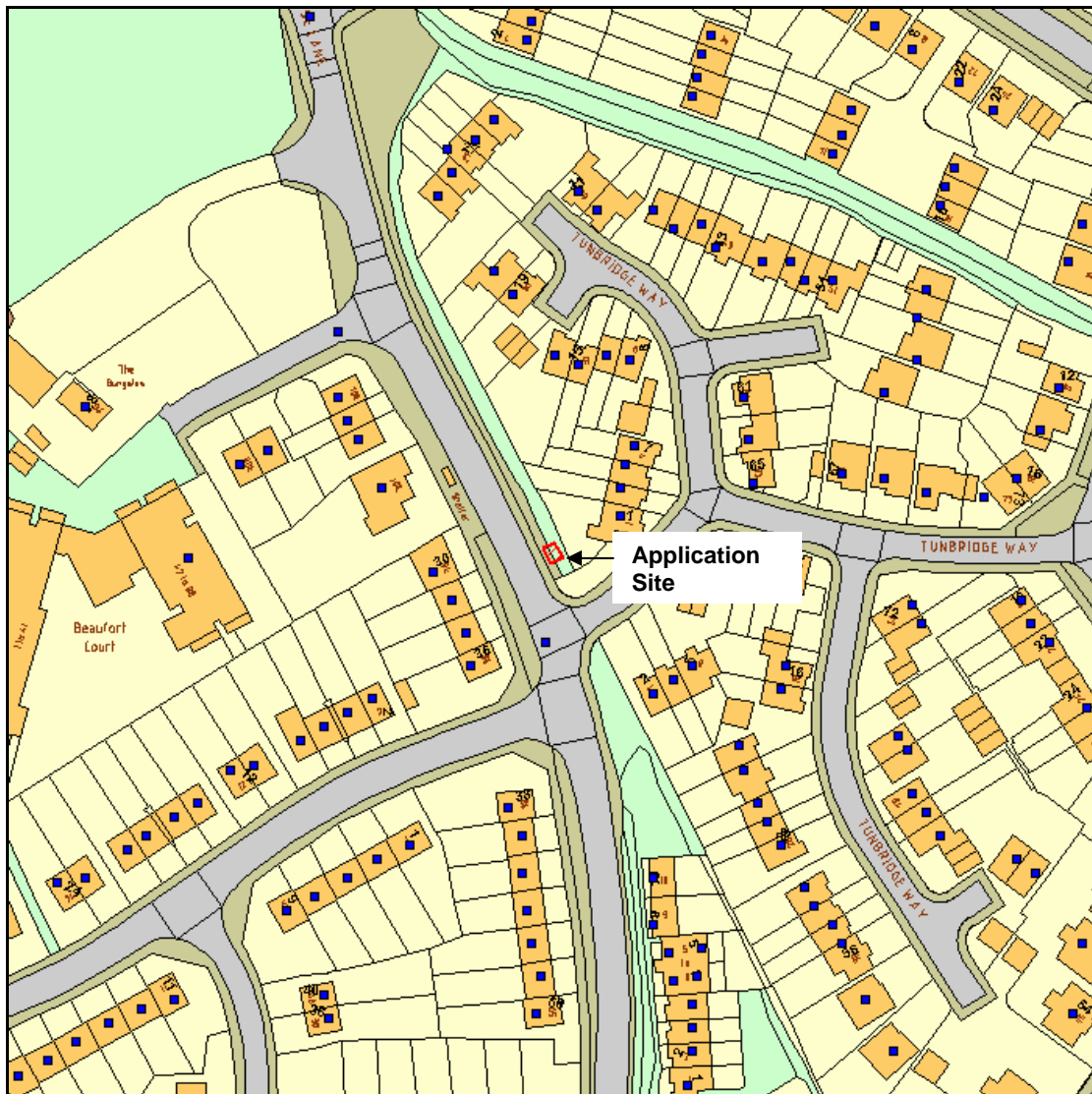
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

**CIRCULATED SCHEDULE NO. 44/09 – 06 NOVEMBER 2009**

<b>App No.:</b>	PK09/5291/TRE	<b>Applicant:</b>	Ms L Thomas
<b>Site:</b>	Blackhorse Lane, Nr. Junction with Tunbridge Way Emersons Green South Gloucestershire BS16 7EW	<b>Date Reg:</b>	28th September 2009
<b>Proposal:</b>	Works to 1no. Oak tree to prune back to 1m clearance covered by Tree Preservation Order KTPO01/81 dated 20 July 1981.	<b>Parish:</b>	Mangotsfield Rural Parish Council
<b>Map Ref:</b>	366397 177720	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Works to trees	<b>Target Date:</b>	5th November 2009



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**N.T.S.**

**PK09/5291/TRE**

## **INTRODUCTION**

This application has been placed upon the Circulated Schedule as it has been submitted by South Gloucestershire Council.

### **1. THE PROPOSAL**

- 1.1 This application seeks permission to carry out works to 1no. Oak Tree to prune back to 3 metres clearance. The application states that the works are to be carried out to abate a nuisance. On 2 November 2009 an email was received from the applicant amending the description of works to prune back to 1 metre clearance.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006  
L1 Landscape Protection & Enhancement

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

- 3.1 No history.

### **4. CONSULTATION RESPONSES**

- 4.1 Mangotsfield Rural Parish Council  
No objection.

#### **Other Representations**

- 4.2 Local Residents  
None received.

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

- 5.1 Principle of Development  
Policy L1 of the South Gloucestershire Local Plan (Adopted) 2006 seek to conserve and enhance the quality and amenity of the landscape and distinctiveness of the locality and to protect the features that contribute to the character or appearance of the area.

- 5.2 Analysis  
The Oak tree is growing on the boundary of the property. There are large limbs extending towards the house and overhanging the garage.

The proposed works are recommendations made by South Gloucestershire Council Open Spaces tree officer to abate the nuisance caused by the overhanging branches.

It is felt, from a visual amenity view, that a 3 metre reduction is excessive and a 1 metre reduction would abate the nuisance and maintain the balanced crown of the tree and as such the description of development has been altered accordingly.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

