

**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. 41/09**

**Date to Members: 16/10/09**

**Member's Deadline: 22/10/09 (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: 16/10/09**

**SCHEDULE NO. 41/09**

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 .....**

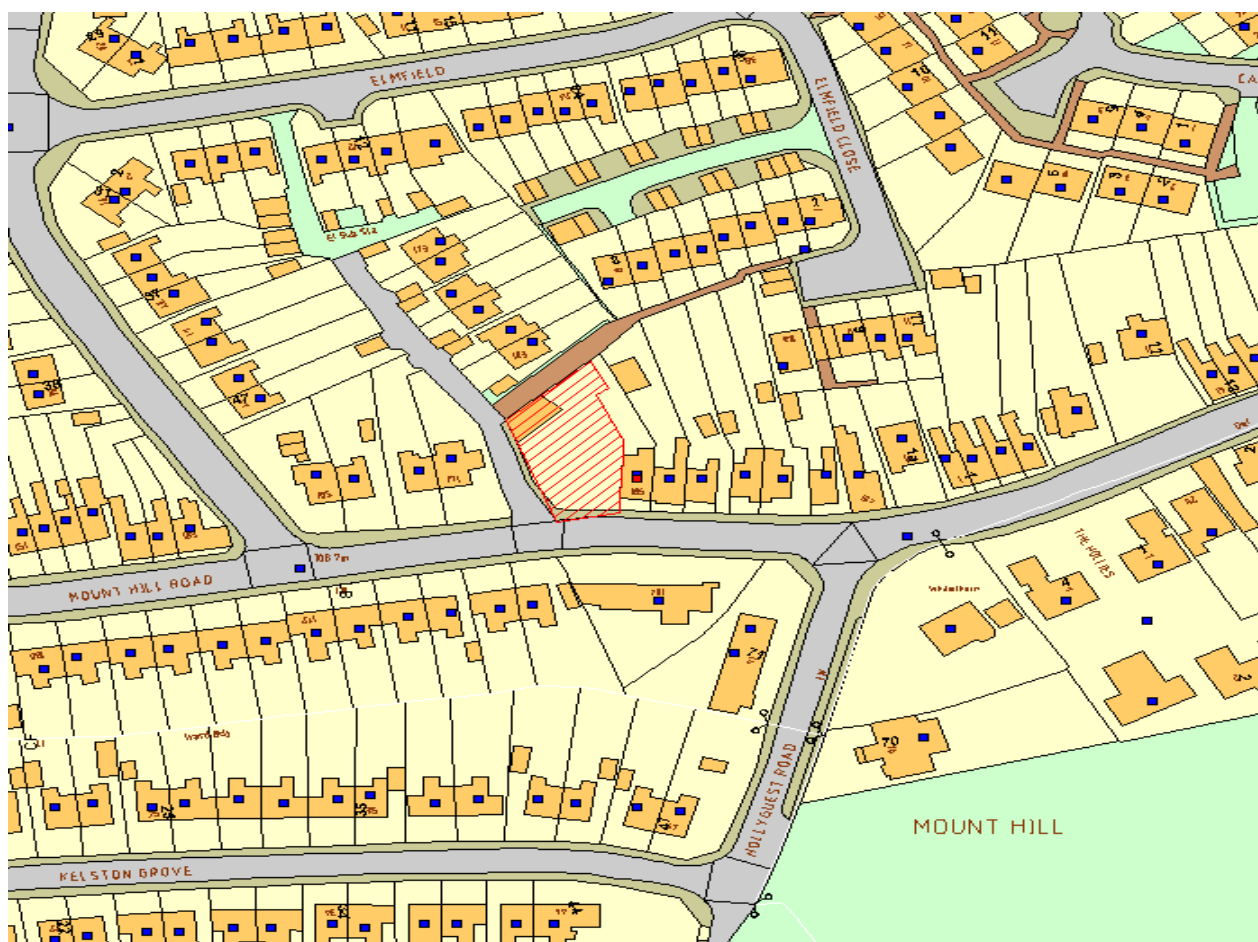
**DATE .....**

# CIRCULATED SCHEDULE – 16 OCTOBER 2009

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATION</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
1.	<b>PK09/5005/F</b>	Approve with Conditions	Land At 185 Mount Hill Road Hanham South Gloucestershire BS15 9SU	Woodstock	Hanham Parish Council
2.	<b>PK09/5141/O</b>	Approve with Conditions	38 Mill Lane Warmley South Gloucestershire BS30 8BN	Parkwall	Oldland Parish Council
3.	<b>PK09/5243/F</b>	Approve with Conditions	184 Badminton Road Downend South Gloucestershire BS16 6NP	Downend	Downend & Bromley Heath Parish Council
4.	<b>PK09/5263/F</b>	Approve with Conditions	6A Bath Road Bitton South Gloucestershire BS30 6HZ	Bitton	Bitton Parish Council
5.	<b>PT09/1083/F</b>	Approve with Conditions	Site of Previous Falfield Garage Bristol Road Falfield South Gloucestershire GL12 8DF	Charfield	Falfield Parish Council
6.	<b>PT09/1345/F</b>	Approve with Conditions	Land At 12 Old Aust Road Almondsbury South Gloucestershire BS32 4HJ	Almondsbury	Almondsbury Parish Council
7.	<b>PT09/5170/F</b>	Approve with Conditions	Quarry House Village Road Littleton Upon Severn South Gloucestershire BS35 1NR	Severn	Aust Parish Council

## CIRCULATED SCHEDULE NO. 41/09 – 16 OCTOBER 2009

<b>App No.:</b>	PK09/5005/F	<b>Applicant:</b>	Mr M Hiscox
<b>Site:</b>	Land At 185 Mount Hill Road Hanham Bristol South Gloucestershire BS15 9SU	<b>Date Reg:</b>	12th August 2009
<b>Proposal:</b>	Erection of 3 no. terraced dwellings with access and associated works.(Re- Submission of PK08/2242/F)	<b>Parish:</b>	Hanham Parish Council
<b>Map Ref:</b>	365231 172715	<b>Ward:</b>	Woodstock
<b>Application Category:</b>	Minor	<b>Target Date:</b>	2nd November 2009



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100023410, 2008.

**N.T.S.**

**PK09/5005/F**

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

1.1 The application site is situated on the north side of Mount Hill Road in a predominantly residential part of Hanham. The local area comprises a mix of dwelling types which are mainly two storey. The application site is bounded by Mount Hill Road to the south which is an adopted highway. Mount Hill Road also extends along the west boundary connecting the dwellings to the north of the application site with the adopted highway to the south. The road to the west is not adopted and has fallen into a state of disrepair over time. A further vehicular track runs along the north boundary of the site ending just beyond the north corner of the site and then turning into a pedestrian only path to the east. The application site is situated adjacent to two storey residential development on all sides.

The application site is split into two parts. The southern half of the site contains a grassed garden area for the adjacent dwelling to the east (185 Mount Hill Road). A row of mature conifers then separates this garden with a business use which occupies the northern half of the site. This half of the site is mainly hardsurfaced and contains a large single storey flat roofed garage building in the north west corner. A vehicular access with large steel gates provides access for the business use onto the track adjacent to the north boundary. The northern half of the site has an authorised use as a workshop for vehicle repairs from the early 1980's.

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

1.2 The application proposes erection of 3 no. terraced dwellings with access, resurfacing of road and associated works.(Revised scheme for PK08/2242/F)

### **2. POLICY CONTEXT**

2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPS3 Housing  
PPG13 Transport  
PPS23 Planning and Pollution Control  
PPS25 Development and Flood Risk

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
EP1 Environmental Pollution  
EP6 Contaminated Land

H2 Residential Development within the existing Urban Area  
H4 Development within Existing Residential Curtilages  
L17 & L18 The Water Environment  
T8 Parking Standards  
T12 Transportation for New Development

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist – August 2007

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

- 3.1 P80/4139 Erection of garage and workshop for car repairs (Previous ID: K3160)  
Refused 03.06.1980
- 3.2 P82/4019 Erection of garage and workshop for car repairs. (Previous ID: K3160/2)  
Approved 03.09.1982
- 3.3 P80/4005 Erection of garage and workshop for car repairs. (Previous ID: K3160/1)  
Refused 03.03.1981
- 3.4 P94/4326 Erection of 2no. dwellings and creation of new vehicular access at rear [Outline] (Previous ID: K3160/3)  
Outline approval 26.09.1994
- 3.5 PK08/2242/F Erection of 4no. terraced dwellings with access and associated works.  
Withdrawn

### 4. **CONSULTATION RESPONSES**

#### 4.1 Consultees

Sustainable transport – No objection, subject to conditions

#### **Other Representations**

#### 4.2 Local Residents

3 letters of objection received from the occupiers of 179, 181 and 191 Mount Hill Road raising the following concerns:

Concern that off street parking provision is inadequate; tandem parking arrangement is inadequate resulting in on street parking; On street parking would restrict access for occupiers of no.s 173-183 and emergency vehicles; existing street lighting is inadequate and building two storey dwellings would further reduce lighting to the area; concern that existing surface water disposal issues from the road will be exacerbated by the new road surfacing and parking area; surface water drainage to main sewer may well occur; lane resurfacing

should be extended to end of lane; potentially contaminated land from car repair use, soil contamination study required; Bin storage areas are unacceptable and would result in more bin storage on the highway during refuse collection as refuse vehicles do not drive onto the lane; existing parking for 20 cars on the application form is incorrect; manoeuvrability from the lane and into the parking area is inadequate; too many units, inadequate density; inadequate garden space especially for plot 3; poor layout design; overlooking from proposed first floor window in the north elevation of plot 3.

## 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 and new dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential amenity, visual amenity and highway safety. Policy H2 similarly is supportive of applications for residential development within urban areas subject to the above criteria and acceptability in terms of density of development and contamination. Policies T8 and T12 require new development to provide for adequate off street parking and result in no detrimental highway safety impact.

### 5.2 Visual amenity

Policy D1 of the Local Plan requires all new development to be well-designed. The application site occupies a prominent corner plot to Mount Hill Road. The character of the surrounding area is defined by a mix of, mainly two storey, residential units including Victorian terraces and post war semi detached units. The existing business use with long high blank walling on the west boundary, poorly designed flat roofed garage and large industrial steel gates at the entrance on the north boundary represent a visual anomaly in the locality.

The unmade road to the west creates a physical end to the existing row of houses to the east of the site and as such the site relates naturally to the two story Victorian dwellings to the east. The proposed dwellings (plots 1 and 2) have been designed with architectural references and similar form/scale to the dwellings to the east. The existing stone wall, a feature of the front boundaries of 185-189 Mount Hill Road and the existing site would be retained to the south and would be extended along the west and north boundaries as a replacement to the existing tall rendered wall.

Unit 3 would face onto the currently unmade part of Mount Hill Road to the west. The character of this road to the north is defined by modern two storey dwellings and the design of unit 3 is considered to reflect this having a more modern appearance. Additionally, the scale of unit 3 is reduced to that of units 1 and 2 softening the visual appearance of the scheme behind the strict linear pattern of development on Mount Hill Road to the south, whilst connecting to the existing row of dwellings to the north (no.s 173-183). The proposal would also replace an existing business use, which is considered to constitute a visual anomaly and only contributes negatively to the street scene. The design and materials would be of good quality in keeping with the character of the surrounding area and it is therefore considered that the proposal 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.

The proposal would represent a density of 55 dwellings per hectare (dph), which exceeds the minimum requirement in policy H2 of the adopted Local Plan of 30dph and the recommended density of 50dph in locations in and around town centres well served by public transport. Units 1 and 2 are three bed units and unit 3 would have two bedrooms. The proposed plot sizes are considered to be commensurate to the needs of the future occupiers.

### 5.3 Residential amenity

Plot 1 would be situated 1.3m from the side elevation of 185 Mount Hill Road, but would not project beyond the existing front and rear elevations of no.185. Plot 3 would be a single storey in form with first floor accommodation in the roof space. Considering the size of the existing west boundary wall and the modest scale of plot 3 the proposal is considered not to result in over-scaled development or any material loss of light to the adjacent occupiers.

No.185 has no side windows facing the application site. Plot 3 would have no first floor windows facing west. Concern was raised by the occupiers of no.181 that a first floor window in the rear (north) gable of plot 3 would affect their privacy particularly their conservatory. The window would be situated a minimum of 21m from the conservatory. Additionally, the conservatory is already overlooked by the rear windows of 171 Mount Hill Road to the west of the application site at a minimum distance of 23m and from users of Mount Hill Road. Viewpoints from the first floor windows in the east roofslope of plot 3 would be at an acute angle and the rear gardens of the dwellings to the east and north are already overlooked by the neighbouring dwellings. As such Officers consider the proposed development would not result in a material loss of privacy to the surrounding occupiers.

In terms of noise disturbance the scheme is considered to constitute a material gain through the loss of the existing car repair workshop use.

### 5.4 Highway considerations

The proposal would provide space for 7 vehicles within the site, with 5 spaces accessed independently and two in tandem. This Local Planning Authority can support tandem parking provided the tandem spaces relate to an individual unit. On this basis the proposal is considered to meet the maximum parking standard in the adopted Local Plan and is therefore considered to be acceptable in this respect. Additionally, the site is situated within a sustainable location within the urban area close to bus routes.

The applicant has agreed to provide resurfacing for the parts of Mount Hill Road to the west of the site and the track to the north. The proposal would replace a vehicle intensive car repair business. As such the proposal is considered to result in an improvement in relation to highway safety and accessibility for the application site and the occupiers of 173-183 Mount Hill Road.

