



**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. 01/10

Date to Members: 08/01/10

Member's Deadline: 14/01/10 (5pm)

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE

DATE: 08/01/10

SCHEDULE NO. 01/10

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

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

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

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

Please note: - Reason for Referral

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

SIGNATURE

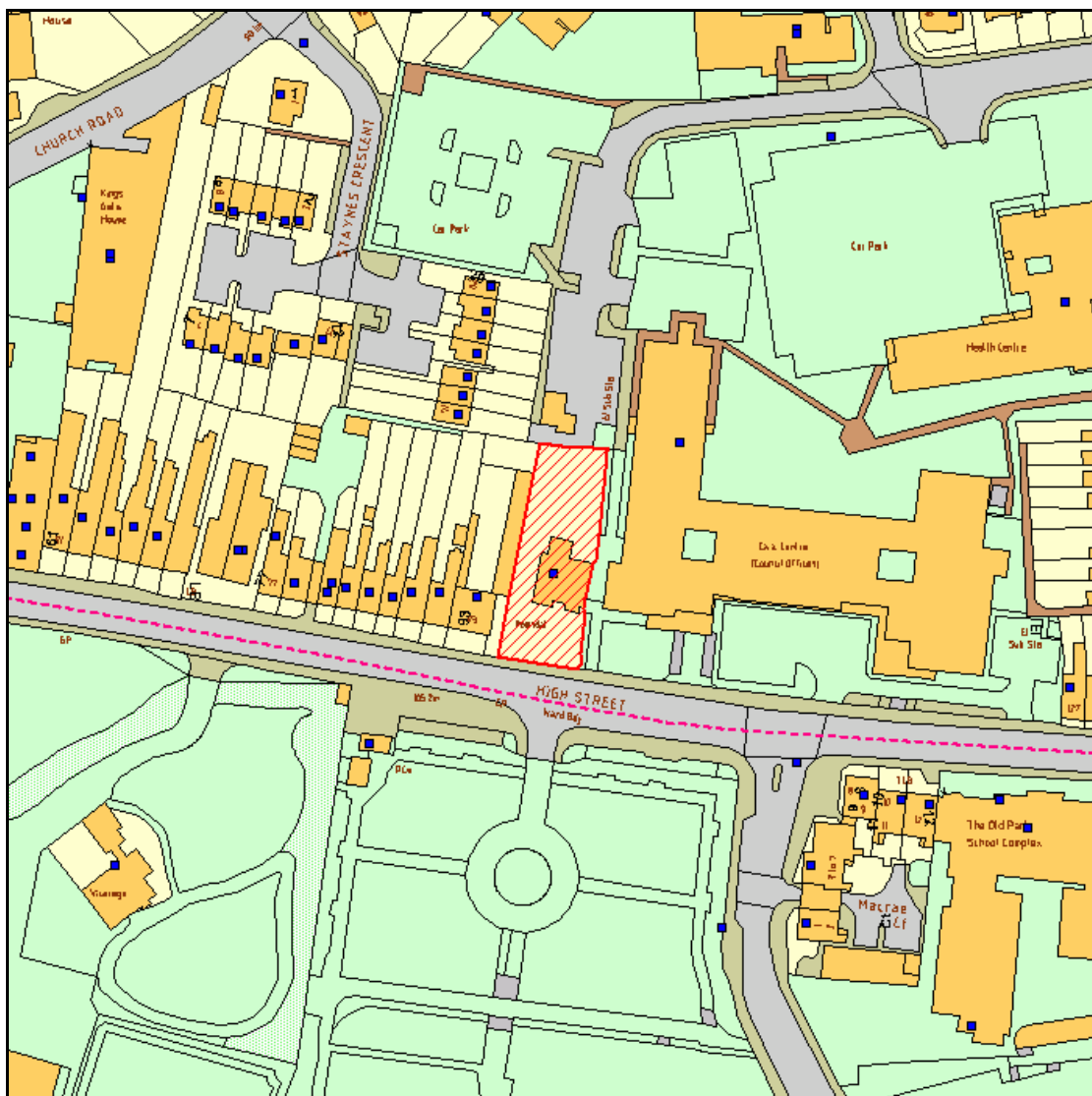
DATE

CIRCULATED SCHEDULE – 08 JANUARY 2010

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK09/5392/F	Approved Subject to 106	The Media Studios 95 High Street Kingswood South Gloucestershire BS15 4AD	Kings Chase	None
2	PK09/5857/F	Approve with Conditions	14 Tower Road South Warmley South Gloucestershire BS30 8BJ	Parkwall	Oldland Parish Council
3	PK09/5873/F	Approve with Conditions	St Mary's Church Church Road Bitton South Gloucestershire BS30 6LJ	Bitton	Bitton Parish Council
4	PK09/5884/RM	Approve with Conditions	Land Adjoining 37 Dorset Way Yate South Gloucestershire BS37 7SW	Yate North	Yate Town
5	PK09/5893/O	Refusal	42 Highfields Hawkesbury Upton Badminton South Gloucestershire GL9 1BJ	Cotswold Edge	Hawkesbury Parish Council
6	PT09/5761/F	Approve with Conditions	1 Willoughby Close Alveston South Gloucestershire	Thornbury South And	Alveston Parish Council
7	PT09/5810/F	Approve with Conditions	Ingst Farm Ingst Hill Olveston South Gloucestershire	Severn	Olveston Parish Council
8	PT09/5935/F	Approve with Conditions	93 Cornfield Close Bradley Stoke South Gloucestershire BS32 9DR	Bradley Stoke Central And Stoke Lodge	Bradley Stoke Town Council
9	PT09/5936/F	Approve with Conditions	The Register Office 6 High Street Thornbury South Gloucestershire BS35 2AQ	Thornbury North	Thornbury Town Council
10	PT09/5937/LB	Approve with Conditions	The Register Office 6 High Street Thornbury South Gloucestershire BS35 2AQ	Thornbury North	Thornbury Town Council

CIRCULATED SCHEDULE NO. 01/10 – 08 JANUARY 20

App No.:	PK09/5392/F	Applicant:	Merlin Housing Society
Site:	The Media Studios 95 High Street Kingswood Bristol South Gloucestershire	Date Reg:	5th October 2009