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

**Contact Officer: Elizabeth Dowse**  
**Tel. No. 01454 862217**

### **CONDITIONS**

1. The works hereby authorised shall be carried out within two years of the date on which consent is granted.

Reason

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

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

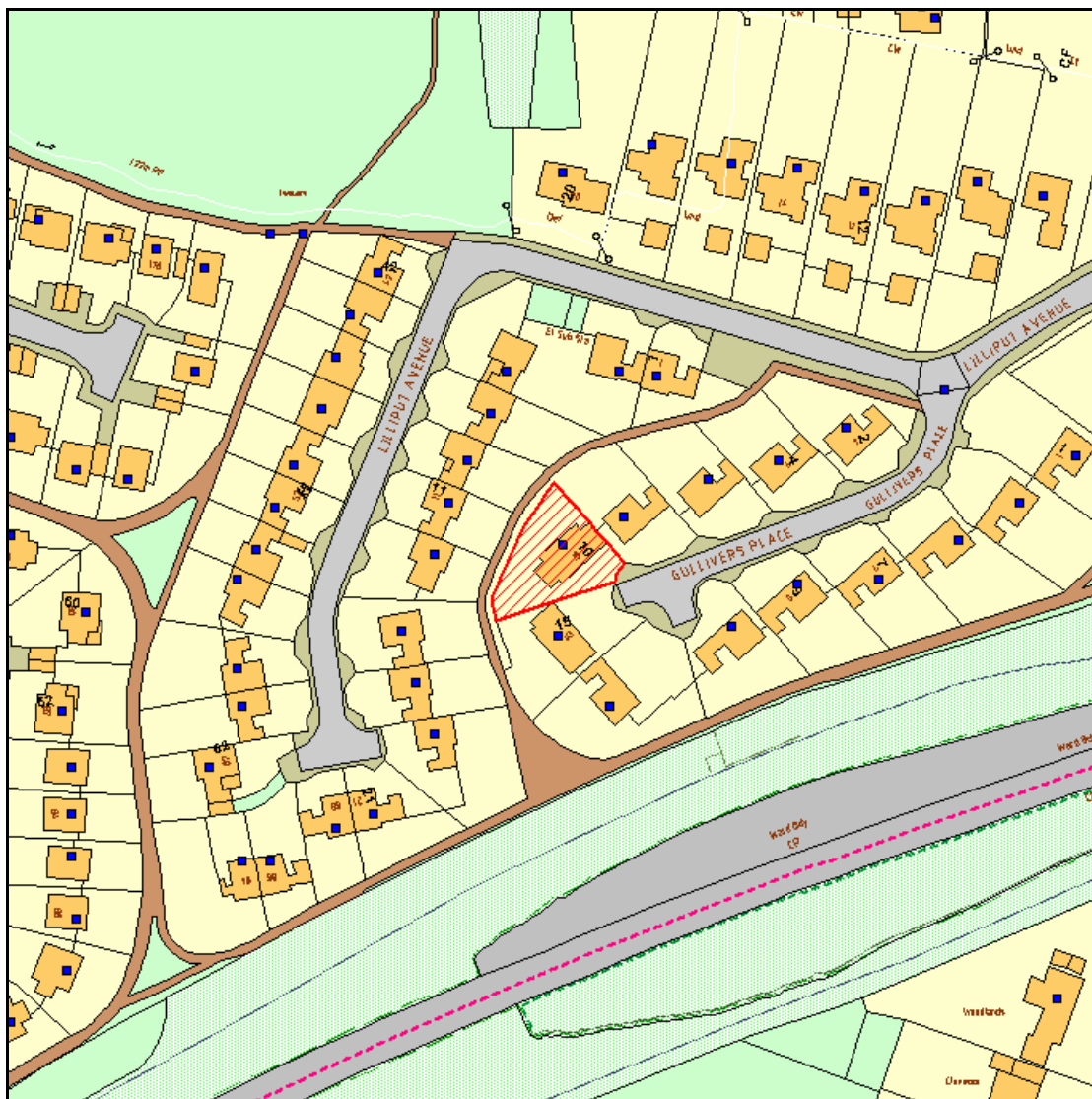
Reason

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



**CIRCULATED SCHEDULE NO. 44/09 – 06 November 2009**

<b>App No.:</b>	PK09/5303/F	<b>Applicant:</b>	Mr C Whiting
<b>Site:</b>	10 Gullivers Place Chipping Sodbury South Gloucestershire BS37 6HP	<b>Date Reg:</b>	25 September 2009
<b>Proposal:</b>	Erection of two storey side extension and first floor side extension to form additional living accommodation.	<b>Parish:</b>	Dodington Parish Council
<b>Map Ref:</b>	372442 181568	<b>Ward:</b>	Chipping Sodbury
<b>Application Category:</b>	Householder	<b>Target Date:</b>	20th November 2009



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## **INTRODUCTION**

The application has been forwarded to the Circulated Schedule for Member consideration as a representation has been received with a contrary view to the Officer's recommendation.

### **1. THE PROPOSAL**

1.1 The application site is located on the south side of Chipping Sodbury off Bowling Road to the east and close to Chipping Sodbury School. The application site is situated in a modern residential street and the local area is predominantly residential in character. The application site is broadly triangular in shape and contains a two storey detached dwelling with vehicular access at the rear onto Gullivers Place to the south and pedestrian access at the front onto a footpath to the north. A single storey flat roofed element including a garage is attached to the east elevation.

The application site is situated within the settlement boundary of Yate and Chipping Sodbury as defined in the adopted Local Plan.

1.2 The application proposes erection of two storey side extension to the west elevation in place of an existing lean to conservatory and first floor side extension to the east over the existing flat roofed single storey lobby and study to form additional living accommodation.

### **2. POLICY CONTEXT**

2.1 National Guidance  
PPS1 Delivering Sustainable Development

2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
H4 Development within Existing Residential Curtilages

2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist – August 2007

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

3.1 None relevant

### **4. CONSULTATION RESPONSES**

4.1 Sodbury Parish Council  
  
No response received

## 4.2 Other Consultees

None

## **Other Representations**

### 4.3 Local Residents

One letter of objection received from the occupiers of 8 Gullivers Place raising the following concerns:

- The proposed pitched roof to the existing flat roofed garage would be situated on the boundary with no.8, adjacent to a conservatory. The proposal would result in increase in the height of the side elevation of the garage on the boundary with no.8 and would result in an overbearing impact.
- Plans show a widening to the existing entrance width. This will accommodate a small lorry used for business purposes, and this can be viewed from no.8.

The scheme has since been amended to remove the gabled end to the revised garage.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity.

### 5.2 Design

Policy D1 of the Local Plan requires all new development to be well-designed. The dwelling is situated within a suburban residential context. The building the subject of this application is a two storey detached dwelling. The proposed extensions would be visible from public vantage points to the north and south. The context of the locality is relatively modern dwellings of brick and concrete roof tiles with upvc cladding to parts of the first floor. The proposal would include the The design and materials would be of good quality in keeping with the character of the existing dwelling and would respect the character distinctiveness and amenity of the surrounding area. As such it is considered that the design of the proposal accords with the criteria of Policy D1.

### 5.3 Residential Amenity

Adequate rear amenity space to the property would be retained following the erection of the proposed extension. With regard to neighbouring properties, the

scheme has been amended since the objection letter was received to redesign the originally proposed gabled end over the existing garage to provide a fully hipped roof. The objector has a side conservatory situated adjacent to the garage. The amended design would not increase the height of the garage at the point adjacent to the conservatory and the roof would slope up away from the neighbour's conservatory. As such the amended garage is considered not to result in a materially harmful impact on the amenity of the adjacent occupier. The proposal has also been amended to remove first floor windows from both side (east and west) elevations. The two storey extension to the west elevation would project 2.6m to the west and the resultant west elevation would be situated 3.2m from no.15 to the west. The two storey extension to the east elevation would project 2.5m to the east and as such the resultant proposed east elevation would be situated 2.5m from no.8 to the east. Considering the modest encroachment towards the adjacent dwellings combined with the distance to the neighbouring dwellings and the positioning of windows in the first floor north and south elevations only, the proposal is considered not to result in material harm to the adjacent occupiers.

#### 5.4 Other issues

The widening of the existing access onto a non classified road does not require planning permission and is therefore outside our control. Nevertheless, there would be sufficient parking on site for 3 vehicles, which meets the Council's adopted parking standard. The objector raised a concern in relation to the occupier's business vehicle being parked on site, which alone would not constitute a material change of use and as such is outside the planning control.

#### 5.5 Design and Access Statement

A Design and Access Statement is not required for this application

#### 5.6 Use of Energy and Sustainability

The proposal would use materials similar to those existing. The extension would be of good quality construction. Therefore the proposal would result in a sustainable form of development and the maintenance of the existing level of energy efficiency.

#### 5.7 Improvements Achieved to the Scheme

The following improvements were made to the application following negotiation with the applicant:

- A gabled roof shape to the single storey garage has been amended to provide a full hip lean to shape in order to preserve the amenity of the adjacent occupier.
- First floor windows in the side (east and west) elevations have been relocated to the north and south elevations in order to protect the amenity of the adjacent occupiers.

## 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.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report. A summary of reasons for granting planning permission in accordance with article 22 of the town and country planning (general development procedure) order 1995 (as amended) is given below.
- a) Due to its scale and position in relation to the adjacent dwellings, the proposed development is considered not to give rise to a material loss of amenity to the adjacent occupiers. The development therefore accords to Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
  - b) It has been assessed that the proposed extensions have been designed to respect and maintain the massing scale, proportions, materials and overall design and character of the street scene and surrounding area. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.