5.5 Land contamination

As the application site has been used as a vehicle repair business the site may be subject to contamination of soil. A condition is therefore recommended to require a soil survey to be undertaken to establish whether soil contamination is present and steps to mitigate any contamination prior to commencement of development.

5.6 Other issues

Concern was raised by an objector in relation to surface water disposal and associated flood risks. The application site is situated outside and not close to any flood sensitive areas identified by the Environment Agency. However, conditions are recommended to require submission of a scheme for disposal of surface water drainage from the resurfaced road and parking areas to prevent disposal into adjacent plots and the mains system.

Concern has been raised in terms of the inadequacy of the existing street lighting on the unmade Mount Hill Road. The proposed development would not exacerbate this issue and as such it would be unreasonable to ask the applicant to provide additional street lighting. In fact, the provision of additional residential windows to plot 3 and the rear of plots 1 and 2 is likely to result in additional lighting to Mount Hill Road and improved natural surveillance of the adjacent public routes, to the benefit of crime prevention.

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 proposal would provide good quality modern development in a sustainable location within the existing urban area, with the reuse of a previously developed site. The development is therefore considered to support energy efficiency and sustainability.

5.9 Improvements Achieved to the Scheme

Officers have negotiated amendments to the original submission PK08/2242/F including:

- Reduction of the density of development
- Increase to plot sizes
- Removal of overlooking of dwellings to the west
- Resurfacing of the road to the west and north
- Redesign of dwelling units to reflect the character of the surrounding area
- Improved off street parking provision

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 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 the 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 Policies H2, H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
  - b) It has been assessed that the proposed development would be 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, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.
  - c) The proposal would incorporate an acceptable provision for off street parking and with the additional resurfacing provision would result in an improved level of highway safety from the site in accordance with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006
  - d) The proposal would account for any possible soil contamination within the site in accordance with policies EP4 and EP6 of the South Gloucestershire Local Plan (Adopted) January 2006
  - e) The proposal would ensure surface water is disposed of without impacting on the adjacent occupiers or the existing drainage infrastructure in accordance with policies L17 and L18 of the South Gloucestershire Local Plan (Adopted) January 2006

## **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. Prior to the commencement of development samples of the roofing and external facing materials proposed to be used for the dwellings and low level boundary wall 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.

3. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no windows/dormer windows or rooflights [other than those expressly authorised by this permission] shall be constructed or inserted into the west roofslope of plot 3 as shown on the approved plan.

### Reason

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

4. Prior to the commencement of development a scheme of landscaping, which shall include details of proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

### Reason

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

5. All planting, seeding or turfing shown on the approved details of the landscaping shall be carried out in the first complete planting season following the occupation of the first dwelling hereby approved unless otherwise agreed in writing with the Local Planning Authority.

### Reason

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

6. Any trees or plants which die, are removed or become seriously damaged within five years from the completion of the development shall be replaced in the next planting season with others of similar size and species.

Reason

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

7. No development shall commence until surface water drainage details including Sustainable Drainage Systems (SUDS) for flood prevention; pollution control and environmental protection for all areas within the application site have been submitted and approved by the Local Planning Authority.

Reason

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

8. Notwithstanding the approved plans no development shall commence until details of proposed bin storage for each dwelling has been first submitted to and approved in writing by the Local Planning Authority. The development must be implemented in accordance with the approved details prior to occupation of the third dwelling.

Reason

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

9. The parking area for 7 vehicles as shown on the approved plan shall be laid out in full and surfaced in a non migratory material prior to occupation of the first dwelling, unless otherwise first agreed in writing with the Local Planning Authority.

Reason

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

10. Prior to commencement of the development, detail of the cycle storage for each approved dwelling to be first submitted to and approved in writing by the Local Planning Authority. The development must be implemented in accordance with the approved details prior to occupation of the third dwelling.

Reason

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

11. Prior to occupation of the first dwelling within the application site the area hatched green on the approved plan shall be resurfaced in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure an adequate vehicular access is provided in the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. All door and window frames shall be recessed a minimum of 50mm into the external walls of the building unless otherwise agreed in writing with the Local Planning Authority.

Reason

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

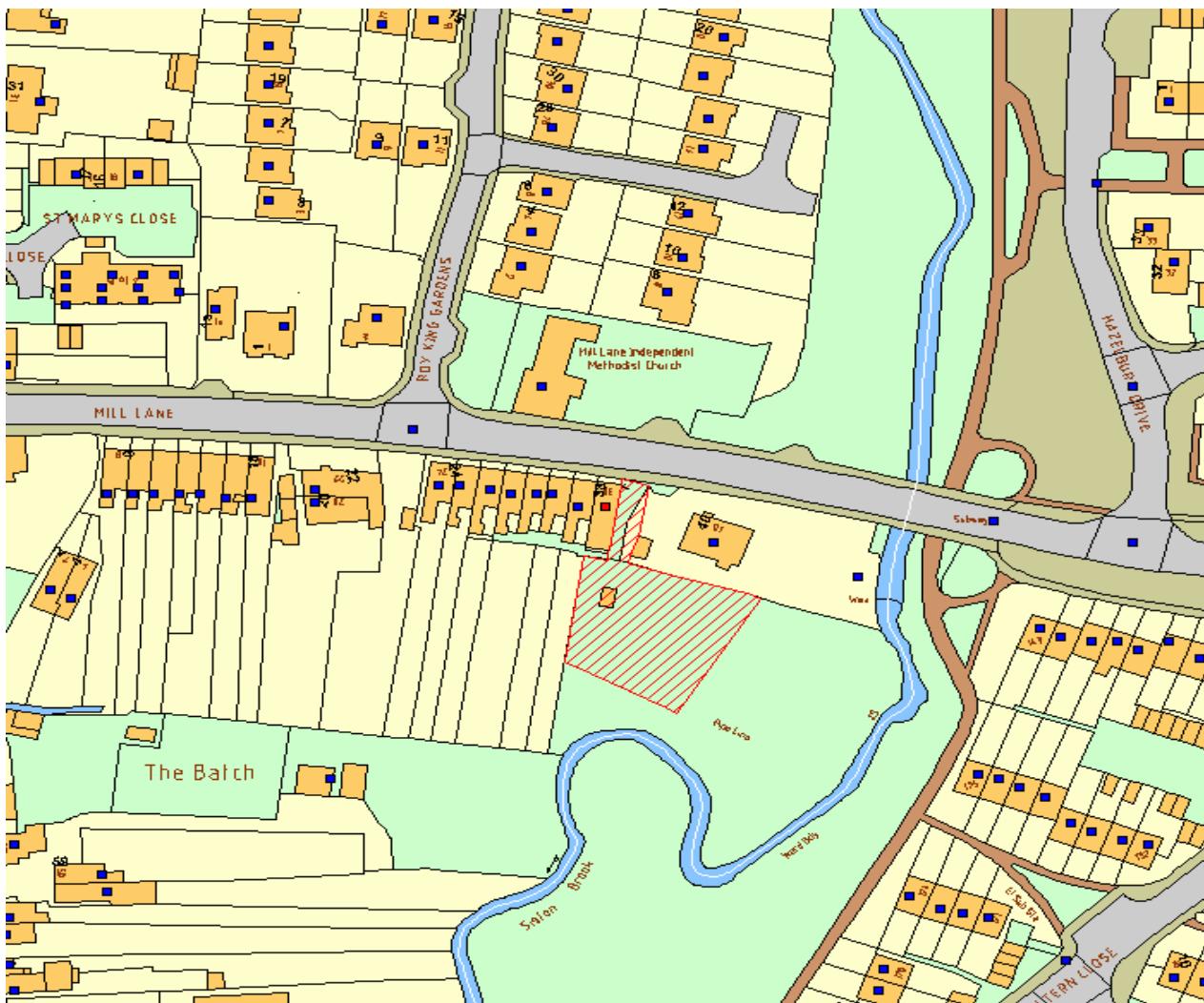
13. Prior to the commencement of development a soil survey of the site shall be undertaken and the results submitted to the Local Planning Authority. The survey shall be taken at such points and to such depth as the Local Planning Authority may stipulate. A scheme for decontamination of the site shall be submitted to and approved by the Local Planning Authority in writing and the scheme as approved shall be fully implemented and completed before any [residential] unit hereby permitted is first occupied.

Reason

To ensure that adequate measures have been taken to mitigate against soil contamination to accord with Policies EP1/ and EP6 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 41/09 – 16 OCTOBER 2009

<b>App No.:</b>	PK09/5141/O	<b>Applicant:</b>	Mr D Kendall
<b>Site:</b>	38 Mill Lane Warmley Bristol South Gloucestershire BS30 8BN	<b>Date Reg:</b>	1st September 2009
<b>Proposal:</b>	Erection of 2 no. detached dwellings (Outline) with access, layout and scale to be determined. All other matters reserved.	<b>Parish:</b>	Oldland Parish Council
<b>Map Ref:</b>	367040 172440	<b>Ward:</b>	Parkwall
<b>Application Category:</b>	Minor	<b>Target Date:</b>	20th October 2009



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**PK09/5141/O**

## **INTRODUCTION**

The application has been forwarded to the Circulated Schedule for consideration as a representation has been received from the Parish Council which is contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

1.1 The application site is situated to the rear of No. 40 Mill Lane, Warmley, a detached house orientated so that the windows face north and south. A vehicular access is situated in the gap between this house and the end terrace property, No. 38 Mill Lane which serves no.40 the rear parking area for no.38 and the application site. The application site forms part of a mainly grassed meadow and is situated on two distinct levels. The main bulk of the meadow to the south and east is situated at a lower level and abuts Siston Brook a water course which runs around the east, south and west of the meadow. The application site is mostly situated in the higher part of the site which comprises a hardstanding, some outbuildings and residential paraphernalia. A row of various tall trees run along the west boundary of the site.

The lower are of the meadow, which includes the western third of the application site (shown shaded green on the site layout plan) is situated within Flood Zones 2 and 3 as indicated on the Environment Agency's flood zone data.

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

1.2 This application seeks outline planning permission for the erection of two detached dwellings. The applicant has requested access, layout and scale to be considered as part of this application with appearance and landscape to be reserved for future consideration.

This application follows the refusal of two earlier schemes for three dwellings and six flats on this site. The refusal reasons for the refused schemes were in summary: The effect of the proposal on existing levels of residential amenity arising from it being backland development, inadequate turning area within the site for service and delivery vehicles and the Flood Risk Assessment which accompanied the application being inadequate to prove that flood risk arising from the proposal could be safely managed. A more comprehensive Flood Risk Assessment accompanies this application.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport
PPS25	Development and Flood Risk



## 2.2 Development Plans

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

- L1 Landscape
- L17 Water Environment
- EP1 Environmental Pollution
- EP2 Flood Risk
- H2 Housing
- T7 Cycle Parking
- T8 Car Parking
- T12 Transportation

## 2.3 Supplementary Planning Guidance

### South Gloucestershire Design Checklist – August 2007

## 3. RELEVANT PLANNING HISTORY

- 3.1 PK07/1918/O Outline permission for the erection of 3 dwellings  
Refused 09.08.2007
- 3.2 PK08/2200/O Erection of 6no. flats and associated parking (Outline) with layout, access and landscaping to be determined. All other matters reserved.  
Refused 08.10.2008  
Appeal dismissed 05.05.2009

## 4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council  
Objects on the basis that this proposal represents overdevelopment too near to Siston Brook.
- 4.2 Other Consultees  
  
Sustainable transport – No objection, subject to conditions

### Other Representations

- 4.3 Local Residents  
  
None received

## 5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development  
As stated above, this proposal has been made in outline form only. The issues to be resolved at this stage are therefore the principle of development, subject to flood risk issues, and the three matters, layout, scale and access, elected to be determined at this stage of the process.

5.2 In this instance, the site lies within the urban area of South Gloucestershire and as such, policy H2 allows for residential development, subject to the terms of the rest of that policy and other policies in the plan. Policy H2 goes on to mention tandem development being unacceptable. In this case, the site has no frontage onto Mill Lane, other than that proposed to be used to access the site. Two previous applications were refused for this reason, the refusal reason read,

*'The site, by reason of its lack of frontage, would lead to tandem development behind the existing dwelling at No. 40 Mill Lane, intensifying the use of the site access, all to the detriment of residential amenity and contrary to policies D1 and H2 of the adopted South Gloucestershire Local Plan.'*

In the appeal to planning refusal PK08/2200/O the Inspector upheld this refusal reason, asserting that the provision of six flats would result in a materially greater level of activity and vehicle movements to the side and rear of the adjacent dwellings.

The current submission has reduced the number of units to two. This is considered to represent a substantial reduction and would therefore result in a materially lower level of disturbance from vehicles and activities within the application site. As such, Officers consider the previous refusal reason has been overcome in this respect. Additionally, the proposal shows two dwellings in a row at right angles to the highway but in line with the side (west) elevation of no.40. No.40 is also accessed by the vehicular access to the application site. As such, although the proposed dwellings would be situated behind the existing street frontage on Mill Lane, they would sit comfortably in relation to no.40 forming a new building line and street frontage served by the new access. The layouts for the two previously refused applications (PK07/1918/O and PK08/2200/O) failed to achieve this layout and relationship to no.40 and the access.

While the density of development at less than 22 dwellings to the hectare would be below the government's target density of 30 dpa set in PPS3, it is considered that notwithstanding any further consideration of flood issues in this report, the area of land shaded green on the submitted plan is considered to be entirely unacceptable for development. In this case, therefore, the low density of development cannot be said to be unacceptable and does not form a refusal reason for this application.