Proposal:	Demolition of existing building to facilitate the erection of 2no. units with parking, access and associated works. Unit 1 to comprise of 4no. self contained flats and 200m ² Class B1 office space as defined in Town and Country Planning (Use Classes Order) 1987 (as amended). Unit 2 to comprise of 6no. self contained flats.	Parish:	None
Map Ref:	365243 173837	Ward:	Kings Chase
Application Category:	Major	Target Date:	27th January 2010



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 100023410, 2008. **N.T.S.** **PK09/5392/F**

INTRODUCTION

This application appears on the circulated schedule due to the receipt of one letter of objection from a local resident.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the demolition of the existing office building and erection of 10 no. flats and 1 office its place. The site is accessed from High Street and consists of No.95 High Street, a large detached stone-built Victorian villa, situated on the northern side of the High Street and land to the side and rear currently used as an access and rear car park. The site is 769 sq metres in area and slopes from south to north resulting in the rear of the site being two to three metres lower than the front. To the east and north of the site lies the South Gloucestershire Council Civic Centre and associated car park. Immediately to the east lies a terrace of residential dwellings and offices. The site lies close to local shops, transport links and facilities and lies directly opposite the entrance to the Kingswood Park
- 1.2 The development consists of two blocks – one to the front of the site and one to the rear. An arch through the center of the front block gives access to the rear building and rear parking court. Each of the buildings is to be three storeys in height although part of the rear block will be below existing ground level. The development includes 14 vehicular parking spaces
- 1.3 There is an extant outline planning approval on the site for a very similar scheme. This scheme was approved by the Council in December 2007 but has not yet been implemented. The existence of this outstanding approval is a material consideration in the determination of this application.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	Landscape Protection and Enhancement
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control
H2	Residential Development within the Urban Area
LC1	Provision for Community Facilities
LC2	Provision for Education Facilities
LC8	Open Space and Children's Play
EP1	Environmental Pollution