## 7. RECOMMENDATION

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

**Contact Officer: Sean Herbert**  
**Tel. No. 01454 863056**

### CONDITIONS

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

Reason

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

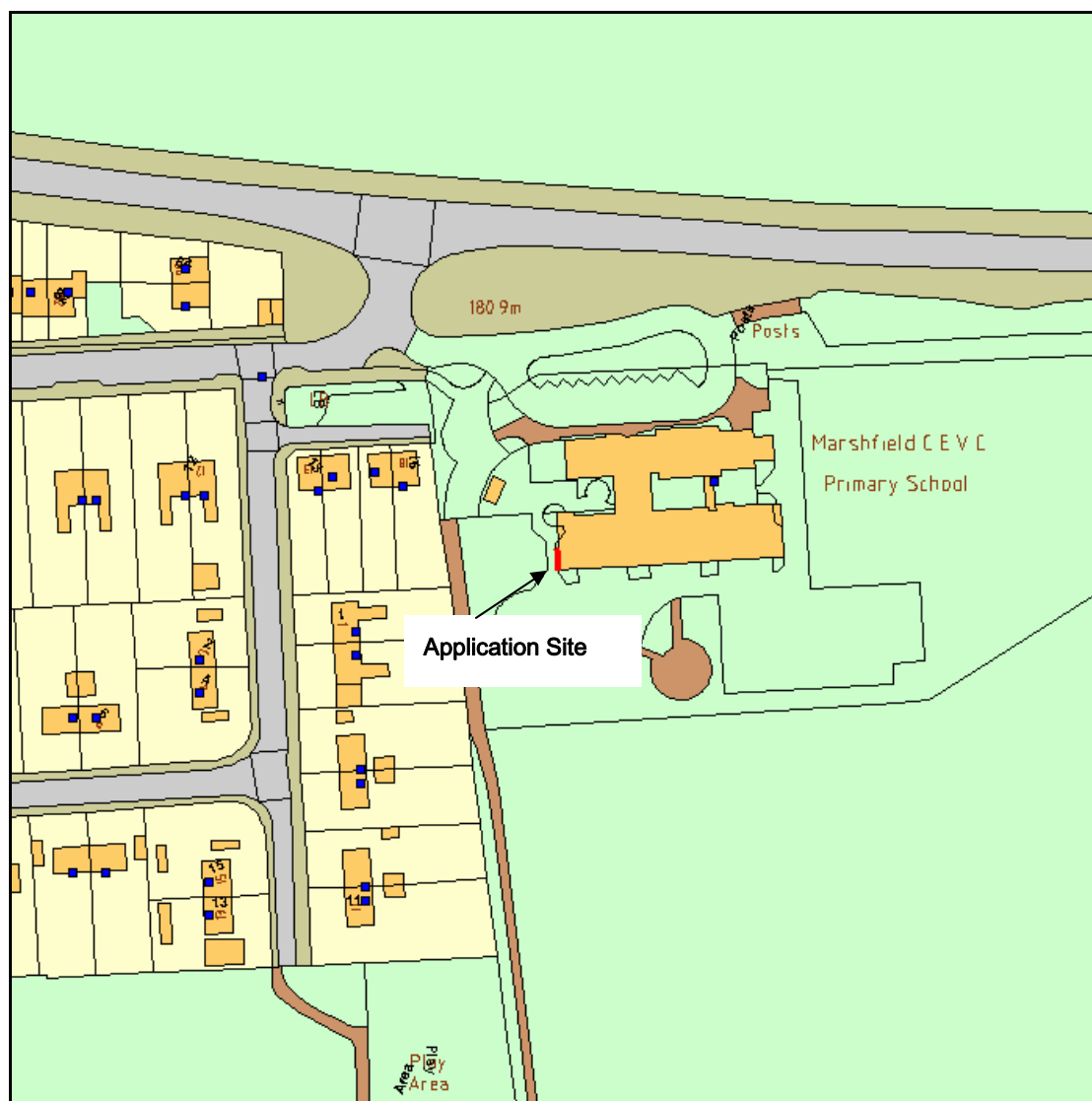
2. The brickwork and roof tiles to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing dwelling.

Reason

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

## CIRCULATED SCHEDULE NO. 44/09 – 06 NOVEMBER 2009

<b>App No.:</b>	PK09/5316/R3F	<b>Applicant:</b>	Ms K Pettifer
<b>Site:</b>	Marshfield Primary School Chippenham Road Marshfield South Gloucestershire	<b>Date Reg:</b>	30th September 2009
<b>Proposal:</b>	Replacement of existing glass window with a new door to provide access from the reception classroom to a hardstanding area.	<b>Parish:</b>	Marshfield Parish Council
<b>Map Ref:</b>	378626 173810	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	25th November 2009



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**N.T.S.**

**PK09/5316/R3F**

## **INTRODUCTION**

This application appears on the Circulated Schedule in accordance with Council procedure as the application is submitted by South Gloucestershire Council.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the replacement of existing glass window with a new door to provide an access from the reception classroom to a hardstanding area.
- 1.2 The application site consists of a primary school at the edge of the village of Marshfield, within the Bristol to Bath Green Belt.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

LC4 Proposals for Education Facilities

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

- 3.1 PK08/3085/R3F Erection of 1 no. 15m high, 15kw free standing wind turbine  
Approved 24.02.09
- 3.2 PK08/2139/R3F Erection of shade cover for existing amphitheatre.  
Approved 03.10.08
- 3.3 PK07/1500/R3F Erection of single storey extension to existing store room  
Approved 06.07.07
- 3.4 PK01/1134/F Erection of nursery classroom extension.  
Approved July 2001
- 3.5 PK00/0037/R3F Erection of single storey classroom extension.  
Approved April 2000
- 3.6 P99/4548 Certificate of appropriate alternative development for use of land for outdoor sports and recreation.  
Granted September 1999
- 3.7 P98/4502 Erection of new primary school.  
Approved October 1998



#### 4. CONSULTATION RESPONSES

- 4.1 Marshfield Council  
No Objection.

#### Other Representations

- 4.2 Local Residents  
None Received.

#### 5. ANALYSIS OF PROPOSAL

##### 5.1 Principle of Development

Policy LC4 of the South Gloucestershire Local Plan (Adopted) allows for the development or expansion of education facilities within the existing urban areas providing that:

**A. The proposals are located on sites which are, or will be, highly accessible by foot and by bicycle;**

The application seeks permission to change an existing glass window to a door and the proposal would not affect the established network of footpaths and cycle ways linking the school to the surrounding area.

**B. Development would not unacceptably prejudice residential amenities;**

The proposed new doorway would be more than 20 metres from the nearest residential boundary, officers therefore consider that it would not have any impact on levels of residential amenity of the dwellings around the school.

**C. Development would not have unacceptable environmental or transportation effects;**

The proposal would not affect the adjacent highway and would not generate any additional traffic flows over and above that generated by the existing school. It is not therefore considered that the structure will have any transportation implications.

**D. Development would not give rise to unacceptable levels of on street parking to the detriment of the surrounding area and highway safety;**

The development would not result in increased numbers of staff or pupils attending the school and it would not affect the existing parking arrangement. The development therefore would not give rise to unacceptable levels of parking.

##### 5.2 Siting and Design

The existing school buildings are of modern design and the proposal is to replace an existing glass window with a door. The door and frame will be made of wood with double glazed glass and will match other existing doors on site in terms of style and finish.

Officers therefore consider that the proposal would not have any impact upon the character and appearance of the host building and the visual amenity of the area.

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 Council's Design Checklist Supplementary Planning Document.

5.4 Use of Energy and Sustainability

Given the nature of development, this is not required above the normal building regulations.

5.5 Improvements Achieved to the Scheme

None required.

5.6 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

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

## **CONDITIONS**

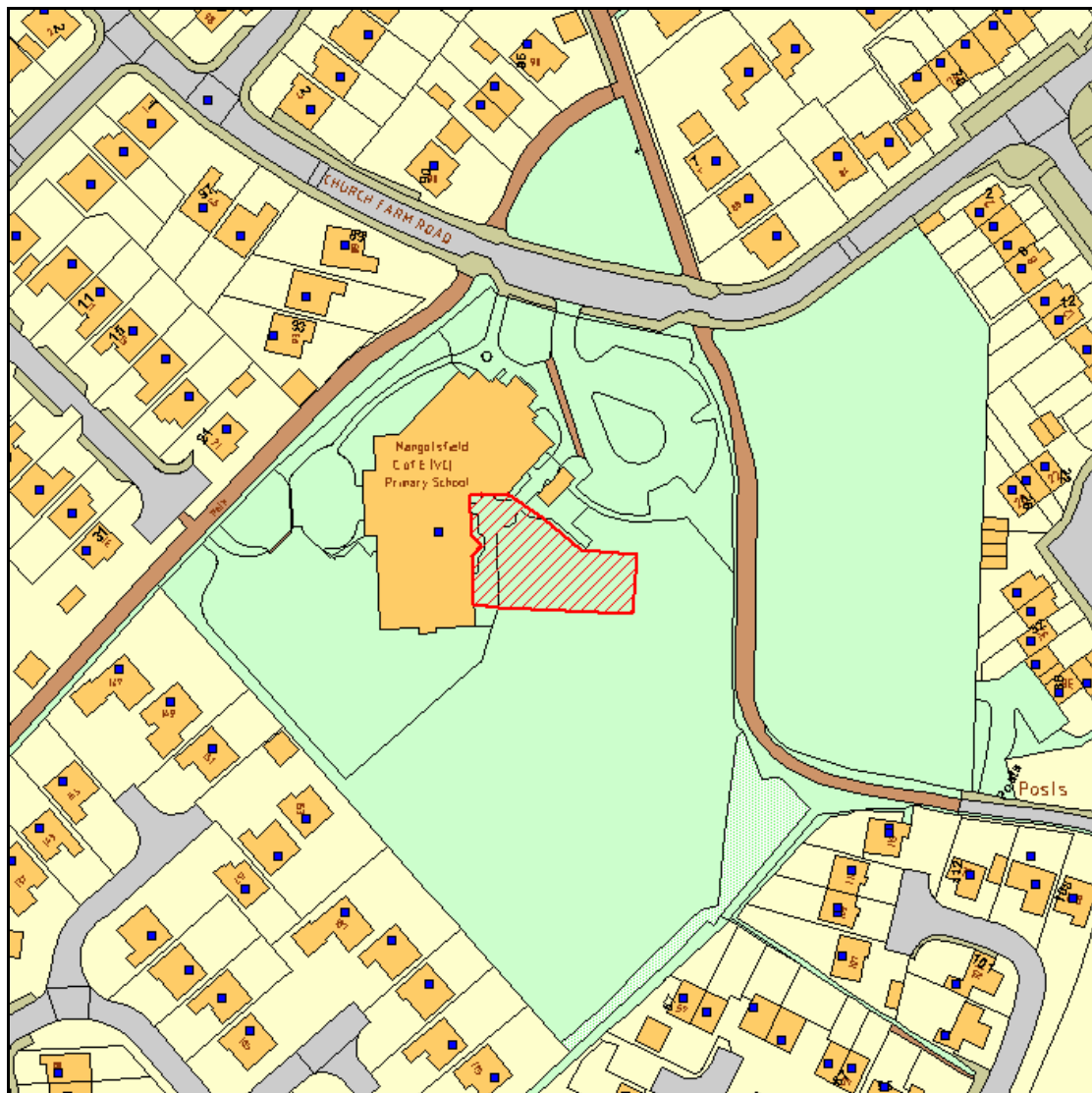
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