### 5.3 Effect on Residential Amenity

Dwelling1 would be situated 1m from the rear boundary of no.40. A 2m high closed boarded fence would separate this boundary from the side gable of dwelling1. The rear elevation of no.40 is situated 10m from the rear boundary fence. The appearance of the dwellings has been reserved for future consideration and the site layout plan submitted does not give an indication of the overall volume of the proposed dwelling. However, considering the existing boundary fence and the distance to the rear elevation of no. 40 it is considered feasible that the proposal could be designed at a volume/form which would not appear overbearing and bulky. It is noted that the main sitting out area of no.40 is situated to the north east of dwelling 1. The dwelling could be designed with

no first floor windows serving principle rooms on the north or east elevations. On this basis the proposal would not result in material overlooking to no.40. The rear elevations of the dwellings to the west would be situated a minimum of 21m from the proposed dwellings. Additionally, a row of various trees are located along the west boundary of the site. This would provide a visual screen to the rear gardens of the dwellings to the west. As such it is considered that at this stage the proposal as presented is likely not to result in a material loss of amenity to the adjacent occupiers.

#### 5.4 Flood issues

The Environment Agency (EA) and the Council's Technical Services Unit objected to the previous applications on this site (PK07/1918/O and PK08/2200/O) as they considered insufficient information was provided to adequately consider flood risk. The last submission for six flats (PK08/2200/O) incorporated a more comprehensive Flood Risk Assessment (FRA) than first submitted, which showed the extent of flood zones 2 and 3 in relation to the application site, the area which has been described as the extent of 1 in 100 year flood plain. Officers considered that the submitted plans for six flats did not clearly show the extent of Flood Zones 2 and 3 and as such the application did not fully demonstrate that the six flats would be situated outside the flood sensitive area. The FRA submitted for application PK08/2200/O was considered not to be entirely conclusive in accurately plotting the full extent of Flood Zone 2 and as such a precautionary approach was taken to decision making. On this basis the sequential approach in PPS 25 was adopted, which aims to steer new development to areas at the lowest probability of flooding (Zone 1). Where there are no reasonably available sites in Flood Zone 1, then sites in Flood Zone 2 should be considered. It was considered that there were other sites in the local area (Warmley, Oldland or North Common) which are appropriate for residential development and are situated in areas at the lowest probability of flooding (Flood Zone 1). As such application PK08/2200/O failed to meet the risk bases sequential test and was refused on this basis. Since application PK08/2200/O was refused, the EA recognised that the extent of the flood zones plotted by the applicant to be accurate. In the subsequent appeal, the Inspector agreed with the EA's view and concluded that the development was within Flood Zone 1 outside the flood sensitive area. On this basis the precautionary approach was not necessary and scheme was acceptable in terms of flood risk.

On the basis of the Inspector's conclusion, the proposed dwellings are situated within Flood Zone 1 and as such the scheme is considered to be acceptable in terms of flood risk. A condition in relation to flood mitigation measures is therefore not recommended in line with the EA's guidelines. A condition is recommended for the submission of a Sustainable Drainage System (SUDS) to control surface water disposal.

#### 5.5 Means of Access/ Transportation

Previous applications (PK07/1918/O and PK08/2200/O) were refused for reason of highway safety impact. The refusal reason read,

*'This proposal, without an adequate turning area for service and delivery vehicles, will result in vehicles reversing, standing and manoeuvring on the highway. This will interrupt the safe and free flow of traffic, at a location where visibility is restricted. This will add to the hazards faced by the travelling public. This is detrimental to highway safety and contrary to Policy T12 of the SGLP.'*

This refusal reason was supported by the Inspector in the appeal against application PK08/2200/O. The current submission now proposes a decrease in the number of dwellings on the site with two detached houses are now proposed. The proposed layout is still considered to be unacceptable for large service and delivery vehicles. However, given the reduced density proposed, the turning area is considered to be adequate for small delivery vehicles. As such the Highways Officer considers the previous highway safety concerns to have been resolved and the scheme is therefore considered to be acceptable in this respect, subject to conditions.

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

The proposed dwellings would be of good quality construction and situated within the existing urban area close to amenities and bus routes. Therefore the proposal would result in a sustainable form of development and would be constructed to an acceptable level of energy efficiency.

5.7 Improvements Achieved to the Scheme

This scheme has been submitted following refusal of PK07/1918/O for erection of a cul de sac of three dwellings and an application for six flats. For the reasons indicated above, this scheme represents a significant improvement to the previous submissions and an acceptable development that would enhance the character of the area.

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 the position of the proposed dwellings in relation to the adjacent dwellings, the details provided at this stage are 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 layout for proposed dwellings has been designed to respect and maintain the settlement pattern 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.
  - c) The proposed development is considered to be outside any flood sensitive areas the layout has been designed to be acceptable in relation to flood risk and environmental pollution considerations. The development therefore accords to Policy L17, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.
  - d) The proposal would incorporate an acceptable provision for off street parking and turning and would result in an acceptable level of highway safety from the site in accordance with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006

## **7. RECOMMENDATION**

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

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

### **CONDITIONS**

1. Approval of the details of the appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in the condition above, relating to the appearance of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority 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).

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

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

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

Reason

To minimise the effect of any flooding which may occur and to comply with Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. No windows above ground floor level shall be inserted at any time in the north elevation of plot 2 as shown on drawing no. MILL-PL-1050B.

Reason

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

7. Details of the proposed finished floor levels of the new dwelling relative to existing ground levels shall be submitted with the reserved matters application. The works shall be carried out in accordance with the approved details.

Reason

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

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

Reason

To prevent pollution and flooding and to protect the water environment, and to accord with Policies L17, L18, EP1, EP2 and PPS25 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. The off-street parking and turning facilities (for all vehicles, including cycles) shown on the plan hereby approved (Drawing no. MILL-PL-1050B) shall be provided before the first dwelling is occupied, and thereafter retained for that purpose.

Reason

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

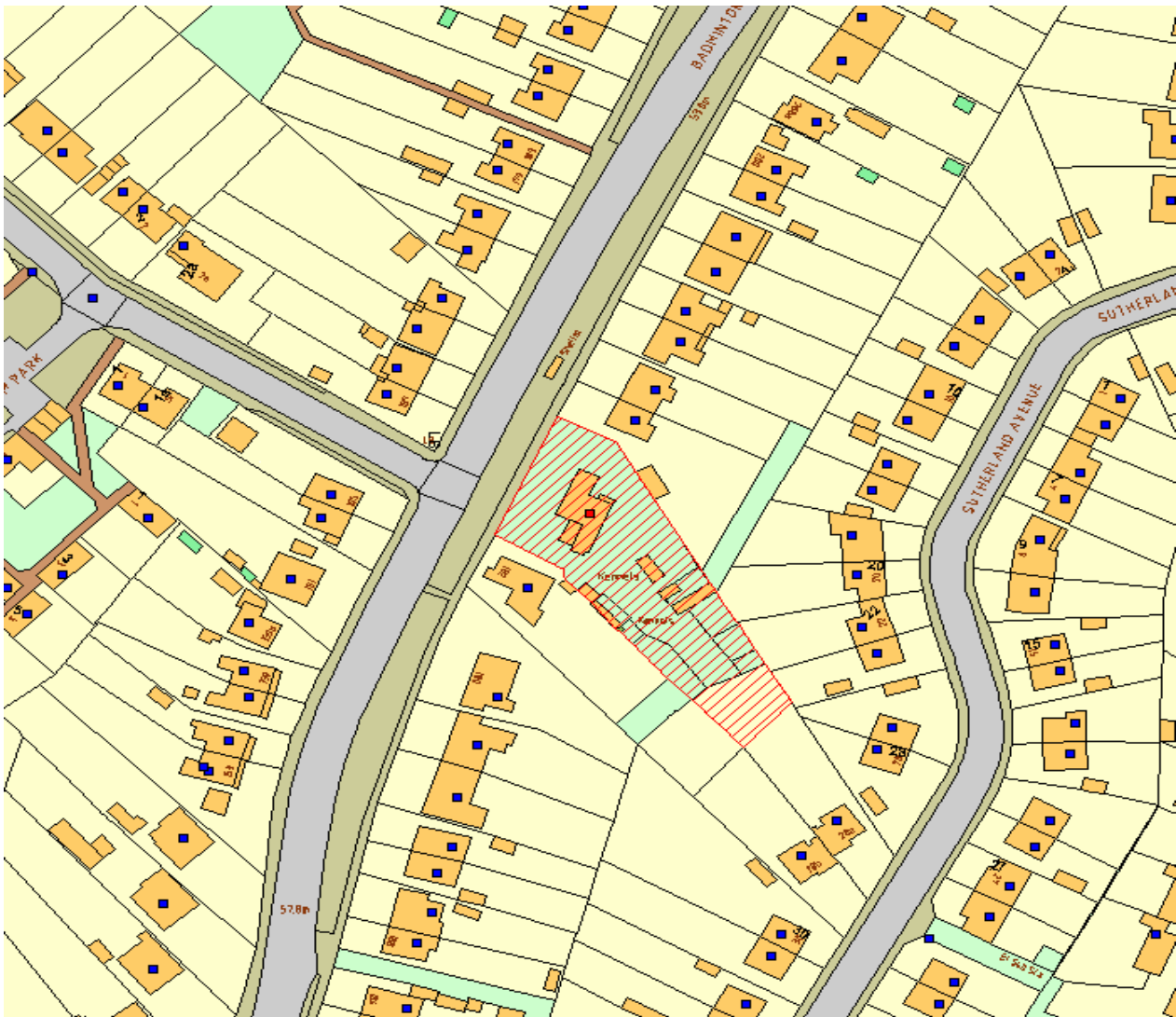
10. Prior to occupation of the first dwelling on site, the first 8m of the vehicular access onto Mill Lane as shown on the approved plan shall be laid out in full using a permeable bound surface, or other non migratory material which must include a surface water drainage system to be first submitted to and approved in writing by the Local Planning Authority. This surface shall be maintained as such thereafter.

Reason

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

## CIRCULATED SCHEDULE NO. 41/09 – 16 OCTOBER 2009

<b>App No.:</b>	PK09/5243/F	<b>Applicant:</b>	Mr N Bamrah
<b>Site:</b>	184 Badminton Road Downend South Gloucestershire BS16 6NP	<b>Date Reg:</b>	10th September 2009
<b>Proposal:</b>	Erection of replacement swimming pool and enclosure.	<b>Parish:</b>	Downend & Bromley Heath Parish Council
<b>Map Ref:</b>	365401 177521	<b>Ward:</b>	Downend
<b>Application Category:</b>	Householder	<b>Target Date:</b>	27th October 2009



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**N.T.S.**

**PK09/5243/F**



## **INTRODUCTION**

This application has been referred to the Circulated Schedule following the receipt of objections from Downend & Bromley Heath Parish Council and local residents, which are contrary to the officer recommendation.

### **1. THE PROPOSAL**

1.1 The application site is a large, detached dwelling house, standing on the eastern side of Badminton Road, Downend. There is a very large garden to the rear of the property, within which, is an open-air swimming pool and associated pump room and changing room, all located adjacent to the boundary with neighbouring no.182. The location is residential in character, with the houses on Badminton Road being typically large detached or semi-detached houses with long rear gardens.

1.2 It is proposed to replace the existing swimming pool and associated outbuildings with a new enclosed swimming pool and associated plant room, shower/changing room and gym/sauna. Including the plant room, the proposed building would be 22.3m long at its maximum length and 8.5m deep at its maximum depth. The building would have a mono-pitch roof being 3.5m high at the rear, sloping down to 2.9m at the front. Much of the front elevation would comprise a folding glazed door. The rest of the external surfaces would be either smooth render or board cladding with a roof of steel and insulating sheeting.

### **2. POLICY CONTEXT**

2.1 National Guidance  
PPS1 - Delivering Sustainable Development

2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 - Achieving Good Quality Design in New Development  
L17 & L18 - The Water Environment  
EP1 - Environmental Pollution  
EP2 - Flood Risk and Development  
H4 - Development within existing residential cartilages.  
T8 - Parking Provision  
T12 – Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Check List SPD (Adopted) 23 Aug 2007.

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

3.1 K4088 - Erection of Detached Garage  
Approved 3 Nov 1982

- 3.2 K4088/1 - Construction of detached house.  
Withdrawn 18 Sept 1985
- 3.3 K4088/2 - Erection of single-storey side extension.  
Approved 2 Nov 1994

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

- 4.1 Downend and Bromley Heath Parish Council  
Object on the grounds that the existing swimming pool is uncovered. This replacement pool is enclosed and will have an overbearing impact on the property at no. 182, particularly in relation to size of the blank pebble-dashed wall facing the garden of no.182. We feel the overall size of the proposed replacement swimming pool is an over development.
- 4.2 Other Consultees  
None

#### **Other Representations**

- 4.3 Local Residents  
3no. letters of objection were received from local residents, all of which live in Sutherland Avenue. The concerns raised are summarised as follows:
- Over development for this size garden.
  - The building will be unsightly and highly visible in all directions.
  - The plant room suggests noise-generating equipment. What sound deadening has been considered?
  - Any chemicals used in the water will create smells.
  - Increased noise from pool and gym.