2.3 Supplementary Planning Guidance

3. RELEVANT PLANNING HISTORY

- 3.1 PK07/1390/O Demolition of existing office building to facilitate the erection of 12 no. flats (outline) with layout and access to be determined. All other matters reserved.
Approved December 2007

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
The area is un-parished

Other Representations

- 4.2 Local Residents
One letter of objection has been received from a local resident who raises the following points of concern:
- The plans are out of keeping for the High Street
 - The proposed development follows in from a Victorian terrace and the stone from the demolished property should be incorporated into the new building – possibly the lower section and around the doors and windows.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The site is located within the established urban area and comprises an existing office building and associated car park. The site is therefore classed as a previously developed, or brownfield site. In accordance with Policy H2 of the South Gloucestershire Local Plan (Adopted) and PPS3, the proposal is acceptable in principle, subject to a number of criteria. Policy H2 allows for residential development within urban areas subject to certain criteria relating to environmental and transportation effects, whether the site is subject to unacceptable levels of noise disturbance, and whether provision of education, leisure, recreation and other community facilities within the vicinity are adequate to meet the needs arising from the proposals. In addition the policy indicates that the maximum density compatible with the site, its location, its accessibility and its surroundings should be achieved. The Policy supported by PPS3 indicates that the expectation is that a minimum density of 30 dwellings per hectare should be achieved.
- 5.2 Density
A density calculation on the site gives a high density of 125 dwellings per hectare. In this instance given the fact that the site is on a main route with regular bus services and within walking distance of Kingswood town centre, the location is sustainable and capable of accommodating a development of the high density proposed. Having considered the development constraints on the site, officers are satisfied that efficient use of the site in terms of density, will be achieved by the proposal.

5.3 Scale and Design

Policies D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006 indicate that development will only be permitted where it has been clearly demonstrated that the scheme proposals will enhance the character, distinctiveness and amenity of the site and the locality. In addition the scale and character of the development should be appropriate to the site context.

5.4 Material to the consideration of this application is the approval of the previous application PK07/1390/O. Although of slightly different design, this previous outline approval was for a similar scheme comprising two three storey buildings.

5.5 The proposed development would result in the loss of the existing Victorian Villa. It is considered, that the building makes a positive contribution to the street scene albeit some repair may be required. The building is not however subject to any statutory protection and there is no policy background on which officers can insist in its renovation and conversion rather than demolition. In addition to this, the principle of demolition has already been established by the application approved in 2007.

5.6 It is considered that the layout has been informed by the constraints of the site, resulting in the use of two distinct blocks to reduce the massing of the development. Not only does this encourage the building to fit in with the existing street scene in terms of scale, it also helps to reduce the impact of the development upon the residential amenity of the neighbouring occupier. The buildings have been pulled back from the front boundary of the site by approximately 12 metres to ensure that the building does not dominate the street scene.

5.7 The design and access statement makes it clear that the proposal is to introduce a clean and crisp new identity to the site rather than reflecting the character of the neighbouring buildings. The buildings have a distinct horizontal emphasis created via the use of balconies and windows that visually reduce the height of the building. Whilst the actual design of the buildings will be quite unique within the immediate street scene, this horizontal emphasis also helps the form of the building to respect the character of the adjacent row of terraced properties. Subject to the attachment of conditions to ensure the submission of material samples it is considered that the proposal will contribute positively to the street scene and would be in accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.8 Impact upon Residential Amenity

Given the relationship with the adjoining property, careful consideration must be given to the impact from the block located to the rear of the site upon the residential amenity of No.93 High Street. Given the location of the proposed buildings in relation to surrounding properties it is not considered that the proposal would have a significant impact upon other neighbouring occupiers - including the Council Offices.