## CIRCULATED SCHEDULE NO. 44/ 09 – 06 November 2009

<b>App No.:</b>	PK09/5364/R3F	<b>Applicant:</b>	South Glos. Council
<b>Site:</b>	Mangotsfield Church Of England Primary Church Farm Road Emersons Green Bristol South Gloucestershire	<b>Date Reg:</b>	1st October 2009
<b>Proposal:</b>	Erection of temporary classroom block with covered walkway for period of three years. (Retrospective). (Resubmission of PK09/0915/R3F).	<b>Parish:</b>	Mangotsfield Rural Parish Council
<b>Map Ref:</b>	366900 176542	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Minor	<b>Target Date:</b>	12th November 2009



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**PK09/5364/R3F**

## **INTRODUCTION**

This application is reported on the Circulated Schedule because it was submitted by the Council itself.

### **1. THE PROPOSAL**

- 1.1 The application is retrospective and seeks planning permission for the retention of a predominantly wooden detached single storey, flat roofed classroom which has been erected next to the rear elevation of a two storey primary school.
- 1.2 The building forms two classrooms, with a toilet block and entrance lobby dividing them. Access is via a ramp on one side, with escape stairs on the other. The building is located on an area between the original school building and the playing fields to the rear. This application was made following the withdrawal of a similar application earlier this year due to concerns from Sport England that it would involve the loss of playing field space. It is understood that the classroom block was erected in time for the current Autumn term in order to meet a pressing need for places at the school.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
LC4 Development on school sites

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

- 3.1 PK09/0915/R3F Erection of temporary classroom block and covered walkway  
Withdrawn

### **4. CONSULTATION RESPONSES**

- 4.1 Mangotsfield Rural Parish Council  
No objection
- 4.2 Other Consultees  
Sport England  
The proposal affects land incapable of forming, or forming part of, a playing pitch and does not affect the use of any current playing pitch or the loss of any other sporting facilities on site. No objection.

#### Transportation

This proposal is a resubmission of PK09/0915/R3F which was withdrawn prior to its determination. No transportation objection was raised to this original proposal. This submission is exactly the same in transportation terms and on that basis, there is no transportation objection to this proposal.

### **Other Representations**

- 4.3 Local Residents

No replies received.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The issues are therefore set by the criteria to be met in policy LC4, as well as an examination of the design of the building.

### 5.2 LC4A: Is the site highly accessible by foot and cycle?

The site is located within the middle of a large housing estate, from which it draws the majority of its pupils. It is located next to a cycle/ footpath which was planned to bisect Emerson's Green, with good foot and cycle links into it. The site is considered to be almost ideally served for accessibility by foot and cycle, in accordance with criterion A of policy LC4.

### 5.3 LC4B: Effect on Residential Amenity

The retention of the building for which planning permission is sought is not considered to have any impact upon existing levels of residential amenity, in accordance with policy LC4. It is located to the rear of the school building, between that building and the playing fields. Beyond this is a footpath and beyond that is an area of open land. The building would be time-limited by the condition shown below.

### 5.4 LC4C: Are there unacceptable transportation or environmental effects?

The Transportation consultation reply at 4.2 above raises no concerns regarding transportation impacts of this proposal. No specific measures are proposed to mitigate the impact of additional pupils on the site and access arrangements would be the same as for the school as a whole. No environmental effects of the proposal have been identified. It is considered that the proposal meets this criterion.

### 5.5 LC4D: Would the development cause problems with on street parking?

There is one road which runs past the front of the school and this includes a short length of lay-by for dropping off and picking up pupils. In effect, the picking up area extends informally to surrounding streets. However, this is not a direct impact arising from the proposal and is temporary in nature, therefore the proposal is considered to accord with this criterion of policy LC4.

### 5.6 D1: Design

The use of wood in the outside of the building sets it apart from the rest of the site, as does the fact that it is a detached building, smaller in scale to the main school. As such, it is considered that the proposal follows the principle of form following function as it is clearly identifiable as a building which is ancillary to the main one on site. The wooden appearance is considered to blend well with its surroundings and respects local distinctiveness, in accordance with policy D1.

### 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 Use of Energy and Sustainability

The building has been constructed predominantly from wood, a renewable resource.

5.9 Improvements Achieved to the Scheme

None sought.

5.10 Section 106 Requirements

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

**6. CONCLUSION**

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

6.2 The recommendation to approve 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.

6.3 The site is considered to have almost ideal accessibility by foot and cycle, the proposed building would have no negative environmental or transportation impacts, nor would it affect on street parking in anything other than a marginal, temporary manner, through the specific lifetime of the building, controlled through a condition. Furthermore it is considered to have no impact on residential amenity. The above is considered to demonstrate compliance with policy LC4, while the design is considered to be successful, which complies with policy D1.

**7. RECOMMENDATION**

7.1 That planning permission is approved, subject to the condition shown below.

**Contact Officer: Chris Gosling**  
**Tel. No. 01454 863787**

## **CONDITIONS**

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

### Reason

The form and appearance of the building is out of keeping in the long term in comparison with an extension to the main school building and therefore has been permitted for a limited period only because of the special circumstances of the case.



**CIRCULATED SCHEDULE NO. 44/09 – 06 NOVEMBER 2009**

<b>App No.:</b>	PK09/5432/TRE	<b>Applicant:</b>	Ms L Thomas
<b>Site:</b>	Rear Of 32 Causley Drive Barrs Court South Gloucestershire BS30 7JD	<b>Date Reg:</b>	8th October 2009
<b>Proposal:</b>	Works to 1no. Oak tree to reduce by 25% covered by Tree Preservation Order KTPO 01/77 dated 19 September 1977.	<b>Parish:</b>	Oldland Parish Council
<b>Map Ref:</b>	366088 172172	<b>Ward:</b>	Parkwall
<b>Application Category:</b>	Works to trees	<b>Target Date:</b>	1st December 2009



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**N.T.S.**

**PK09/5432/TRE**

## **INTRODUCTION**

This application is reported on the Circulated Schedule in accordance with the scheme of delegation as it was submitted by the Council itself.

### **1. THE PROPOSAL**

- 1.1 This application seeks permission to reduce an oak tree, covered by a Tree Preservation Order, by 25%. The tree in question stands next to a footpath in a largely residential area. The footpath separates Nos. 32 and 34 Causley Drive. The oak tree is massive, taller than the houses and with a spread that covers the footpath, the garden of No. 32, but mostly the grounds of an office building behind No. 32.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
L1 Trees
- 2.3 Supplementary Planning Guidance  
Trees on Development Sites

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

- 3.1 None.

### **4. CONSULTATION RESPONSES**

- 4.1 Oldland Parish Council  
No reply received
- 4.2 Other Consultees  
Tree Officer  
This mature tree has been reduced in the past. The proposed reduction is appropriate repeat work. No objection. Work should be undertaken in accordance with BS3998:1989 'Tree Work'.

#### **Other Representations**

- 4.3 Local Residents  
No replies received.

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

- 5.1 Principle of Development  
This application stands to be assessed against policy L1, in the light of all material considerations. The issues to be resolved are the effect of the proposed works on the health and amenity value of the tree.

## 5.2 Health

The proposed reduction in the tree is something that has been carried out before, according to the Council's Tree Officer (see 4.2 above) apparently without permission, or before a TPO was made on the tree. Subject to the suggested condition for compliance with the relevant British Standard in carrying out the works, there is considered to be no likelihood of harm to the health of the tree.

## 5.3 Amenity Value

As noted above, this is a tree of substantial size. A reduction of its size by 25% is still considered to leave a large tree which would maintain existing levels of visual amenity. Next year it will begin to grow again, but the reduction proposed is not considered to harm visual amenity in the interim.