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

- 5.1 Principle of Development  
Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 seeks to secure good standards of design for new development. Policy H4 permits development within existing residential curtilages subject to a number of criteria that are discussed below.
- 5.2 Scale and Design  
The existing swimming pool together with its concrete surrounds, pump room and changing room, covers a similar sized foot-print to that of the proposed building. The rear garden of no.184 is particularly large being some 50m in length to the rear and 24m wide tapering to 13 m at its far end. Given that permitted development rights would allow half this area to be built on without the need for planning permission, officers consider that the area of development in relation to the size of the plot is acceptable.
- 5.3 In terms of height and massing, the proposed building has been kept to a minimum height by the use of a mono-pitch roof, with a very low angle of pitch

(6 degrees). Given its proposed use, the building is not considered to be excessive in scale. Furthermore the materials to be used in construction would include a smooth render to match that of the existing house whilst the proposed use of timber effect boarding would add a sense of variety and interest to the main elevations. The glazing to the front and sides would allow natural light to enter the building and also adds interest to these elevations as well as breaking up the perceived sense of massing. Although covering a large area, the building would be subservient to the main house and given the scale of development and garden sizes within this locality, a building of the scale and design proposed would integrate satisfactorily within the existing built form. Being only single-storey and located well to the rear of the house, the building would not be prominent within the street scene.

5.4 Officers therefore consider that the building respects the massing, scale, proportions, materials and overall design and character of the existing property and the character of the street scene and surrounding area in general.

#### 5.5 Impact Upon Residential Amenity

The occupiers of nos.20, 22 & 28a Sutherland Avenue have raised some concerns about the proposal and these are summarised in para. 4.3 above. Officers note that all of these properties lie adjacent to the bottom end of the garden of no.184.

5.6 In visual amenity terms, officers accept that the proposed building would be a large structure located in a domestic garden. The garden to no.184 Badminton Road is however very large and there is a good deal of high vegetation growing at the south-eastern end (orchard) and along the eastern boundary of the site, which would help to screen the building from the properties in Sutherland Avenue and other neighbouring properties to the east and south. Furthermore there are high wood panel fences enclosing the orchard to no.184 and along the south-western boundary of the site. The end elevation of the proposed building would be a minimum of 23m from the boundary with the garden of 28a and 44m from the house itself; the south-eastern corner of the building would be some 9-15m from the boundaries with nos. 20 & 22 respectively and some 27-30m from the actual houses.

5.7 Given the location, scale and design of the proposed, the distance from neighbouring properties and the extent of screen fencing and high vegetation within and adjacent to the site, officers consider that the proposed building would not be highly visible within the locality and would not represent an incongruous element that would have a significantly adverse effect on visual amenity.

5.8 The existing garden area to no.184 is very large and given that the footprint of the overall development proposed would not be dissimilar from that of the existing swimming pool, its surrounds and associated pump room and changing room, officers are satisfied that more than adequate private amenity space would remain to serve the property.

- 5.9 The proposed building would be located within 1m of the side boundary with the rear garden of neighbouring no 184. The height of the proposed building at the rear would be 3.5m high and the rear wall would comprise a rendered elevation with no windows; the building would be 22.3m long. This would normally provide a somewhat stark elevation when viewed from the garden of no.184, this is however mitigated for to some extent by the presence of a 1.85m high close board fence on the boundary, which would leave only 1.65m of the rear elevation protruding above the fence. Officers also noted during their site visit that there is a good deal of high vegetation within the garden of no 182, which would also help to screen views of the proposed building; much of this vegetation already creates shaded areas within the garden of 182. Given the very large size of the garden to no.182, officers conclude that on balance the proposed building would not have such an overbearing impact on the most usable areas of the neighbouring garden of no.182 as to justify the refusal of planning permission. The building would be too distant as to have an adverse overbearing impact on other neighbouring gardens and given the position of the proposed windows and existing level of screening, there would be no loss of privacy from overlooking or inter-visibility.
- 5.10 In terms of noise created by the individuals using the pool, it is noted that the existing pool is open air, where there are currently no restrictions on noise breakout. Whilst inevitably the proposed covered pool, sauna and gym are more likely to be used throughout the year, officers consider that being enclosed, there would be no significant noise breakout from the site. It should be stressed that the existing pool has been in-situ for approximately 10 years, with no cause for complaint to the Council about noise. Furthermore the use of the facilities would be for domestic use only, ancillary to the enjoyment of the dwelling house and not commercial uses; this can be secured by condition.
- 5.11 Similar comments can be made regarding concerns about the smell of chlorinated water. During their site visit officers did not detect any significant smells from the existing pool.
- 5.12 Regarding the issue of noise from the plant or pump room, the applicant has indicated that it may be possible to utilise the existing plant, which is not considered to be noisy. The existing plant is currently only housed within a wooden building at the north-western end of the pool. Again the Council's Environmental Health Officer has confirmed that there have never been any complaints about the use of this equipment and this is despite the close proximity of the pump room to neighbouring no.182.
- 5.13 The applicant has confirmed that the maximum noise output from the plant would be in the region of 65-70 dB (worst case). The proposed new plant room however would be located at the south-eastern end of the pool where the plant would be housed within a well insulated building of modern cavity wall construction. Officers consider that given the distance from neighbouring property, the proposed plant would not cause a noise nuisance. Should the plant be replaced, officers consider that modern equipment is even less likely to be noisy. The Environmental Health Officer has also confirmed that the use of the plant and pool would be subject to the normal statutory noise controls. On

balance therefore and given all of the above, officers are satisfied that the proposal would not have a significant adverse impact on residential amenity.

5.14 Transportation Issues

The proposed pool, sauna and gym would be for domestic use only. The existing access and parking facilities would not be affected by the scheme. There are therefore no transportation objections to the proposal.

5.15 Landscape Issues

A large Poplar Tree located on the north-eastern boundary of the site is protected by Tree Preservation Order. Neither this tree nor any of the other trees within the site would be affected by the proposal. Officers consider however that given the crown spread of this tree, that details of tree protection fencing should be submitted to and agreed by the Council prior to the commencement of development on the site.

5.16 Drainage and Environmental Issues

The Council's drainage engineer has raised no objection to the proposal. Swimming Pools are now covered by Environment Agency Regulations. The disposal of chlorinated water should only be to the mains foul drainage system and must be agreed with Wessex Water. Any planning permission granted would carry an informative to this effect.

5.17 Use of Energy and Sustainability

Glazed elevations allow passive solar heating.

5.18 Improvements Achieved to the Scheme

None

5.19 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, 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: Roger Hemming**  
**Tel. No. 01454 863537**

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

Reason

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

3. The swimming pool, sauna and gym hereby approved shall be used solely for domestic use incidental to the enjoyment of the dwelling house only and shall not be used for any commercial purposes whatever.

Reason

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

4. No windows shall be inserted at any time in the rear (south-western) elevation of the building hereby approved.

Reason

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

5. The hours of working on site during the period of construction shall be restricted to Mon-Fri 07.30 - 18.00 Sat 08.00 - 13.00 and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the

carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

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

6. Prior to the commencement of the development hereby approved, details of the type and position of protective fencing for the nearby TPO'd Poplar Tree shall be submitted to and agreed in writing by the Local Planning Authority, thereafter the protective fencing shall be erected before the commencement of any works, and retained in place until such time that the development is complete.

Reason

To protect the TPO'd Poplar Tree during the construction period in accordance with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

## CIRCULATED SCHEDULE NO. 41/09 – 16 OCTOBER 2009

<b>App No.:</b>	PK09/5263/F	<b>Applicant:</b>	Ms J Hunt
<b>Site:</b>	6A Bath Road Bitton South Gloucestershire BS30 6HZ	<b>Date Reg:</b>	18th September 2009
<b>Proposal:</b>	Erection of first floor side extension to form additional living accommodation.	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	367072 170192	<b>Ward:</b>	Bitton
<b>Application Category:</b>	Householder	<b>Target Date:</b>	29th October 2009



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**N.T.S.**

**PK09/5263/F**



## **INTRODUCTION**

This application has been referred to the Circulated Schedule due to an objection raised by Bitton parish Council.

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking full planning permission for the erection of a first floor side extension at 6A Bath Road, Bitton. The proposed extension would measure 3 metres wide by 6.6 metres in depth and would have an overall height to ridge of 7.4 metres.
- 1.2 The property is a two storey detached dwelling and is located within a residential area of Bitton. The site is not located within the Bitton conservation area, nor is it within the Bristol/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 Achieving Good Quality Design in New Development  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007.

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

- 3.1 PK03/2519/F Conversion and extension of outbuilding to form residential annex.  
Approved September 2003

### **4. CONSULTATION RESPONSES**

- 4.1 Bitton Parish Council  
No objection to the principle of the development but raise an objection to the windows which are considered to be totally out of keeping and out of proportion.

#### **Other Representations**

- 4.2 Local Residents  
No response received

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that extensions should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space.

### 5.2 Design / Visual Amenity

The proposed extension is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. The extension is of modest size in comparison to the bulk of the main dwelling and is suitably subservient to it. It is considered that the appearance of the resultant building would be well proportioned and would remain in keeping with the scale of the surrounding dwellings along Bath Road. Furthermore, the proposed addition would incorporate materials to match those of the main dwelling, assisting the successful integration of the extension with the host dwelling. Concern has been raised regarding the proposed fenestration of the extension. Whilst the proposed front window and rear Juliet balcony do differ from the design of the existing windows, it is not considered that the design is of sufficient concern to warrant the refusal of the application, this is particularly the case given the location of the Juliet balcony to the rear of the dwelling and simple design and small scale of the front window which would serve a bathroom. It is therefore considered that the proposal would not be harmful to the character and appearance of the principal dwelling and street scene.

### 5.3 Residential Amenity

The proposed extension would be located over 3 metres away from the boundary with the nearest neighbouring property, No. 8 Bath Road, and would be located adjacent to this properties existing rear protrusion. Given the siting of the proposal in relation to the neighbouring property, combined with the scale of the proposal, it is not considered that the first floor extension would have any overshadowing or overbearing effect on the neighbouring dwellings.

The proposal includes the addition of one new first floor window on the front elevation and one new Juliet balcony on the rear elevation. Given the location of these windows, it is not considered that the proposal would result in any significant increase in overlooking or loss of privacy over and above the levels of overlooking from the existing first floor windows. It is considered that there are no issues of inter-visibility or loss of privacy. Further, there are no concerns relating to loss of daylight/sunlight and sufficient garden space would remain to serve the property. Therefore the impact on residential amenity is subsequently deemed acceptable.

### 5.4 Use of Energy and Sustainability

No additional measures proposed

### 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 proposed extension is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. Furthermore the extension would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. As such the proposal accords with Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

### 7. RECOMMENDATION

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

**Contact Officer: Kirstie Banks**  
**Tel. No. 01454 865207**

### CONDITIONS

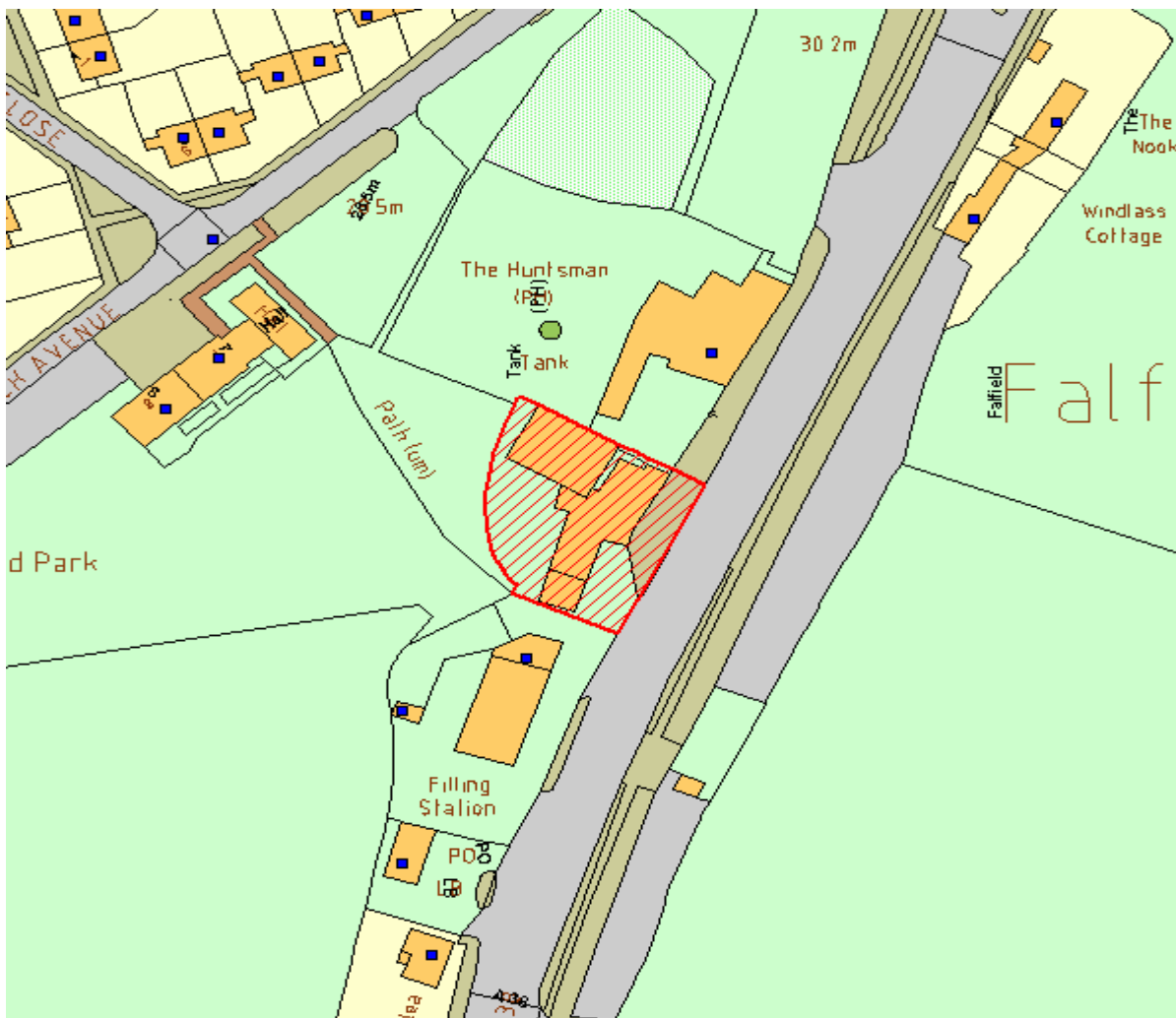
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

**CIRCULATED SCHEDULE NO. 41/09 – 16 OCTOBER 2009**

<b>App No.:</b>	PT09/1083/F	<b>Applicant:</b>	Mr P King Properties
<b>Site:</b>	Site of Previous Falfield Garage Bristol Road Falfield South Gloucestershire GL12 8DF	<b>Date Reg:</b>	12th June 2009
<b>Proposal:</b>	Conversion of existing building involving partial demolition to form three terraced houses and erection of 1 detached dwelling with associated works.	<b>Parish:</b>	Falfield Parish Council
<b>Map Ref:</b>	3682510 1931140	<b>Ward:</b>	Charfield
<b>Application Category:</b>	Minor	<b>Target Date:</b>	4th August 2009



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 100023410, 2008. **N.T.S.** **PT09/1083/F**

## **INTRODUCTION**

Members will recall that this application has previously appeared on the Circulated Schedule in view of the concerns that were raised by the Parish Council. It has been referred to the Circulated Schedule again in view of a subsequent objection raised by the Councils Public Rights of Way Officer with the plans amended accordingly.