5.9 The previous outline approval in 2007 granted consent for two blocks almost identical to that currently for consideration. It would therefore be unreasonable

- for officers to raise principle objections to this current proposal that were not raised as part of the last application. Whilst there will be some intervisibility at close range between the front and rear buildings therefore, no objection will be raised to this issue.
- 5.10 It is the rear block of flats that has the potential to have the greatest impact upon No. 93. The proposed front block will be largely screened from view by the existing two storey side extension that projects from the side of the property and extends out beyond the main rear wall. There will only be four small windows in the eastern elevation of the rear block above ground floor level – two of these windows will serve bathrooms and two will be small secondary bedroom windows. The bathroom windows will be fitted with obscure glazing and the two secondary bedroom windows are so small they will not allow for any detrimental levels of overlooking. Similarly, there are only a limited number of small windows proposed on the western elevation of the rear block to ensure that future occupiers are not adversely overlooked by the adjacent council offices.
- 5.11 In addition to the above, it is considered that the gap between the units, the drop in height to the rear and the extensive boundary treatment will significantly mitigate the impact from the development. It is not considered that the proposed development will have any significant adverse impact upon the residential amenity of neighbouring occupiers and each of the proposed residential units will be afforded an appropriate degree of privacy.
- 5.12 Transportation
Proposed access to the site would be via a modified site access. The plans show that the existing vehicular access will be blocked off and a new access at a central position within the curtilage will be created. Details of the new access submitted with the application indicate that acceptable visibility splays can be provided from the proposed access onto the public highway. A total of 14 parking spaces are proposed on site. There will be 8 spaces to the front of the site – of these four will be allocated to the flats in the front block (one space per flat) and four spaces will be allocated to the office block. A second parking court to the rear of the site will contain 6 spaces – one space for each of the flats in the rear block. The scheme therefore includes an appropriate level of off street parking in accordance with the requirements of Policy T8.
- 5.13 The proposal also includes the provision of 14 cycle spaces – one for each of the proposed flats and four for the office. Again, this level of provision is in accordance with the requirements of Policy T7. Separate bin storage and recycling storage areas are being incorporated into the scheme to ensure that the cycle and car parking spaces remain free from obstruction.
- 5.14 Landscaping
At present the site is predominantly covered in tarmac with very little vegetation. There are some tall established leylandii trees growing along the rear and eastern boundaries of the site that will be removed to make way for the proposal. The trees are afforded no statutory protection and would not be worthy of a tree preservation order. As such, there is no objection to their removal. The proposal includes a band of low level planting across the front of

the site and another narrow band immediately to the front of the front block. Whilst this planting will be minimal, it will help to break up the site and introduce foliage to soften the built form. Given that the site is currently covered in tarmac, the lack of on site vegetation will not detrimentally affect the street scene or character of the area.

5.15 Public Open Space

The Community Services department has been consulted regarding the proposed scheme and has stated that the expected population increase resulting from the proposal would equate to 15 people. Taking into consideration the intended residents and their likely use of community facilities it is considered that the proposed development would create a need for extra public open space and there is a local shortfall of public open space. Other than the small balconies, there is no provision of amenity space on site. The total contribution requested towards off site open space is £20,590.02 (that is £6,695.62 towards formal open space, £787.72 towards equipped children's play space, £1,417.90 towards un-equipped children's play space, £1,969.30 towards informal open space, and £9,719.48 towards the future maintenance of these enhancements). The Community Services team has confirmed that the enhancements are to be carried out within 2km of the development.

5.16 Community Services also seeks a contribution of £1,344.15 towards the upgrading or enhancement of existing facilities and stock to offset the increased demand on facilities. This element of the contribution will be spent at Kingswood library within easy walking distance of the site.

5.17 Due to funding issues, the applicants have requested that the total S106 contribution towards community service is not payable upfront but that payment be phased. This has been discussed with the service department and phased payment has been agreed. The applicants will pay the library contribution and the 4% monitoring fee up front (i.e. prior to the commencement of development) with all public open space contributions being payable prior to the first occupation of the first residential unit. The applicants have confirmed that they are willing to provide this contribution, and as such the proposal is acceptable in terms of community services provision. A unilateral undertaking is being prepared and is awaiting signing.