## 5.4 Improvements Achieved to the Scheme

None sought.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

7.1 That permission is granted, subject to the conditions shown.

**Contact Officer: Chris Gosling**

**Tel. No. 01454 863787**

### CONDITIONS

1. The works hereby authorised shall be carried out within two years of the date on which consent is granted.

Reason

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

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

Reason

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

## CIRCULATED SCHEDULE NO. 44/09 – 06 NOVEMBER 2009

<b>App No.:</b>	PT09/5140/RM	<b>Applicant:</b>	Mr Stephen Hillier
<b>Site:</b>	Normans Farm Green Lane Winterbourne Bristol South Gloucestershire	<b>Date Reg:</b>	17th September 2009
<b>Proposal:</b>	Erection of 1 no. dwelling and garage with appearance, landscaping and scale to be determined. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PT08/2866/O for house B)	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	364910 181356	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Minor	<b>Target Date:</b>	5th November 2009



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## **INTRODUCTION**

The application appears on the Circulated Schedule as there is public concern recorded in respect of the proposed development whilst the officer recommendation is one of approval.

### **1. THE PROPOSAL**

- 1.1 The site consists of a former farm yard which has been used for various commercial uses as detailed under the Certificate of Lawfulness issued under PT07/2067/CLE. These uses appear to have ceased recently.
- 1.2 The application seeks approval of matters reserved for approval following the granting of outline planning permission for the development of two dwellings under PT08/2866/O. This application relates to one of the dwellings (and associated curtilage) referred to as House B. The reserved matters relate specifically to the appearance, landscaping and scale of the proposed dwelling. A parallel application (PT09/5197/RM) is also submitted in relation to House A. Although the two applications set out similar residential developments it is necessary to address the applications separately and on the individual merits of each.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPG2	Development in the Green Belt
PPG13	Transport

#### **2.2 Development Plans**

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

D1	Achieving Good Quality Design in New Development
H3	Residential Development in the Countryside
GB1	Development within the Green Belt
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy for New Development

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

South Gloucestershire Design Checklist

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

- 3.1 PT07/2067/CLE Application for Certificate of Lawfulness for existing use of land as transport depot for up to four vehicles and residential dwelling house  
Certificate Issued October 2007

- 3.2 PT08/2866/O Demolition of 12 no. buildings to facilitate erection of 2 no. dwellings and garages (outline) with access and layout to be determined. All other matters reserved.

Approved and s106 agreement signed 5<sup>th</sup> June 2009

- 3.3 PT09/5197/RM Erection of 1 no. dwelling and garage with appearance, landscaping and scale to be determined. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PT08/2866/O for house A)

Undetermined at the time of compiling this report. The application appears elsewhere on this agenda.

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

- 4.1 Winterbourne Parish Council  
No Objection

- 4.2 Sustainable Transport  
The principle of the development is established in respect of transportation matters and as such no objection is raised.

- 4.3 Local Residents  
One email has been received supporting the development in principle. However, concerns are raised as to the impact of the development during its construction phase upon the amenity of nearby residential occupiers and the amenity of the leisure route passing the site.

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

- 5.1 The application relates to part of the site which currently benefits from outline planning consent on the site under PT08/2866/O. This application details the provision of one of one new dwelling and garage. The application is submitted for the consideration of the reserved matters following the outline consent.

- 5.2 Principle of Development  
The site benefits from Outline Planning Consent for two dwellings. The principle of the development on this site has been considered during the assessment of the previous Outline Planning Application. As such, the development is acceptable in principle.

- 5.3 Consideration of the Reserved Matters  
The previous Outline Planning Permission has established the layout and access to the site. This application is submitted in respect of house B, which is located to the East of the site and adjacent to Green Lane. It is now necessary to consider the details submitted with this application in respect of the matters reserved for further consideration. The assessment of these matters is set out below.

5.4 Appearance and Scale

The proposed dwelling is designed consistently with the principle of the layout approved at the Outline Application stage. Essentially it is 'L' shaped and positioned toward the front of the site, and set back from Green Lane by approximately 3 metres. The proposed dwelling has eaves at ground floor level, approximately 3 metres in height. Opposing gable features (referred to below) are set slightly higher. The overall ridge line is approximately 6 ½ metres high. Vehicular access is from Green Lane and continues along the southern elevation of the proposed building leading to a single garage located at the back (West) of the site.

5.5 The design and access statement sets out the concept behind the proposed appearance of the new dwelling. The dwelling is designed to replicate the vernacular forms of buildings in the locality. The design of this building has been inspired by the form of the Tythe Barn on Church Road in Winterbourne. Accordingly the building is detailed with a steeply pitched roof with opposing gables and relatively large openings. Nonetheless, it is considered that whilst the building takes its design concept from large traditional farm buildings, it is a well designed contemporary response to this form. The proposed single garage is subservient to the proposed dwelling, yet has the same design principles.

5.6 The scale of the proposed dwelling is modest in that it refers back to traditional forms. Although relatively high at approximately 6 ½ metres to the ridge, it appears as a single storey dwelling. The principal elevation of the building is to be dressed in natural stone with the remaining elevations to be dressed with render. The roofing materials are proposed to be clay pantiles.

5.6 Having regards to the above, it is considered that the proposed dwelling is of a proportionate scale, is well designed and would respond well to the context of the site and the surrounding locality. Again, the proposed garage is subservient and is also of an appropriate scale. On this basis, it is considered that the scale and appearance is acceptable. Nonetheless, the exact nature of the building materials have not been specified. Accordingly, in the interests of visual amenity, it is appropriate to require further details in relation to the appearance of the building materials by way of planning condition; in the event that this application is approved.

5.7 Landscaping

The proposed landscaping consists of gravel to the vehicular access and in relation to the principal entrance to the proposed dwelling. Paving is proposed to the garden area immediately adjacent to the rear of the dwelling, whilst the remainder of the garden is proposed to be soft landscaped. It is also proposed to provide a stone wall to the West and Southern Boundary of the site.

5.8 It is considered that the proposed landscaping is consistent with the domestic nature of the development propose. In particular the proposed gravel would respond well to the rural context of the site. There are not specific details in respect of the planting of the soft landscaping. However, given the domestic nature of this development it is considered reasonable to leave the nature of the planting of the development to the future occupants. In respect of the

boundary walls, the use of stone is appropriate and consistent with the rural context of the site. On this basis it is considered that the proposed landscaping is acceptable.

5.9 Residential Amenity

Given the scale, layout and position of the proposed dwelling in relation to the existing dwellings near to the site it is considered that the development would not materially impact in respect of the residential amenities of the occupants of nearby dwellings.

5.10 Other Issues

Local residents have raised concerns in respect of the amenity of the nearby residential dwellings and the access to and amenity of the nearby public right of way during the construction of the development.

5.11 In this instance, the previous outline planning consent (PT08/2866/O) to which this application refers carries a condition restricting the hours of working during construction. The condition restricts hours to 8am to 6pm Monday to Friday; 8am to 1pm on Saturday; whilst no working can take place on Sunday or any Bank Holiday. This is a normal approach to the control of working hours where it is necessary to protect the residential amenity of nearby residents and in this instance is considered to be sufficient to address this concern.

5.12 In respect of the amenity of the public right of way, the proposed development would not take place upon it and would not in itself act to disrupt its access. Indeed the public right of way does not pass through the development site. Public Rights of Way are protected under separate legislation and the disruption of them is not specifically a planning matter where they are not directly affected by proposed development. As such this matter cannot be addressed as part of this planning application.

5.13 Design and Access Statement

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

5.14 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 details submitted with this application in pursuance of the matters reserved for further consideration under Outline Planning Consent PT08/2866/O demonstrate that the proposed dwelling would be of an appropriate scale and would be acceptable in respect of its appearance. In addition, the proposed landscaping is considered to be appropriate to the context of the site and the residential principle of the development in accordance with Policy D1 of the South Gloucestershire (adopted) January 2006.
- 6.3 Notwithstanding the concerns raised by local residents in respect of residential amenity and the amenity of the nearby public right of way it is considered that there is sufficient control in respect of the associated Outline Planning Consent under PT08/2866/O with regards to the working hours during the construction of the development; and that matters relating to the amenity of the public right of way are adequately catered for under more appropriate alternative legislation; and as such is not a matter for consideration under this Planning Application.
- 6.4 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 That Planning Permission is granted subject to the following conditions.