### **1. THE PROPOSAL**

- 1.1 The application seeks permission for the conversion of existing single-storey and two-storey buildings to facilitate the creation of three new dwellings. The proposal would also allow the erection of one detached dwelling in place of an existing building.
- 1.2 The application site comprises the former Falfield garage site on the western side of the A38, Falfield. The buildings stand within the settlement boundary and outside of the green belt.
- 1.3 The application follows a previous application last year (PT08/0660/F) that allowed the conversion of these buildings to provide Class B8 (storage and distribution) and B1a (office) accommodation. This planning permission has been implemented with building works having commenced but with works having since been abandoned and with the site enclosed by hoardings.
- 1.4 Amended plans have now been received removing the parking space to the south of the site with this obstructing a public right of way. The application site has also been slightly enlarged with the southern site boundary realigned.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1: Delivering Sustainable Development  
PPG3: Housing  
PPG13: Transport  
PPS23: Planning and Pollution Control  
PPG24: Planning and Noise

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- D1: Achieving Good Quality Design in New Development
- H2: Residential Development in the Built Up Area/ Settlement Boundaries
- H4: Development within Residential Curtilages
- T7: Cycle Parking
- T8: Parking Standards
- T12: Transportation Development Control Policy for New Development
- EP4: Noise Sensitive Development
- EP6: Contaminated Land
- L1: Landscape Protection and Enhancement
- L18: The Water Environment

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

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

- 3.1 N6570: Erection of M.O.T testing bay. Refused: 11 September 1980
- 3.2 N6570/1: Use of building for showroom, stock room and shop for the sale of motor vehicle parts and accessories. Permitted: 1 July 1982
- 3.3 N6570/2: New canopy to petrol filling station over existing pump islands. Permitted: 21 October 1982
- 3.4 P88/1228: Single-storey addition to provide store, laundry & food preparation area; internal alterations; external fire escape. Permitted: 8 September 1988
- 3.5 P89/1115: Redevelopment of existing petrol filling station forecourt. Permitted: 19 November 1989
- 3.6 PT00/1226/F: Rebuild boundary wall, re-roof & extend workshop (retrospective) Refused: 4 July 2000
- 3.7 PT01/0669/F: Single-storey rear extension. Permitted: 17 April 2001
- 3.8 PT01/1186/ADV: Display of illuminated double sided freestanding advertising display unit. Permitted: 8 June 2001
- 3.9 PT00/2372/F: Extension to workshop and re-roofing; erection of boundary wall. Withdrawn: 14 October 2005
- 3.10 PT07/3591/F: Partial demolition of existing buildings, erection of commercial units & conversion of existing dwelling to form three units to include B8 (storage and distribution) and B1a (offices). Withdrawn: 15 January 2008
- 3.11 PT08/0660/F: Conversion of existing building including demolition & rebuilding to form three units to include Class B8 (Storage and Distribution) and B1a (Offices). Permitted: 28 April 2008

### **4. CONSULTATION RESPONSES**

- 4.1 Falfield Parish Council  
'With parking directly in front of these houses vehicles would potentially be reversing from their car park space onto the A38'.
- 4.2 Other Consultees  
Highways DC: no objection  
Environmental Services: land contamination condition/ acoustic report required  
Technical Services (Drainage): no objection  
PROW Officer: no objection provided that there is no interference with PROW

## **Other Representations**

### 4.3 Summary of Local Residents Comments

One letter received largely in support of the proposal:

- o The writer objected to the previous application;
- o The application for a residential reuse is fully supported;
- o If approved, the proposal will provide much needed housing in the area and help to restore the A38 back to what it looked like before much of the village was demolished to make way for the A38;
- o There is still a problem with speeding vehicles; some form of traffic calming might be necessary for safety purposes and to reduce the amount of noise and dust entering the new houses;
- o The proposal will provide extra custom for the local shop/ post office/ pub;
- o It is hoped that the application is approved.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy H2 allows for the principle of new residential development within the built up area and the settlement boundaries subject to considerations of design, residential amenity and highway safety. The maximum density compatible with the site, location, accessibility and surroundings should also be achieved. In this regard, it is anticipated that development proposals will achieve a minimum density of 30 dwellings per hectare with upwards of 50 dwellings per hectare where local circumstances permit.

### 5.2 Policy T12 cites that development (in terms of transportation) will be permitted provided that it (here considered relevant):

- o Provides adequate safe, convenient, attractive and secure access and facilities for pedestrians, cyclists, and people with disabilities; and
- o Provides safe access capable of accommodating the motorised traffic generated by the proposal; and
- o Would not create or unacceptably exacerbate traffic congestion, or have an unacceptable effect on road, pedestrian and cyclist safety; and
- o Would not generate traffic that would unacceptably impact upon residential amenity or other environmentally sensitive areas in terms of noise, vibration and air quality.

### 5.3 Design/ Visual Amenity

The application site forms some 0.11Ha comprising a mix of single-storey and two-storey rendered buildings fronting the main road (A38) with a steel framed workshop behind. The site has previously formed a garage providing exhaust and motor services, offices, light industrial uses and a residential unit with the owner of the garage living within the property contained on the site; the Design and Access Statement received cites that the site originally comprised a rank of domestic cottages approximately 150 years old.

- 5.4 The proposal would allow various building works to facilitate the change of use of the main two-storey building to provide a terrace of three dwellings. The proposal would also allow the demolition of the existing steel framed building to facilitate the erection of one detached property.
- 5.5 The terraced properties would form three bedroom dwellings with dining room, living room, lounge and kitchen facilities on the ground floor and with three bedrooms and a bathroom above. These properties would generally adopt the form of the existing building but with significant changes to the elevations given the formation of new windows/ openings. The existing forward projecting two-storey front gable would be retained with this to form part of one of the new dwellings allowing a larger property that would also benefit from a downstairs cloakroom and upstairs ensuite bedroom.
- 5.6 In view of the above, the footprint of the existing building would largely remain the same with the ridge height to the proposals also appearing unaltered. It is noted however that part of the existing building (which would form a bedroom within the largest terraced dwelling) has already been partly taken down and thus would be rebuilt as part of this scheme.
- 5.7 The proposed four bedroom detached dwelling would stand to the north side of these terraced properties and would occupy the site of the existing steel framed structure. In so doing, this property would be slightly stepped back and benefit from a deeper footprint extending some 9m beyond the rear wall of the terraced dwellings. This property would benefit from an integral garage with a kitchen, diner/ lounge, cloakroom and study at ground level with four bedrooms above; one of these would be ensuite. The ridgeline of this dwelling would be higher than that of the terrace (the ridgeline of which would be stepped and highest and that point where it encompasses the front gable).
- 5.8 In response, it is considered that the proposals would appear to be acceptable adopting a cottage style appearance that would help to reflect the more rural location of the application site. The stepped ridgeline and differing treatment to the front elevations of each property would help to erode the building mass of the existing structure and differentiate each unit. Further, with the detached dwelling set back, the larger size of this property would not be readily apparent within a street scene which is nevertheless, characterised by a mix of building type which in this instance, provides the two-storey Huntsman Inn public house immediately north of the site and the Falfield Cars car dealership to the south.
- 5.9 For the above reasons, this current proposal is considered to be acceptable in design/ visual amenity terms with no objection to the proposal on this basis.
- 5.10 Density  
Planning policy H2 cites that the maximum density compatible with the site, its location, its accessibility and its surroundings should be achieved; accordingly a minimum density of 30 dwellings per hectare is anticipated with upwards of 50 dwellings per hectare where local circumstances permit.



- 5.11 In this instance, the proposal would equate to 36 dwellings per hectare and thus it would accord with this policy requirement. As such, there is no objection to the current proposal on this basis.
- 5.12 Residential Amenity  
The application site forms part of a line of ribbon development along this side of the A38 and sits between Falfield Cars to the south and The Huntsman Inn public house to the north. Falfield Cars (former Falfield filling station) sits to the opposite side of a vehicular access with the office accommodation contained within the former kiosk closest to the site boundary. There are no facing windows in this building; for these reasons it is considered that the relationship between this garage and the proposals would be acceptable.
- 5.13 The Huntsman Inn public house sits to the north of the application site to the far side of its associated service/ delivery yard. These premises comprise a two-storey building with one first floor window visible facing towards the application site. It is noted that it would be the new two-storey detached dwelling that would adjoin this shared boundary with one facing first floor bathroom window proposed; an appropriately worded condition could be attached to a favourable decision requiring obscured glazing to this window with a further condition preventing additional windows. On this basis, and in view of the separation distance between The Huntsman Inn and the proposal (17m approx. to the main two-storey building), it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.14 Notwithstanding this, it is noted that single-storey bed and breakfast accommodation (associated with The Huntsman Inn) stands between provided within converted stable buildings. Nevertheless, with only the aforementioned bathroom window facing this direction, and with the application site to the south of these premises (thus having no significant impact on sunlight), it is not considered that planning permission could be reasonably withheld on this basis.
- 5.15 Further, despite the increased height of the proposal (when compared with the existing steel framed structure), the provision of a rear garden behind this new dwelling would dictate that the new rear building line would fall short of the existing whilst the build would also be inset from the boundary in contrast the existing structure which adjoins this boundary line. As such, this would help to offset the impact of the proposal on this adjoining land use.
- 5.16 An area of open space (Eastwood Park) adjoins the rear site boundary with this contained behind an existing 2m (approx.) wall.
- 5.17 All other neighbouring properties stand at an appreciable distance from the site of the proposals; on this basis it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.18 With regards to the proposed relationship between the new dwellings, the row of terraces would stand in alignment with rear windows affording oblique views into the neighbouring gardens; this is not uncommon between neighbouring properties. Further, there would be no south (side) facing windows within the

- two-storey front gable and any additional windows could be restricted by an appropriately worded condition.
- 5.19 The proposed new dwelling sits back on its plot and extends some 9m beyond the rear of the terraced dwellings. This unit aligns with the side boundary and is offset from the terrace whilst the proposed two-storey rear gable stands to the far side of the dwelling. On this basis, and with the terrace positioned to the south of this detached dwelling, this proposed relationship is also considered to be acceptable; further side windows could again be restricted by condition.
- 5.20 Finally, the north facing windows (within the front gable serving the lounge and bedroom) of the end terraced dwelling would primarily overlook the combined parking area and would not directly face the front of the new detached dwelling. Accordingly, on balance this relationship is also considered to be acceptable.
- 5.21 Highway Safety  
It is anticipated that the proposal would result in an overall reduction in vehicle movements from the site given the extant use. In this regard, the application site is located within the Falfield settlement boundary and the level of parking proposed would accord with the Council's parking standards. On this basis, there is no transportation objection to the proposal.
- 5.22 In response to the concerns raised by the Parish Council, the Councils highway officer has confirmed that vehicles would have sufficient space to reverse without encroaching onto the highway. Accordingly, it is not considered that planning permission could be reasonably withheld on this basis.
- 5.23 Provision of Private Amenity Space  
Planning policy H4 requires that development proposals should not prejudice the retention of adequate private amenity space with adequate private amenity space provided for any new separately occupied dwelling. (Planning policy H4 is considered to be relevant given that an element of this site is understood to have previously provided for a residential use.)
- 5.24 In this instance, all dwellings would benefit from a rear garden with space also provided to the front of the dwellings for bin storage. Further, the rear site boundary adjoins Eastwood Park that provides further amenity space. As such, there is no objection to the current proposal on this basis.
- 5.25 Affordable Housing Requirement  
Planning policy H6 (Affordable Housing) dictates that an element of affordable housing to meet local needs will be required where in the case of settlements in the rural areas, the proposal will provide five or more dwellings or the site area measures 0.2Ha or more. This current proposal does not meet this threshold thus there is no requirement for affordable housing in this instance.
- 5.26 Outstanding Issues  
The Councils Drainage Engineer has not raised any objection to the proposal with the application form indicating individual treatment plants as the method of foul drainage disposal; there is no mains drainage available locally. However, it is recommended that the Councils standard drainage condition be attached to

any favourable decision in order to ensure the implementation of a sustainable drainage system.