5.18 Education

The Department for Children and Young People has been consulted regarding this application and calculates contributions on the basis of 4 primary pupils per 100 one or two bed flats. Current DCSF cost calculators give a figure of £10,747 per additional primary pupil place indexed at Q4 2008 prices.

5.19 At primary level, there is a projected deficit of places in the local area. The proposed development of 10 flats will generate one additional primary school pupil based on the pupil number calculator. A contribution of £10,747 is required for additional primary provision.

5.20 There is a projected surplus of places at secondary schools in the local area. No contribution is required for additional secondary provision. It is requested

that this payment be made prior to the commencement of development and the applicants have agreed to this contribution.

5.21 Affordable Housing

All units on the site will be affordable.

5.22 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. The statement explains the design rationale behind the building and justifies the design and layout of the scheme.

5.23 Use of Energy and Sustainability

The design and access statement confirms that all of the timber used within the timber frame manufacture will be sourced from suppliers registered with the FSC. All materials used in construction are accurately sourced thus reducing potential waste. As the units are for affordable housing it is likely that they will be constructed to meet code for sustainable homes level 3.

5.24 Improvements Achieved to the Scheme

None required.

5.25 Section 106 Requirements

In this instance, having regard to the above advice, the (insert issues eg transportation improvements, provision of affordable housing, pos, education contributions etc) are appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005.

6. CONCLUSION

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

6.2 The proposed development makes effective use of land in a sustainable location. Attention has been paid to the design of the two buildings to ensure that whilst being quite unique in appearance, their form pays attention and pays regard to the existing street scene. The buildings have also been designed to ensure that the impact upon existing levels of residential amenity are protected. This has been achieved by setting the rear building partly below existing ground level, the utilising of flat roofs to reduce the bulk of the buildings and sensible positioning of windows. Adequate off street parking provision is made on site in accordance with the Council's maximum parking standards. Separate bin and cycle stores are also being incorporated.

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

7. RECOMMENDATION

(1) That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- A financial contribution of £10,747 towards additional primary school provision. This contribution must be paid prior to the commencement of development.
- A financial contribution of £1,344.15 towards the upgrading or enhancement of existing facilities and stock to offset the increased demand on facilities. This contribution must be paid prior to the commencement of development.
- A financial contribution of £20,590.02 toward Public Open Space (that is £6,695.62 towards formal open space, £787.72 towards equipped children's play space, £1,417.90 towards un-equipped children's play space, £1,969.30 towards informal open space, and £9,719.48 towards the future maintenance of these enhancements). This contribution must be paid prior to the first occupation of any of the residential units.
- A contribution at a rate of 4% of the total requirement sum for monitoring purposes.
- The reasons for the agreement are:
 - To mitigate against the impact of the development on primary school provision and to satisfy the requirements of policy LC2 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - To mitigate against the impact of the development on the local library service and to satisfy the requirements of policy LC1 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - To mitigate against the impact of the development on local public open space due to the lack of on site amenity space and to satisfy the requirements of policy LC1 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - To meet the costs of monitoring implementation of the S106.

(2) That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.

(3) The expectation is that the unilateral undertaking will be signed before the decision notice is completed. If delay occurs in the signing of the agreement, consideration will be given to attaching a Grampian condition to ensure completion of the agreement prior to the commencement of development on the site. Given that the applicants are a Registered Social Landlord and working in partnership with the Council the risk to the Council in using a Grampian condition are minimal.

Contact Officer: Marie Bath

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 the satisfactory external appearance of the development in the interests of visual amenity and to accord with Policies D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. 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. Details shall specifically relate to the car parking and access areas shown on the plans hereby approved. 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 policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. 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 Policies T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The Bin Storage shown shall be provided prior to the first occupation of the development and shall be maintained as such thereafter.

Reason:

To ensure adequate provision is made for the storage and collection of waste and recyclable materials and to accord with Policy D1(H) of the South Gloucestershire Local Plan.