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

### **CONDITIONS**

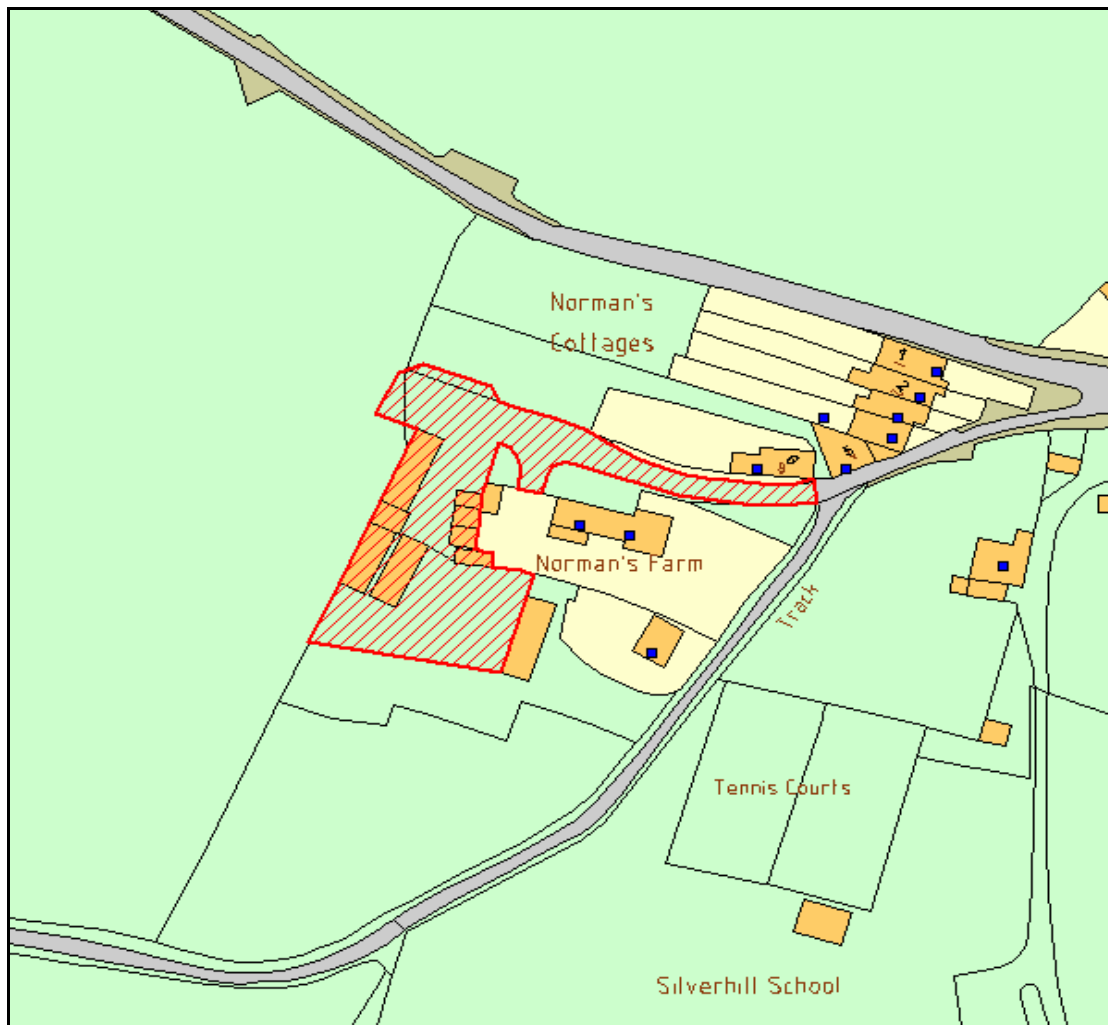
1. Prior to the commencement of development details and samples of the roofing and external facing materials in respect of the dwelling hereby approved; details and samples of the stone to be used in all new boundary walls; and details and samples of all new gravel to be used in the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

## CIRCULATED SCHEDULE NO. 44/09 – 6 NOVEMBER 2009

<b>App No.:</b>	PT09/5197/RM	<b>Applicant:</b>	Mr Gary Bath
<b>Site:</b>	Normans Farm Green Lane Winterbourne Bristol South Gloucestershire	<b>Date Reg:</b>	28th August 2009
<b>Proposal:</b>	Erection of 1 no. dwelling and garage with appearance, landscaping and scale to be determined. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PT08/2866/O for house A)	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	364910 181356	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Minor	<b>Target Date:</b>	13th October 2009



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PT09/5197/RM

## **INTRODUCTION**

The application appears on the Circulated Schedule as there is public concern recorded in respect of the proposed development whilst the officer recommendation is one of approval.

### **1. THE PROPOSAL**

- 1.1 The site consists of a former farm yard which has been used for various commercial uses as detailed under the Certificate of Lawfulness issued under PT07/2067/CLE. These uses appear to have ceased recently.
- 1.2 The application seeks approval of matters reserved for approval following the granting of outline planning permission for the development of two dwellings under PT08/2866/O. This application relates to one of the dwellings (and associated curtilage) referred to as House A. The reserved matters relate specifically to the appearance, landscaping and scale of the proposed dwelling. A parallel application (PT09/5140/RM) is also submitted in relation to House B. Although the two applications set out similar residential developments it is necessary to address the applications separately and on the individual merits of each.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPG2	Development in the Green Belt
PPG13	Transport

#### **2.2 Development Plans**

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

D1	Achieving Good Quality Design in New Development
H3	Residential Development in the Countryside
GB1	Development within the Green Belt
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy for New Development

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

South Gloucestershire Design Checklist

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

- 3.1 PT07/2067/CLE Application for Certificate of Lawfulness for existing use of land as transport depot for up to four vehicles and residential dwelling house. Certificate Issued October 2007
- 3.2 PT08/2866/O Demolition of 12 no. buildings to facilitate erection of

2 no. dwellings and garages (outline) with access and layout to be determined. All other matters reserved.

Approved and s106 agreement signed 5<sup>th</sup> June 2009

- 3.3 PT09/5140/RM      Erection of 1 no. dwelling and garage with appearance, landscaping and scale to be determined. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PT08/2866/O for house B)

Undetermined at the time of compiling this report.      The application appears elsewhere on this agenda.

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

- 4.1      Winterbourne Parish Council  
No Objection

- 4.2      Sustainable Transport  
The principle of the development is established in respect of transportation matters and as such no objection is raised.

#### **Other Representations**

- 4.3      Local Residents  
One email has been received supporting the development in principle. However, concerns are raised as to the impact of the development during its construction phase upon the amenity of nearby residential occupiers and the amenity of the leisure route passing the site.

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

- 5.1      The application relates to part of the site which currently benefits from outline planning consent on the site under PT08/2866/O. This application details the provision of one of one new dwelling and garage. The application is submitted for the consideration of the reserved matters following the outline consent.

- 5.2      Principle of Development  
The site benefits from Outline Planning Consent for two dwellings. The principle of the development on this site has been considered during the assessment of the previous Outline Planning Application. As such, the development is acceptable in principle.

- 5.3      Consideration of the Reserved Matters  
The previous Outline Planning Permission has established the layout and access to the site. This application is submitted in respect of house A, which is located to the West of the site and adjacent to the open countryside beyond. The development would take place in the position currently occupied by a patchwork of sheds and buildings and would be located in an elevated position overlooking the valley to the West. It is now necessary to consider the details

submitted with this application in respect of the matters reserved for further consideration. The assessment of these matters is set out below.

5.4 Appearance and Scale

The proposed dwelling is designed consistently with the principle of the layout approved at the Outline Application stage. Essentially it is approximately an 'L' shape and positioned towards the back of the site, a considerable distance from Green Lane. The proposed dwelling has eaves at ground floor level, approximately 3 metres in height. Opposing gable features (referred to below) are set higher. The overall ridge line is approximately 6 ½ metres high. Vehicular access is from Green Lane and leads to a double garage located at the end of the built form.

5.5 The design and access statement sets out the concept behind the proposed appearance of the new dwelling. The dwelling is designed to replicate the vernacular forms of buildings in the locality. The design of this building has been inspired by the form of the Tythe Barn on Church Road in Winterbourne. Accordingly the building is detailed with a steeply pitched roof and gables with relatively large openings on the south west elevation. Nonetheless, it is considered that whilst the building takes its design concept from large traditional farm buildings, it is a well designed contemporary response to this form.

5.6 The scale of the proposed dwelling is modest in that it refers back to traditional forms. Although relatively high at approximately 6 ½ metres to the ridge, it appears as a single storey dwelling. Three elevations of the the building are to be dressed in natural stone with the remaining elevation to be dressed with render. The roofing materials are proposed to be clay pantiles.

5.7 Having regards to the above, it is considered that the proposed dwelling is of a proportionate scale, is well designed and would respond well to the context of the site and the surrounding locality. Again, the proposed garage is subservient and is also of an appropriate scale. On this basis, it is considered that the scale and appearance is acceptable. Nonetheless, the exact nature of the building materials have not been specified. Accordingly, in the interests of visual amenity, it is appropriate to require further details in relation to the appearance of the building materials by way of planning condition; in the event that this application is approved.

5.8 Landscaping

The proposed landscaping consists of gravel to the vehicular access and in relation to the principal entrance to the proposed dwelling. Paving is proposed to the garden area immediately adjacent to the rear of the dwelling, whilst the remainder of the garden is proposed to be soft landscaped. It is also proposed to provide a stone wall to the West and Southern Boundary of the site. In the case of this dwelling the landscaping also includes provision for screen hedging along the North-Western boundary of the site.