- 5.27 Notwithstanding the above, there is understood to be concern that a drainage pipe/sewer runs from the Huntsman Inn beneath the application site (under the site of the proposed new dwelling). In response, the agent has confirmed that Wessex Water have no record of this but if it exists this would form a private issue between the two parties with the public house having existing rights over any drainage which the applicant would be obliged to maintain. As such, it is not considered that permission could be reasonably withheld on this basis.
- 5.28 The former use of this site as a garage/ workshop and the neighbouring site as a petrol garage dictates that ground contamination can not be ruled out; on this basis the Councils Environmental Services officer has requested a planning condition (in the event that permission is granted) in respect of contaminated land. This is considered to be appropriate given that the previous permission was also the subject of a similar condition.
- 5.29 The site is adjacent to the A38 and thus the proposals would be subject to the noise generated by this main road. In this regard, the Councils Environmental Services Officer has requested the submission of an acoustic report. However, it is considered that this can be the subject of an appropriately worded condition given that other residential development has been permitted in similar proximity to the A38 with similar applications also not supported on this basis.
- 5.30 Finally, a PROW runs immediately to the south of the application site and thus would have been blocked by the original parking space shown in this position. This has now been removed; in response the Councils Highway Engineer has confirmed that the proposal would still be compliant with policy T8 whilst the Councils Public Rights of Way Officer raises no objection provided that this route is not obstructed by the planning permission.
- 5.31 Design and Access Statement  
The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.
- 5.32 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.

6.3 The recommendation to grant planning permission is for the following reasons:

1. The proposed dwellings would be sited within the Falfield settlement boundary. The proposal is therefore considered to accord with Planning Policy H2 (Residential Development in the Built Up Area/ Settlement Boundaries) of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The design, scale and massing of the dwellings proposed is considered to be acceptable and in keeping with the rural character of the area. The proposal is therefore considered to be compliant with Planning Policies D1 (Achieving Good Quality Design in New Development), H2 (Residential Development in the Built Up Area/ Settlement Boundaries) and H4 (Development within Residential Curtilages) of the South Gloucestershire Local Plan (Adopted) January 2006.

3. It is considered that the proposal would have no significant adverse impact on residential amenity and would therefore accord with Planning Policies H2 (Residential Development in the Built Up Area/ Settlement Boundaries) and H4 (Development within Residential Curtilages) of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The proposal is considered to be acceptable in highway safety terms whilst sufficient car parking would be provided. The proposal is therefore considered to accord with Planning Policies T8 (Parking Standards) and T12 (Transportation Development Control Policy for New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.

## **7. RECOMMENDATION**

7.1 Planning Permission is **GRANTED** subject to the following conditions:

**Background Papers**      **PT09/1083/F**

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

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

### Reason

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

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

### Reason

To accord with planning policies D1, H2, H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

### Reason

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

5. Prior to the use or occupation of the dwelling hereby permitted, and at all times thereafter, the proposed first floor bathroom window on the north (side) elevation of the detached dwelling hereby approved shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

### Reason

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

6. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details. Prior to first occupation of the dwelling or to a time scale agreed in writing by the Local Planning Authority. The boundary treatments as agreed, shall be erected before the buildings are first occupied.

Reason

To protect the character and appearance of the area to accord with Planning Policies H2, H4, D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006

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

Reason

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

8. Prior to the commencement of development a soil survey of the site shall be undertaken and the results submitted to the Local Planning Authority. The survey shall be taken at such points and to such depth as the Local Planning Authority may stipulate. A scheme for decontamination of the site shall be submitted to and approved by the Local Planning Authority in writing and the scheme as approved shall be fully implemented and completed before any residential unit hereby permitted is first occupied.

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Planning Policy EP6 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

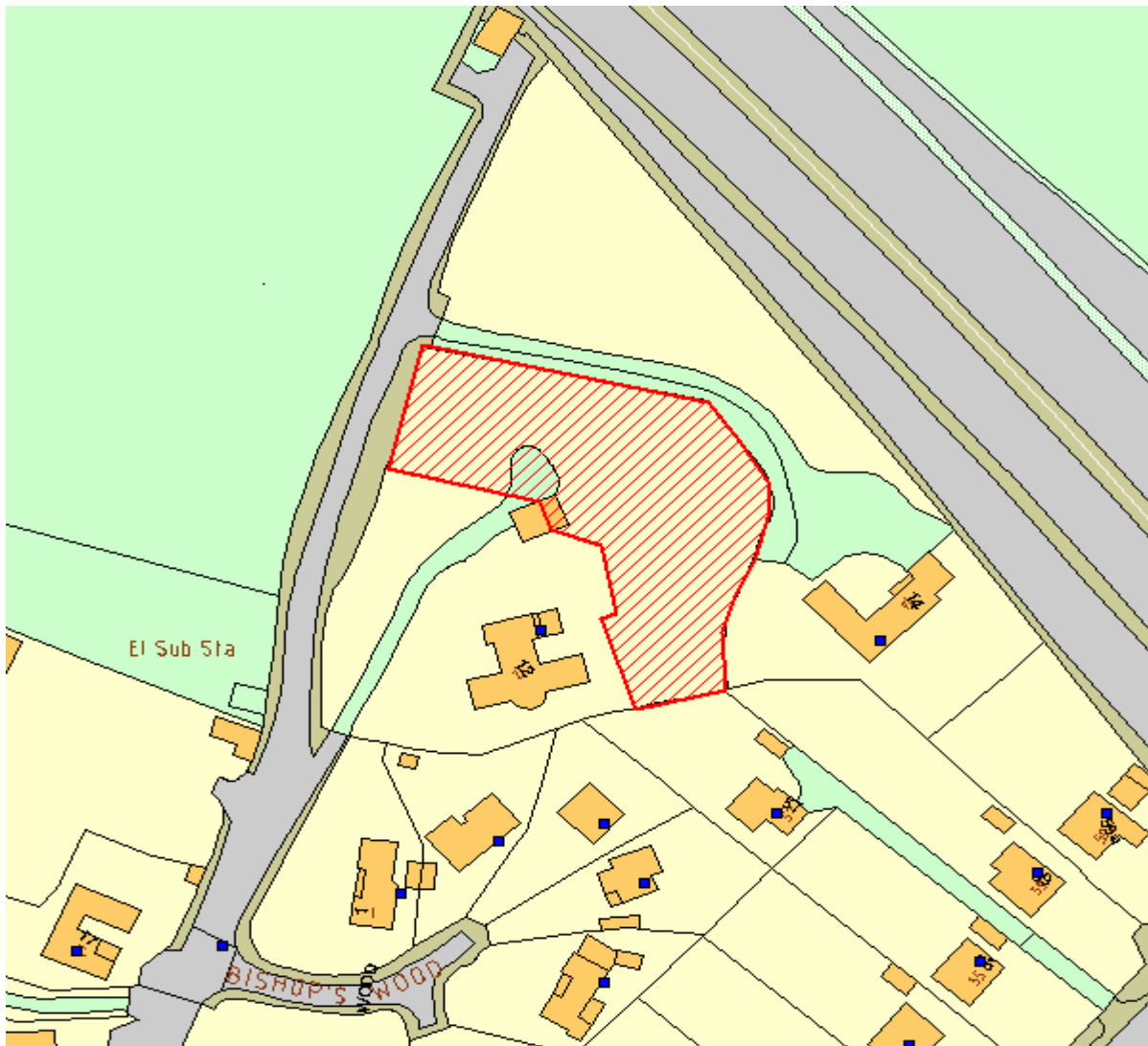
10. Prior to the commencement of the construction works a scheme for protecting the proposals from noise from the A38 shall be submitted and approved in writing by the Local Planning Authority; all works which form part of the scheme shall be completed before any part of the development is occupied.

Reason

To minimise disturbance to occupiers of the development and to accord with Planning Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 41/09 – 16 OCTOBER 2009

<b>App No.:</b>	PT09/1345/F	<b>Applicant:</b>	Ms M McSherry
<b>Site:</b>	Land At 12 Old Aust Road Almondsbury Bristol South Gloucestershire BS32 4HJ	<b>Date Reg:</b>	21st July 2009
<b>Proposal:</b>	Erection of 2 no. detached dwellings and associated works. (Resubmission of PT09/0985/F)	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	361150 184733	<b>Ward:</b>	Almondsbury
<b>Application Category:</b>	Minor	<b>Target Date:</b>	11th September 2009



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100023410, 2008.

N.T.S.

PT09/1345/F



## **INTRODUCTION**

This application appears on the Circulated Schedule following the receipt of representations from three local residents which were contrary to the case officers recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks planning permission for the erection of two detached dwellings.
- 1.2 The application site is situated on the edge of the settlement of Almondsbury. The site is approximately 0.19ha in and comprises of one detached dwelling, and its extensive landscaped garden. The site slopes down from east to west, and includes several terraces, and mature trees. The site has an existing access point onto Old Aust Road. Moreover, to the south west of the site is the settlement of Almondsbury, to the north-east of the site is the M4 motorway, and the to the north-west is open countryside.
- 1.3 The site is situated within the Almondsbury settlement boundary and is “washed over” by green belt, as defined on the South Gloucestershire Local Plan Proposal Maps (adopted) January 2006.
- 1.4 The proposed development comprises of two contemporary detached dwellings. These new buildings would be sited to the north of the existing dwelling, and would be laid out in a staggered format and would situated on different levels given the topography of the land. The development would involve the demolition of an existing building to facilitate the formation of a parking courtyard.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1:	Delivering Sustainable Development
PPG2:	Green Belts
PPS3:	Housing
PPG13:	Transport
PPG24:	Planning and Noise

#### 2.2 Development Plans

##### Joint Replacement Structure Plan (Adopted) September 2002 (Saved Policies)

Policy 1:	Sustainable development objectives
Policy 2:	Location of development
Policy 16:	Green Belt
Policy 33:	Housing provision and distribution

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

D1:	Achieving Good Quality Design in New Development
H2:	Residential Development within Defined Settlement Boundaries
H4:	Development within Existing Residential Curtilages
H6:	Affordable Housing

GB1:	Development within the Green Belt
L1:	Landscape Protection and Enhancement
L5:	Open Areas within the Existing Urban Area
EP1:	Environmental Pollution
EP4:	Noise-Sensitive Areas
T12:	Transportation Development Control Policy for New Development

Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007

South Gloucestershire Development within the Green Belt SPD (Adopted) 2007

South Gloucestershire Trees on Development Sites SPG (Adopted) 2005

**3. RELEVANT PLANNING HISTORY**

- 3.1 PT03/1544/O Erection of two dwellings on 0.17 hectares of land (outline).  
**Refused** on 3<sup>rd</sup> July 2003
- 3.2 PT09/0985/F Erection of 2no. detached dwelling and associated works.  
**Withdrawn** on 2<sup>nd</sup> July 2009

**4. CONSULTATION RESPONSES**

- 4.1 Almondsbury Parish Council  
No response received.
- 4.2 Sustainable Transport  
No objection.
- 4.3 Local Residents  
Three letters have been received from local residents in relation to this application. Two of these have submitted on behalf of the applicant by a professional planning consultant. The main points from these letters have been summarised below: -
- a) The development is not limited infilling and is therefore inappropriate development in the Green Belt.
  - b) Cramped form of the development.
  - c) Previously application PT03/1544/O for residential development was refused on the grounds of green belt and impact on landscape character.

**5. ANALYSIS OF PROPOSAL**

- 5.1 The proposed development relates to the erection of two detached dwellings within the curtilage of an existing dwelling. The application site is situated within the Almondsbury Settlement Boundary and is “washed over” by green belt. As such the first section of the report will discuss the site planning history, the second section shall establish the principle of the proposed development with specific regard to the policies on housing and the Green Belt within the adopted

development plan. The subsequent sections of the report shall discuss other material considerations relating to the proposed development.

## 5.2 Background Planning History

The planning history shows that planning permission was refused in 2003 for outline planning permission for the erection of two dwellings. The consent was refused for the following reasons:

1. The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of PPG2, Policy GB1 of the South Gloucestershire Local Plan (Deposit Draft), Policy 16 of the Joint Replacement Structure Plan and Policy RP34 of the adopted Northavon Rural Areas Local Plan.
2. The proposed development by reason of its location on the edge of the settlement and its proximity to the Local Landscape Conservation Area, on a prominent ridge would adversely impact on the landscape character and appearance of the locality and the setting of the village of Almondsbury and as such would be contrary to policy RP6 and RP36 of the Rural Areas Local Plan and policies H2, L1 and L6 of the South Gloucestershire Local Plan (Revised Deposit Draft)

- 5.3 This decision is a material consideration in the determination of this planning application. Nevertheless it should be noted that planning policy has materially changed since this decision because the Rural Areas Local Plan has been superseded by the South Gloucestershire Local Plan (adopted) January 2006. Furthermore, PPS3 (Housing) has placed greater emphasis on local authorities delivering efficient use of previously used land. In view of this policy context, it is considered that limited weight can be attributed to this previous decision.

## 5.4 Principle of Development

The proposed development would be situated within the Almondsbury settlement boundary. PPS3 (Housing), the Joint Replacement Structure Plan and Policy H2 and H4 of the Local Plan allows for new residential development within the boundaries of settlements. On this basis the principle of the proposed residential development would be acceptable, providing the scheme:

1. Delivers an efficient use of land by achieving the maximum density compatible with the site's accessibility, environmental constraints, and its surroundings
2. Respects the character and appearance of the existing dwelling and the surrounding area;
3. Does not prejudice the amenities of nearby occupiers,
4. Maintains highway safety; and

5. Provides adequate amenity space.
- 5.5 The application site is “washed over” by the Green Belt. There is a general presumption against inappropriate development within Green Belt. According to PPG2 and policy GB1 of the adopted local plan new building may only be constructed if they are for the following purposes:
- Agriculture or forestry;
  - Essential facilities for outdoor sport and recreation;
  - Cemeteries;
  - Limited extension to dwellings; and
  - Limited infilling within the boundaries of settlement as defined on the proposal maps.
- 5.6 As such the principle of the proposed development is acceptable if the development is classed as “limited infill”. The adopted Development in the Green Belt SPD defines limited infill as ‘...development that is small in scale and which fits into an existing built up area’. In this instance the proposed development would comprise of two dwellings. The new building would be roughly situated between No. 12 to the south-west and No. 14 to the north-east. In view of this, it is considered that the proposed development would be infilling. It is noted that a previous application was refused in 2003 because it was deemed not to be “infilling”. However, this decision was made under a previous development plan and therefore this decision carries less weight. There was a more prescriptive definition of infilling in that plan which was not retained for the current development plan or SPD on the Green Belt. It is considered that the proposed development would be limited infilling in accordance with PPG2 and PPS3, and policy GB1 of the local plan.
- 5.7 Efficient Use of Land  
PPS3 (Housing) identifies that using land efficiently is a key consideration in planning for housing. In order to deliver this objective, PPS3 has set a national indicative minimum housing density of 30 dwellings per hectare (dph). This policy stance is reiterated through Policy H2 of the adopted local plan.
- 5.8 In this instance the density of the proposed development would be approximately 11 dph, and would therefore fall beneath the density requirements of PPS3 and Policy H2. In order to deliver a density of 30 dph, one additional unit would be required with the application site. If densities fall below this minimum threshold planning permission should be refused, unless it can be justified that development of a higher density would conflict with the characteristics of the site.
- 5.9 A previous application (PT03/1544/O) was refused on the grounds that the development by reason of its location on the edge of the settlement and its proximity to the Local Landscape Conservation Area, on a prominent ridge

would adversely impact on the landscape character and appearance of the locality and the setting of the village of Almondsbury. Notwithstanding this decision, the Councils Landscape Architect has concluded that the new proposal maintains the character of the locality because of the low density of the development and the retention of existing trees. Furthermore, a more dense development on the site would erode its character and possibly be detrimental to the existing trees. Therefore, to ensure the proposed development is classed as 'limited infilling' and to maintain landscape character, a density in excess of 11 dph would conflict with the characteristics of the site. It is therefore considered that the density of development would be acceptable in this instance.

- 5.10 It is acknowledged that there was a recent decision at Land at 2 Little Quarry, Old Aust Road (PT09/1002/O) where planning permission was refused for one dwelling because its density fell below 30 dph. It is noted that the recommendation in this application may seem somewhat contradictory to this decision. Nevertheless, it is considered that the characteristics of both sites are materially different. For instance, in comparison to the application site the 2 Little Quarry site is situated more towards the centre of the settlement, it is surrounded by existing development, and is less constrained in terms of landscape features. It is therefore more likely to be able to support a higher density development than the site under consideration in this application where specific reasons for accepting a lower density have been considered, and found to be justified.
- 5.11 Openness of the Green Belt  
It is considered that the proposed development would not harm the openness of the Green Belt. This is because the building would be constructed into the hillside and would not extend into open countryside.
- 5.12 Noise  
The application site is situated in close proximity to the M4 motorway and the noise survey submitted within the application indicates that the site lies within the Noise Exposure Category C for the purposes of PPG24. This policy statement states that planning permission should not normally be granted, but where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise. Notwithstanding this guidance, a recent appeal decision for a new dwelling in Almondsbury (Ref: PT05/2816/O) the inspector concluded that PPG24 publication in 1994 significantly preceded the current emphasis placed on making efficient and effective uses of brown field sites.
- 5.13 The applicant noise survey has demonstrated appropriate mitigation strategy, which the Councils Environmental Protection Team has raised no objection to. Therefore on this basis, it is considered that subject to a condition ensuring the development is implemented in accordance with the noise survey, the proposed development would accord with PPG24 and policy EP1 and EP4 of the local plan.

5.14 Local Housing Need

The application site is approximately 0.19ha in area and therefore falls under the threshold for affordable housing. The previously application PT09/0985/F did exceed the threshold but this application was withdrawn at the request of the application. It is considered that more dwellings on this site would be unacceptable in landscape terms. However, if more residential development proposals come forward on this site (including the land edge in blue) then these would need provided subsidised affordable housing in accordance with Policy H6 of the adopted Local Plan. It is therefore recommended that a condition be attached to the consent to ensure any future development is assessed in combination with the dwellings approved in this application.

5.15 Design

Policy D1, L1, and H4 of the adopted Local Plan identifies that new development will be permitted where the development is informed by, respect, and enhance the character and distinctiveness and amenity of both the site and the surrounding area. In terms of the character of the surrounding area, Old Aust Road is a quiet residential street, which is characterised by large detached dwelling set back from the highway along either side. The development is fairly ad-hoc and varies in age. For this reason there is not a uniform or particularly well defined architectural style or house type. The application site is situated at the end of the street and is well screened from public view by mature landscaping along the front boundary. The site itself comprises of a large detached dwelling, which is set within extensive grounds.

5.16 It is therefore considered that the development would respect the general character of the surrounding built development because it would essentially comprise of two large detached dwellings. In terms of the layout and appearance of the proposed units, it is considered that the application site is a relatively 'blank canvas'. This is because the application site would be isolated from the development along Old Aust Road. In view of this context, it is therefore concluded that the development should not be required to echo or repeat existing development in the locality. Conversely it should rather be seen as an opportunity to enhance the character, distinctiveness and amenity of both the site and the surrounding area. Nevertheless, it is acknowledged that the development must respond to the constrained nature of the site due to its varying topography, its prominent location in the wider landscape, and the mature trees within the site.

5.17 The proposed development involves the erection of two detached dwellings. The development has been laid out in a staggered formation and would be located at differing levels due to the topography of the site. Moreover, both units would be orientated with their front elevation facing south and would be allocated extensive private amenity space to their side and rear. According the Design & Access Statement the 'single aspect' solution was chosen because it would allow the development to turn the back onto the motorway and associated noise to the north. The building envelope will act as a noise buffer, which would protect external siting out areas to the south. Furthermore the southern aspect would also take optimum advantage of passive solar gain. It is

- therefore concluded that the proposed development would offer an appropriate layout which would respond to the context of the application site.
- 5.18 It is acknowledged that a previous application on the site in 2003 was refused on the grounds of its impact on landscape character. To fully assess this effect of the development upon the land the Council Landscape Architect has been consulted. They have concluded the landscape character of the locality can be summarised as being one of dwellings set in large gardens with a considerable amount of tree cover and set on the edge of open countryside. The application site is generally well integrated into the landscape by the tree cover both on and off the site. Whilst there is no control over the retention of trees on adjoining sites, given the very close proximity of the motorway it is to be assumed the trees are valued for their screening of the motorway and consequently it is considered highly unlikely they will be removed. The value of the trees on the proposed development site cannot therefore be overstated in their role of assimilating any development into the landscape. The proposal has been developed taking into account the retention of the trees. The site would appear to meet some of the criteria of an open area within the defined settlement boundary but the low density of the development along with the retention of existing trees maintains the character of the locality. With regard to the open country location, it is considered that the landscape character of the locality has been respected. However a more dense development on the site would erode its character and possibly be detrimental to the existing trees. On this basis, it is considered that the development would protect landscape character in this location.
- 5.19 To address the layout of the development in terms of the established and mature trees, the applicant submitted a tree constraints plan. However the Council Tree Officer concluded that the information did not identify what changes to levels would occur in the areas where the new dwellings would be sited. This information was necessary because there are significant trees within these areas and level changes within the Root Protection Areas (RPAs) would have a detrimental effect on the trees' health and longevity. Site sections have been provided but they did not cover the areas where the properties would be sited.
- 5.20 Following discussions with the applicant, an Arboricultural Method Statement and Tree Protection Plan has been submitted. The Tree Officer has assessed this information and concluded that these measures would protect the health and longevity of the trees on the site. A condition shall be attached to ensure the development is carried out in accordance with these details. On this basis, it is concluded that the layout would be acceptable in terms of these landscape features.
- 5.21 In terms of external appearance, the development would adopt a high quality contemporary architectural approach. The front elevation of the units would be broken up through the use of glazing, Cedar wood timber cladding, and render panels. These would offer articulation and interest to the elevation. The side elevations would be finished with a stone retaining wall, and timber cladding. The units would have mono pitch sedum roof. It is considered this would offer a good quality design, which would enhance the character and distinctiveness

and amenity of both the site and the surrounding area. It is recommended that a condition is attached to ensure the use of good quality material to protect the integrity of the development.

5.22 In addition, through design, orientation, location, and sustainable construction the proposed dwellings would provide energy conservation and the protection of environmental resources. It is considered that this is a further indicator of good quality design. The main features of the proposed dwellings are summarised below: -

- Highly insulated and airtight envelope.
- Efficient heating and cooling systems.
- Passive solar gain and thermal mass.
- Solar shading.
- Sedum roofing.
- Water conservation.
- Timber frame
- AAA rated appliances.
- Low energy lighting.

5.23 To ensure these features are included, it is recommended that a condition be attached to secure these environmental features.

5.24 In view of the above, it is considered that the proposed development, through its layout, external appearance, and environmental features, would present a good quality design solution, and would respect and enhance the character, distinctiveness, and amenity of both the site and the locality. It is therefore concluded that the proposed development would accord to policies D1, L1 and H4 of the adopted Local Plan.

5.25 Residential Amenity

The proposed development is situated in isolated location from the existing dwelling (No. 12) and other neighbouring properties. As such there would be no adverse harm to residential amenity of these properties. Furthermore, given varying levels of the site and layout of the two dwellings, it is considered that there would be no overbearing effect or a material loss of privacy between either of the proposed properties. It is therefore concluded that the proposed development would accord to policy H4 of the adopted Local Plan.

5.26 Transportation

With regard to the transportation, the proposed development should not prejudice highway safety and provide acceptable parking provision. The Council Transport Engineer has concluded that they would not anticipate the proposed development to give rise to a significant increase in traffic along Old Aust Road given the existing number of dwellings. The existing access to the site is formed from a particularly wide section of public highway which would allow sightlines between vehicles. The access itself is only single vehicles width and so opposing vehicles may need to reverse or give way on the highway; however it would not be envisaged that this would cause an undue hazard at this location.



- 5.27 Moreover, the site cannot accommodate larger service vehicles and so roadside bin collection would need to take place. As a consequence future occupants would have to transfer waste further than is desirable though whilst this may not comply fully with building regulations, there are not any highway safety implications. Under building regulations a fire tender should be able to reach the site and this would be difficult. However this could be achieved through a dry riser to help pump water in the case of emergency. However, this would not require planning permission and therefore is not a requirement of this planning consent.
- 5.28 The level of parking would accord with Council standards and the garages would also facilitate bicycle storage. The hard standing area would allow vehicles to turn within the site.
- 5.29 On this basis, it is concluded that the proposed development would accord to policies D1, H2, H4, T8 and T12 of the adopted Local Plan.
- 5.30 Drainage  
The Council's Drainage Engineer has concluded that they had no objection to the scheme, subject to a condition ensuring the use of Sustainable Drainage Systems (SUDs) on the site. Moreover they advised that the new hard standing is required to ensure surface water run-off is retained at source. On this basis it is considered that the proposed drainage arrangement would be satisfactory and in accordance with policy L17/L18 of the adopted Local Plan.
- 5.31 Design and Access Statement  
The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.
- 5.32 Use of Energy and Sustainability  
The proposed dwelling would be built using sustainable materials and would incorporate low energy solutions. A full schedule of these is contained within the applicant's Design and Access Statement.
- 5.33 Improvements Achieved to the Scheme  
None.
- 5.34 Section 106 Requirements  
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. [In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.]

## 6. **CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority is not in conflict with the following policies or adopted Supplementary Planning Guidance when read in conjunction with the planning conditions imposed.
- a) The concerns of local residents in relation to Green Policy and whether the development is 'limited infilling' has been fully considered. The development would be situated in-between existing dwellings and would be within the Almondsbury Settlement Boundary. It is considered that the development would constitute appropriate development within the Green Belt and would not harm openness. The development therefore accords with policies GB1 of the South Gloucestershire Local Plan (adopted) January 2006 and the South Gloucestershire Development within the Green Belt SPD (Adopted) 2007.
  - b) The concerns of local residents in relation to the effect of the proposed dwelling on the character and appearance of the street scene have been fully considered. The proposal has been designed to be informed by, respect and enhance the character of the site and locality. In reaching this conclusion the design, siting, height and materials of the existing house and surrounding area have been considered. The development therefore accords with policies D1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.
  - c) The applicant's noise survey has demonstrated an appropriate noise mitigation strategy. It is therefore considered that subject to a condition ensuring the development is implemented in accordance with the noise survey, the proposed development would accord with PPG24 and policy EP1 and EP4 of the South Gloucestershire Local Plan (adopted) January 2006.
  - d) Through careful design the proposals will not harm the amenities of the proposed development or neighbouring properties by reason of loss of privacy or natural light. The development therefore accords with policies H2, H4 and D1 of the South Gloucestershire Local Plan (adopted) January 2006.
  - e) The proposed development equates to a density of approximately 11 dwellings per hectare. This density falls below the minimum expectation that development will achieve at least 30 dwelling per hectare. Nevertheless, it was considered that a higher density would not have been compatible with the site, its location, its accessibility and its surroundings. The development

therefore accord with policy H2 of the South Gloucestershire Local Plan (adopted) January 2006.