5.9 It is considered that the proposed landscaping is consistent with the domestic nature of the development propose. In particular the proposed gravel would

respond well to the rural context of the site. There are not specific details in respect of the planting of the soft landscaping. However, given the domestic nature of this development it is considered reasonable to leave the nature of the planting of the development to the future occupants. In respect of the boundary walls, the use of stone is appropriate and consistent with the rural context of the site. The screen planting on the North-Western boundary will introduce appropriate species whilst providing acceptable levels of screening sufficient to allow the proposed development to blend into the wider landscape. On this basis it is considered that the proposed landscaping is acceptable.

5.10 Residential Amenity

Given the scale, layout and position of the proposed dwelling in relation to the existing dwellings near to the site it is considered that the development would not materially impact in respect of the residential amenities of the occupants of nearby dwellings.

5.11 Other Issues

Local residents have raised concerns in respect of the amenity of the nearby residential dwellings and the access to and amenity of the nearby public right of way during the construction of the development.

5.12 In this instance, the previous outline planning consent (PT08/2866/O) to which this application refers carries a condition restricting the hours of working during construction. The condition restricts hours to 8am to 6pm Monday to Friday; 8am to 1pm on Saturday; whilst no working can take place on Sunday or any Bank Holiday. This is a normal approach to the control of working hours where it is necessary to protect the residential amenity of nearby residents and in this instance is considered to be sufficient to address this concern.

5.13 In respect of the amenity of the public right of way, the proposed development would not take place upon it and would not in itself act to disrupt its access. Indeed the public right of way does not pass through the development site. Public Rights of Way are protected under separate legislation and the disruption of them is not specifically a planning matter where they are not directly affected by proposed development. As such this matter cannot be addressed as part of this planning application.

5.14 Design and Access Statement

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

5.15 Section 106 Requirements

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

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The details submitted with this application in pursuance of the matters reserved for further consideration under Outline Planning Consent PT08/2866/O demonstrate that the proposed dwelling would be of an appropriate scale and would be acceptable in respect of its appearance. In addition, the proposed landscaping is considered to be appropriate to the context of the site and the residential principle of the development in accordance with Policy D1 of the South Gloucestershire Local Plan (adopted) January 2006.
- 6.3 Notwithstanding the concerns raised by local residents in respect of residential amenity and the amenity of the nearby public right of way it is considered that there is sufficient control in respect of the associated Outline Planning Consent under PT08/2866/O with regards to the working hours during the construction of the development; and that matters relating to the amenity of the public right of way are adequately catered for under more appropriate alternative legislation; and as such is not a matter for consideration under this Planning Application.
- 6.4 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 That Planning Permission is granted subject to the following conditions:

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

### **CONDITIONS**

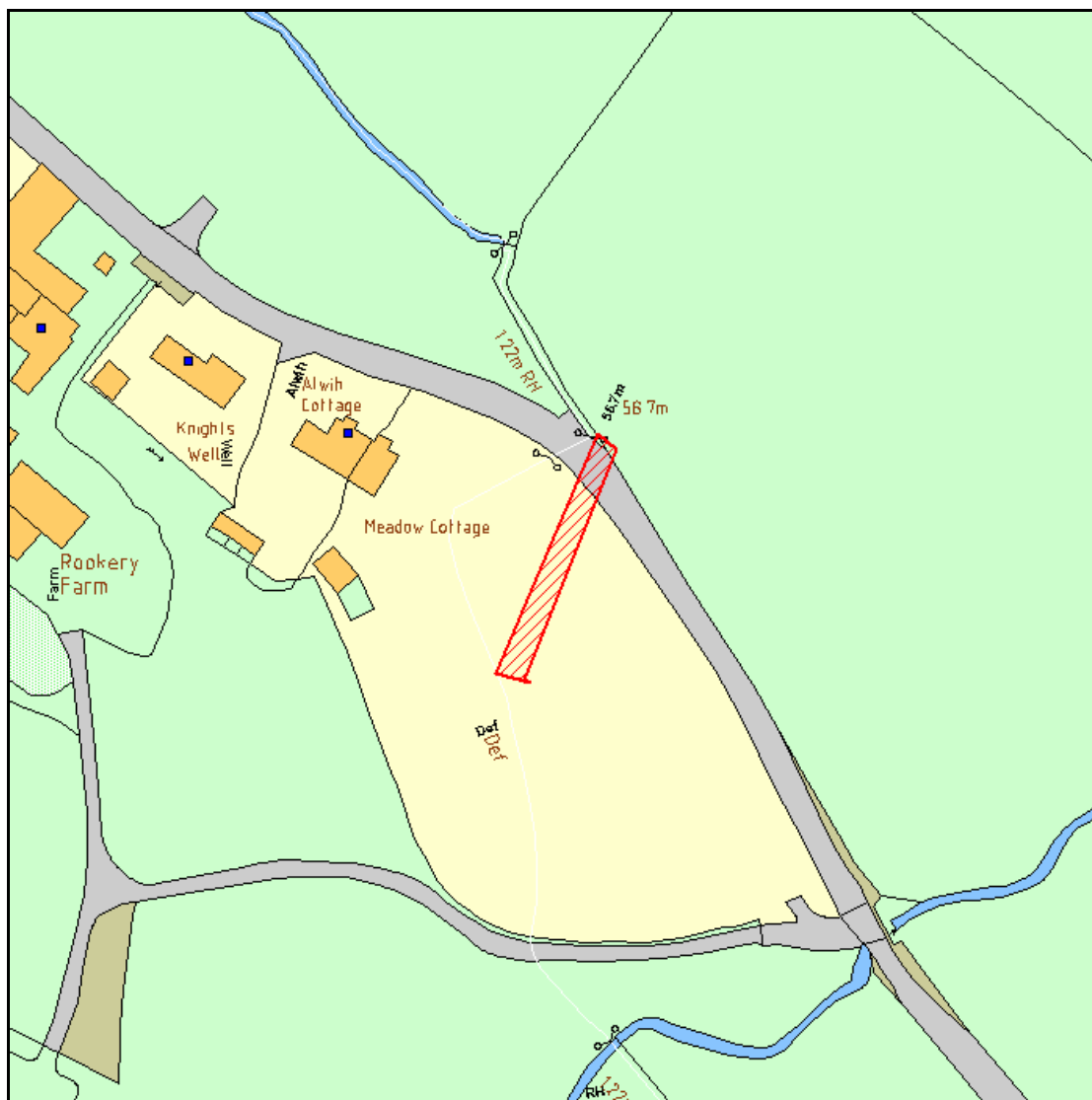
1. Prior to the commencement of development details and samples of the roofing and external facing materials in respect of the dwelling hereby approved; details and samples of the stone to be used in all new boundary walls; and details and samples of all new gravel to be used in the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

## CIRCULATED SCHEDULE NO. 44/09 – 6 NOVEMBER 2009

<b>App No.:</b>	PT09/5322/FDI	<b>Applicant:</b>	Mr D Templar
<b>Site:</b>	Meadow Cottage Shellards Lane Alveston Bristol South Gloucestershire	<b>Date Reg:</b>	21st September 2009
<b>Proposal:</b>	Diversion of footpath OAN64	<b>Parish:</b>	Alveston Parish Council
<b>Map Ref:</b>	365037 187028	<b>Ward:</b>	Thornbury South And Alveston
<b>Application Category:</b>	Minor	<b>Target Date:</b>	2nd November 2009



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PT09/5322/FDI



## **1. THE PROPOSAL**

- 1.1 Application is made under Section 257 of the Town and Country Planning Act 1990 for the realignment of 199 metres of public footpath OAN 64.
- 1.2 The application is submitted in accordance with Section 257 of the Town and Country Planning Act 1990 and forms part of a scheme which would divert this footpath so as to allow the implementation of development approved under PT09/5116/F.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
Circular 04/2001: Public Rights of Way
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
LC12 Recreational Routes

## **3. RELEVANT PLANNING HISTORY**

- 3.1 P99/1366 Alteration and extension of Alwih Cottage together with the rebuilding and extension of the adjoining Meadow Cottage. Approved June 1999
- 3.2 PT02/2058/F Erection of two storey side extension to form kitchen and utility room with bedroom and bathroom over. Erection of front porch. Refused (Green Belt Issues)
- 3.3 PT09/1116/F Erection of detached garage and tack room. Withdrawn by applicant
- 3.4 PT09/5116/F Erection of Detached Garage (Re-submission of PT09/1116/F) Approved

## **4. CONSULTATION RESPONSES**

- 4.1 Almondsbury Parish Council  
No Objection
- 4.2 Other Consultees  
PROW Officer: No Objection

## **5. ANALYSIS OF PROPOSAL**

5.1 Principle matters

The diversion of a Public Right of Way is not development as defined in the Town and Country Planning Act. As such a diversion order can only be considered within planning legislation when the diversion of the footpath is required in order to allow the implementation of a planning permission. The nature of the assessment should consider the proposed route and its suitability in terms of the amenity of the public right of way and whether or not the diversion is reasonably necessary in respect of the planning permission it relates to.