- f) The concerns of local residents in relation to the effect on the proposal on highway safety and on-street parking have been fully considered. The proposed development has been designed with careful regard to Transportation. Parking, congestion and access issues have been considered and addressed sufficiently in the design. The development therefore accords to policies D1, H2, H4 and T12 of the South Gloucestershire Local Plan (adopted) 2006.

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

## **7. RECOMMENDATION**

7.1 Planning permission to be **GRANTED** subject to the following condition(s): -

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

### **CONDITIONS**

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

Reason

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

2. No development shall commence until a detailed scheme of noise mitigation detailing the protection of the proposed dwelling and amenity space from the adjacent motorway has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall not be occupied until the noise mitigation measures are fully installed. For the avoidance of doubt, the mitigation measures must be undertaken in accordance with the Acoustic Report dated 17th July 2009 which required internal sound levels to be reduced by at least 31dB(A), with windows shut and other means of ventilation provided.

Reason

To ensure the proposed dwelling would not suffer an unacceptable degree of disturbance as a result of a close proximity of the motorway, and to accord to policies EP1 and EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. If an application for the redevelopment of 12 Old Aust Road and its curtilage (land edged in red and blue on submitted site plan) for the construction of new dwellings is submitted within five years of the first occupation of the dwellings hereby permitted it

will be assessed in combination with the dwellings hereby permitted for the purposes of South Gloucestershire Local Plan Policy H6 or any equivalent successor policy in respect of affordable housing.

Reason

To ensure the site is not artificially subdivided to avoid providing an element of subsidised affordable housing to meet local needs and to accord to policy H6 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. No development shall commence until samples of all external facing materials and details of the sedum roof proposed to be used have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure the proposed development achieves a good quality design, protects visual amenity, and to accord to policies D1, L1, and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and South Gloucestershire Design Checklist SPD (Adopted) August 2007.

5. The development hereby permitted shall be carried out in accordance with the Arboricultural Method Statement and Tree Protection Plan dated the 8th October 2009 and 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 D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The development hereby permitted shall be carried out in accordance with the schedule of sustainable construction techniques detailed under Section 7 (Sustainable Construction) of the Design and Access Statement dated the 17th July 2009.

Reason

To ensure the proposed development achieves a good quality design through achieving energy conservation and the protection of environmental resources, and to accord to policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 and South Gloucestershire Design Checklist SPD (Adopted) August 2007.

7. No development shall commence until drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details and prior to the first occupation of the development hereby permitted.

Reason

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

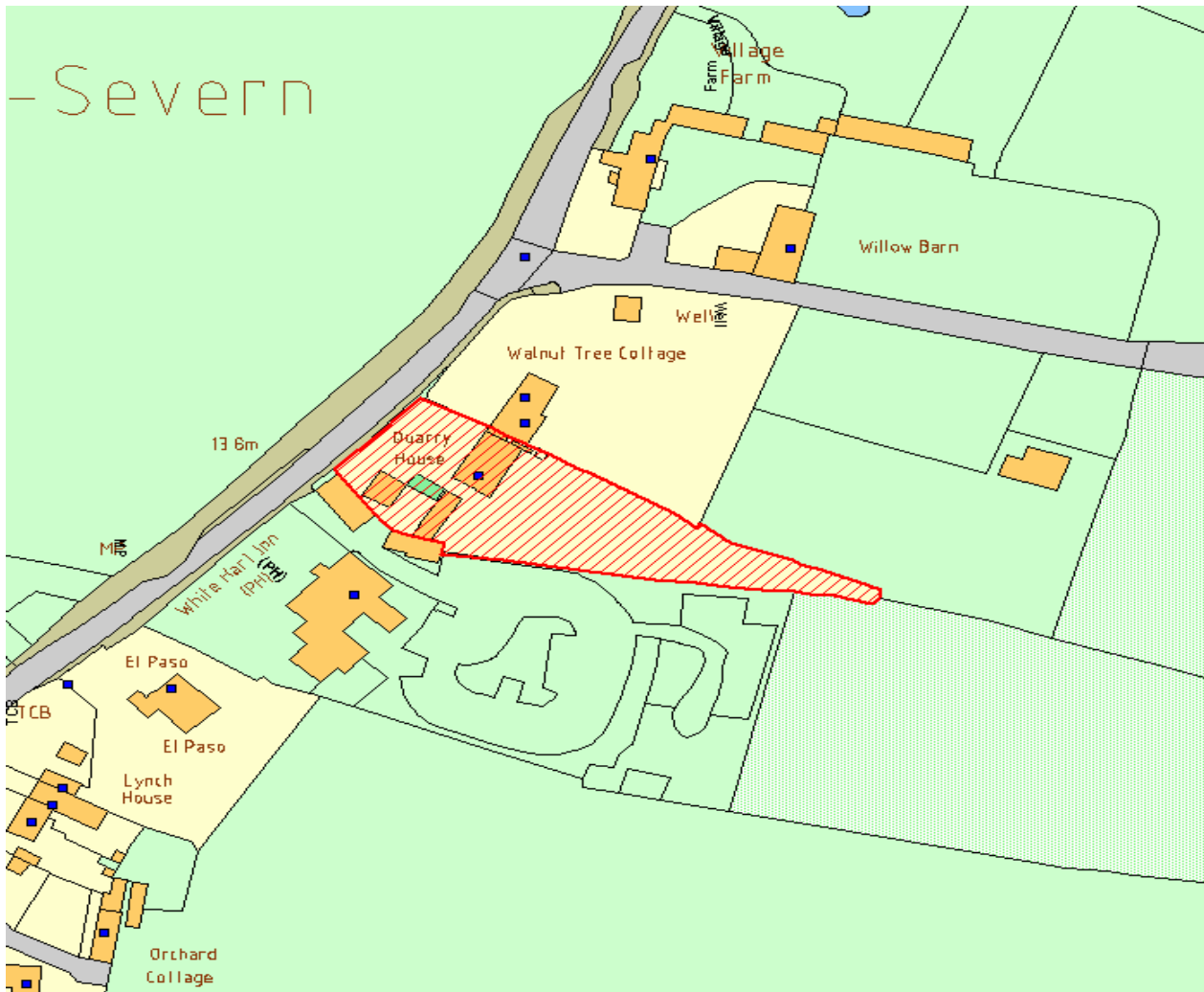
8. Prior to the commencement of development a scheme of landscaping, which shall include proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details and prior to the first planting season following the first occupation of the development hereby permitted.

Reason

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

**CIRCULATED SCHEDULE NO. 41/09 – 16 October 2009**

<b>App No.:</b>	PT09/5170/F	<b>Applicant:</b>	Mr R Grey
<b>Site:</b>	Quarry House Village Road Littleton Upon Severn Bristol South Gloucestershire	<b>Date Reg:</b>	7th September 2009
<b>Proposal:</b>	Construction of vehicular access.	<b>Parish:</b>	Aust Parish Council
<b>Map Ref:</b>	359629 190051	<b>Ward:</b>	Severn
<b>Application Category:</b>	Householder	<b>Target Date:</b>	23rd October 2009



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 100023410, 2008. N.T.S. PT09/5170/F

## **INTRODUCTION**

This application appears on the Circulated Schedule in view of the concerns that have been raised by the Parish Council and the neighbouring residents.

### **1. THE PROPOSAL**

- 1.1 The application seeks planning permission for the formation of a dropped curb.
- 1.2 The application relates to Quarry House on the south east side of Village Road, Littleton Upon Severn. The application site is located beyond any settlement boundary and within the Green Belt.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1: Delivering Sustainable Development  
PPG2: Green Belt  
PPG13: Transport  
PPG15: Planning and the Historic Environment

#### 2.2 Development Plans

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

D1: Achieving Good Quality Design in New Development  
GB1: Development in the Green Belt  
H4: Development in Residential Curtilages  
T12: Transportation Development Control Policy for New Development  
L13: Listed Buildings

#### 2.3 Supplementary Planning Guidance

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

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

- 3.1 N5399: Infilling of existing quarry with builder's rubble. Permitted: 12 April 1979
- 3.2 N5399/1: Use of land for temporary stationing of a residential caravan. Permitted: 4 October 1979
- 3.3 N3599/2: Erection of two-storey side extension to form dining room, kitchen/sitting room, bathroom with two bedrooms and bathroom over; erection of double domestic garage. Permitted: 6 March 1980
- 3.4 N5399/3: Alterations and extension to existing cottage to include erection of two-storey rear extension to form store, bathroom and living room with bedroom extensions over. Permitted: 26 March 1981

- 3.5 P85/1355: Erection of detached double garage. Permitted: 24 April 1985
- 3.6 P88/2109: Erection of single-storey lean-to side extension to form fuel store, dressing area. Permitted: 13 July 1988
- 3.7 PT06/2057/F: Construction of vehicular access and associated works. Permitted: 23 August 2006
- 3.8 PT06/0566/F: Demolition of existing single-storey side extension, erection of two-storey rear extension to provide additional living accommodation with bedrooms over and single-storey rear and side extension to provide WC/ utility facility, erection of front porch. Permitted: 26 June 2006

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

##### 4.1 Aust Parish Council

*'This Council is opposed to a second vehicular access and recommends that this Application is refused. The developer seems to have made every effort to create two dwellings on this site with separate services and accesses. One access could adequately service the garage and the house.'*

##### 4.2 Other Consultees

Technical Services (Drainage): no objection in principle  
Conservation Officer: no objection  
Highways DC: No objection subject to condition

##### 4.3 Summary of Local Residents Comments:

###### **Six letters received expressing the following concerns:**

- o The developer has used many devious methods to try and establish two dwellings on this site (he was requested to lower the height of the new building to adhere to planning requirements);
- o There is already a vehicular access serving this property which leads to the detached double garage;
- o There is no reason for a further access;
- o The access will require demolition of part of the front boundary wall that will detract from the visual amenity of the village which is characterised by the stone walls fronting the road;
- o It will adversely effect the setting of the adjacent Grade II White Hart;
- o It is a further step in dividing these two properties;
- o Planning enforcement are unhappy with the large dormer windows and dividing wall;
- o It is understood that the Council is monitoring the development of the 'second house';
- o Approval will help the developer achieve a further dwelling on this site.



## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Planning policy H4 allows for the principle of development in residential curtilages subject to considerations of design, residential amenity and highway safety.

5.2 Planning policy T12 cites that new development will be permitted (in terms of transportation) provided that (here considered relevant) it would not create or unacceptably exacerbate traffic congestion, or have an unacceptable effect on road, pedestrian and cyclist safety.

### 5.3 Design/ Visual Amenity

The proposal relates to a two-storey detached dwelling on the south east side of Village Road. The application seeks full planning permission for the creation of a new vehicular access with the new drive already in situ at the time of the Officer site visit. This provides access directly in front of the dwelling and leads around to the southern side of the property.

5.4 It is noted that the application would renew a previous similar permission that was approved in 2006 (PT06/2057/F) with the visual impact of the works considered to be acceptable at this time (including demolition of a small part of this wall to facilitate access). This is still considered to be the case in this instance thus there is no objection to the proposal on design/ visual amenity grounds.

### 5.5 Residential Amenity

In view of the nature of the proposal (which relates to the creation of the dropped kerb only), it is not considered that any significant adverse impact in residential amenity would be caused.

### 5.6 Highway Safety

The application seeks permission for the renewal of a previous permission (PT06/2057/F) and it is considered that there have been no significant changes to road conditions since this time. A turning head was previously requested via condition and this condition has been discharged. These details are not shown on these submitted plans thus it is suggested that a similar appropriately worded condition is added in the event that planning permission is approved. Nevertheless, it is not considered necessary to request the provision of further parking spaces (as previously required) given that the property already benefits from a detached double garage.

### 5.7 Outstanding Issues

There is a history of enforcement action relating to the development of an outbuilding to provide residential accommodation; this forms permitted development if used for ancillary purposes in connection with Quarry House. However, a wall has been built between the Quarry House and this new accommodation (accommodation currently under construction), which raises

questions as to its intended use. However, this application seeks approval for a dropped kerb only and thus it is not considered that planning permission could be reasonably withheld on this basis (even if the works are required because the existing access is walled off given the provision of two access points is considered acceptable and has already been established by virtue of the previous permission). Further, it is noted the Councils Planning Enforcement team are monitoring the new build.

5.8 The application site is within close proximity to The White Hart, a grade II listed Public House within Littleton-on-Severn. In this regard, whilst the new building, dividing wall and new drive has had a detrimental impact on the character of the street scene, it is not considered that the drive alone (and associated dropped kerb) can be argued to have an adverse impact on the setting of this adjoining listed building. For this reason, there is no objection to the proposal on this basis.

5.9 Design and Access Statement

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

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 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.

6.3 Planning permission is granted for the following reasons:

1. The formation of a dropped kerb would have no significant adverse impact on the character of the area and residential amenity. The proposal is therefore considered to accord with Planning Policy D1 (Achieving Good Quality Design in New Development) and H4 (Development within Residential Curtilages) of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The proposal would have no significant adverse impact on highway safety in accordance with Planning Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
3. The proposed dropped kerb would have no significant adverse impact on the setting of the adjoining Grade II listed White Hart Inn and thus is considered to be compliant with planning policy L13 (Listed Buildings) of the South Gloucestershire Local Plan (Adopted) January 2006.

## **7. RECOMMENDATION**

7.1 Planning Permission is **GRANTED** subject to the following conditions:

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

### **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. Prior to the commencement of development, details of an independent turning head from the access hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Development shall accord with these approved details.

Reason

To ensure that vehicles are able to enter and leave the site in forward gear onto a classified road and in the interests of highway safety; all to accord with Planning Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.