5.2 The Proposal

The application seeks permission for the realignment of footpath OAN64 that takes its definitive route in a Southerly direction from Shellards Lane through the residential curtilage associated with Meadow Cottage. It is noted that this diversion is necessary to facilitate the development of a new double garage as approved under PT09/5116/F.

5.3 The proposed route would divert approximately 42 metres of public right of way OAN64. The new route would follow the existing unauthorised route which proceeds adjacent to the southern boundary of the residential curtilage associated with Meadow Cottage and would link into the definitive route approximately 35 metres to the West of the current deviation. The assessment of the approved application addressed the issue and need for the diversion of the existing route in order to implement the development. Whilst acknowledging that the diversion would require this application the assessment of the previous planning application concluded that the required diversion of the route would not materially impact upon its amenity value and is necessary. The proposed route is consistent with that considered at the planning application stage.

5.4 It should be noted that the route is actually diverted on the ground and has been for a considerable length of time; possibly in excess of 10 years. This route has become established and there is not longer any trace of the definitive route through the curtilage of Meadow Cottage.

5.5 In view of the above, it is considered that the diversion is acceptable and reasonably necessary in the light of the current planning permission.

**6. CONCLUSION**

6.1 The recommendation to raise no objection 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 no objection be raised to the proposed diversion of OAN 64

7.2 That the Head of Legal and Democratic Services be authorised to make an Order under Section 257 of the Town and Country Planning Act 1990.

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

## CIRCULATED SCHEDULE NO. 44/09 – 6 NOVEMBER 2009

<b>App No.:</b>	PT09/5425/F	<b>Applicant:</b>	Mr James ShaplandCoffee #1
<b>Site:</b>	11 High Street Thornbury Bristol South Gloucestershire BS35 2AE	<b>Date Reg:</b>	29th September 2009
<b>Proposal:</b>	Change of use of retail shop (Class A1) to mixed use (Classes A1 and A3) as defined in the Town and Country Planning (Use Classes) Order 1987.	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	363699 190114	<b>Ward:</b>	Thornbury North
<b>Application Category:</b>	Minor	<b>Target Date:</b>	12th November 2009



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PT09/5425/F

## **INTRODUCTION**

This application is submitted to the Circulated Schedule as a result of the objections to the application which conflict with the officers recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks a change of use of this A1 shop (previously used as a video rental shop) to a mixed A1 (retail) and A3 (Restaurants and cafes) use. The application shows indicative illustrations about potential physical alterations but these do not form part of the application and as such are not considered in this report. The use proposed would sell coffee beans, magazines and accessories and certain food items such as luxury chocolates. This is clearly A1. In addition the unit would provide for a café – the opening hours and food described indicate this will be a coffee lounge style café operating during the day.
- 1.2 On 3rd November 2009 an agent was appointed to the application by the applicants and a significant amount of supporting information was submitted.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPS6 Planning for Town Centres
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
RT9 Changes of use of Retail premises within Primary and Secondary Shopping Frontages in Town Centres.  
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance

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

- 3.1 None relating to change of use.
- 3.2 PT09/5381 Display of one non illuminated Facia sign and two non-illuminated hanging signs. Under determination.

### **4. CONSULTATION RESPONSES**

- 4.1 Thornbury Town Council  
No objection
- 4.2 Other Consultees

Transportation

No objection

Conservation officer

Objection (but the physical changes are not being considered in this application)

Avon and Somerset Constabulary

No comment received

## **Other Representations**

### 4.3 Local Residents

24 Objection comments were received in respect of the following comments. These appear to relate to residents around Thornbury and outlying villages in addition to people from as far away as Gloucester and Somerset.

- a) losing shops and going elsewhere to do their shopping
- b) no need, too many pub/café/restaurants already in addition to too many banks etc
- c) need more retail
- d) retail should be actively sought by Town Council and Chamber of Commerce
- e) Yate is taking Thornbury trade
- f) Consider reducing rates to attract retail
- g) Prefer to see Co-op expand as directly on a bus route and could then be a reasonable alternative to Tesco

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Uses such as A3 and A1 are supported in town centres by PPS6 (and are identified as town centre uses) and two relevant tests are whether the scale of the of the proposal is appropriate and whether the site is accessible by a choice of means of transport. Given that the proposed site is of a size similar to other retail and non-retail units in the primary frontage and the site is immediately next to the bus stop on the High Street it is considered accessible in transport terms.

The site is located in Thornbury Town centre in a Primary shopping frontage as set out in Policy RT9. The A1/A3 use proposed is a town centre use appropriate to a Primary Shopping frontage. Policy RT9 states that changes of use of A1 units will not be permitted unless A) it can be demonstrated that the premises could not be retained in a viable retail use or B) the property would make a positive and complementary contribution to the vitality and viability for the centre, and would not undermine the retail function of the frontage, or part of it. In addition to these criterion the proposed use would not result in unacceptable environmental or transportation effects, and would not prejudice residential amenity.

### 5.2 Is it demonstrated that the premises could not be retained in a viable retail use?

This premises has been vacant for over a year despite being marketed.

The short term lease initially proposed and the short length of time the unit has been marketed with a longer lease could have had an effect on the attractiveness of the unit to potential occupiers but the information submitted does demonstrate a lack of interest. Notwithstanding this several other shops have closed in the last year and remain vacant (clothes, jewellers, shoe shop, pound shop). This demonstrates that retailers are struggling to retain their businesses in Thornbury at present and indeed many of the objections relate to this point. Given that the use proposed is a mixed A1 and A3 use it is considered that overall this unit is contributing to retail activity.

5.3 Is it demonstrated that the property would make a positive and complementary contribution to the vitality and viability for the centre, and would not undermine the retail function of the frontage, or part of it

The use is an appropriate town centre use which will open between 8am and 9am each day and close between 5pm and 6pm would contribute to the vitality and viability of the Town Centre.

5.4 The proportion of true retail (A1) to Non A1 uses, along High Street between 1 The Plain (T & G Owen) and 31/31 High Street (Britannia) decreases from 70% to 65% with this application but the other non retail, authorised, uses remain town centre uses. As such the majority of the primary frontage in Thornbury remains in A1 Retail use and the proposed change is not anticipated to undermine the retail function of the frontage. Indeed this use would make a positive and complimentary contribution to the primary shopping frontage by providing an A1 function and a place of refreshment for shoppers. This would assist in improving the shopping experience and perhaps retain shoppers in the High Street for longer.

5.5 Some of the objections refer to there being too many places to get drinks and eat but it is noted that there is a difference between the proposed coffee shop which will also retail related merchandise and the pubs (A4 use) and proposed new delicatessen (A1 use). Since Policy RT9 was adopted changes to the Use Class Order mean that planning permission is required to change from an A3 (café) to A4 (pub) or A5 (hot food takeaway). Other objections request that positive proactive action is undertaken to encourage retailers to set up in Thornbury, perhaps including the reduction of taxes. These points are not material to this planning application, but they are acknowledged as important components of any town centre management strategy.

5.6 Transportation and amenity

The site is located in the Town centre closely related to the bus stop and able to make use of the other facilities in the Town. It is not anticipated that the use would cause disturbance to any neighbours due to smell or noise and disturbance. Given the proposed hours of operation and the limited type of food proposed to be sold. Conditions can control this adequately and are attached to the recommendation.

5.5 Design and Access Statement

A Design and Access Statement is not required for a change of use.

5.6 Use of Energy and Sustainability

No information submitted.

5.7 Improvements Achieved to the Scheme

None sought in relation to the change of use but physical alterations are to be discussed.

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**

In conclusion the application is considered to comply with policy RT9. Modern retail centres need to provide a range of functions to enhance the shopping experience. The scale of this proposal would not undermine the retail function of the primary shopping area and indeed the A1 element would contribute to it with the A3 element supporting this.

- 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 use will make a positive and complementary contribution to Thornbury Town Centre and will not undermine the retail function of the Primary Shopping Frontage. – Policy RT9 of South Gloucestershire Local Plan Adopted January 2009.

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

**7. RECOMMENDATION**

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

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



## **CONDITIONS**

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

Reason

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

2. The use hereby permitted shall not be open to customers outside the following times Monday to Friday 08.00 to 18.00, Saturday 09.00 to 18.00 and Sundays and Bank holidays 09.00 to 17.00.

Reason

To protect the amenities of the occupiers of adjoining dwellings and to accord with Policy RP9 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Details of any flues or extraction equipment must be submitted to and agreed by the Local Planning Authority prior to the first use of the unit.

The Local Planning Authority would need to further consider different operations and potential additional development (flues etc) in the interests of the residential amenity of the adjoining dwellings and the visual amenity of the Thornbury Conservation Area and to accord with Policy RP9 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006.