6. The hours of working on site during the period of construction shall be restricted to 0730 to 1800 hours Monday to Friday and 0800 hours to 1300 hours Saturdays 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 minimise disturbance to occupiers of [specify nearby buildings] and to accord with Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 01/10 – 08 JANUARY 2010

App No.:	PK09/5857/F	Applicant:	Mr M Usher
Site:	14 Tower Road South Warmley Bristol South Gloucestershire BS30 8BJ	Date Reg:	23rd November 2009
Proposal:	Erection of 4no. self contained flats with parking, access and associated works.	Parish:	Oldland Parish Council
Map Ref:	366912 172640	Ward:	Parkwall
Application Category:	Minor	Target Date:	12th January 2010



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100023410, 2008.

N.T.S.

PK09/5857/F

INTRODUCTION

This application is referred to the Circulated Schedule in accordance with procedure given that objections have been received contrary to the officer's recommendation.

1.0 PROPOSAL

1.1 The applicant seeks full planning consent for the erection of 4 no. two bedroom flats with 8 no. external parking spaces. The flats will be accommodated within a single building that will be situated at the western end of the site. The buildings would be two-storey in height with a hipped roof with a 2no. two-storey bays situated symmetrically on the front elevation. The units would be finished in cream painted render, with the roof being of brown concrete interlocking tiles. 1.8 metre fencing will mark the boundary, to the sides and rear of the house and alongside the side boundary of No.14 Tower Road South.

1.2 The site is situated to the rear of No.14 Tower Road South and the properties proposed would be accessed via a lane to the side of No.14, with access onto Tower Road South. To the immediate south of the site is the Warmley Tower Methodist Church and associated churchyard, both of which are set at a higher level than the site and consequently a retaining wall marks the boundary of the site. To the west lies a commercial building associated with the Tower Lane Estate, to the immediate north lies an open area used as a car park associated with this estate. To the east lies the rear of No.14 Tower Lane South. The Environment Agency have confirmed that the proposal lies within Flood Zone 1 and thus a Flood Risk Assessment is not required.

1.3 An outline application for 2 no. semi-detached properties was previously refused and that decision upheld at the appeal. Subsequently a scheme for 2 dwellings was approved subject to the signing of a S106 legal agreement to secure highway improvements at the entrance to the site onto Tower Road South. It should be noted that the current building is the same depth and height as the building that was 'approved' but is marginally narrower across the front elevation.

Full details of the previous history and a summary of the Inspector's decision are set out in paragraph 3.1 below.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development
PPS3 Housing
PPG13 Transport: Guide to Better Practice

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

D1 - Design in New Development
L5 - Open Areas within the Existing Urban Areas and Defined Settlements
H2 - Residential Development in Urban Areas
H4 - Development within Existing Residential Curtilages
T7 - Cycle Parking
T8 - Parking Standards

3. RELEVANT PLANNING HISTORY

- 3.1 PK07/2760/O – Erection of 2 no. dwellings and 4 no. garages (Outline) with layout and means of access to be determined. All other matters reserved. The application was refused for the following reasons:
1. The proposal represents an unsatisfactory piecemeal form of backland development, tandem in character without proper road frontage and bearing no relation to the established pattern of development in the locality. The proposal is therefore considered to be contrary to Policy Policies D1(A) and H4(A) of the South Gloucestershire Local Plan (Adopted).
 2. The proposed development would result in an unacceptable level of noise and disturbance to occupiers of No.14 Tower Lane South by reason of vehicles using the entrance lane to the side of that property to gain access to the new dwellings. This would be contrary to Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted).
 3. It is considered that the siting of the proposed dwellings would result in detriment to the residential amenity of future occupiers by reason of the close proximity of the adjoining storage building (subject to Planning Consent PK05/0823/F) which would appear oppressive and overbearing. The proposed development is therefore contrary to Policy H2 of the South Gloucestershire Local Plan (Adopted).
 4. The proposed development incorporates inadequate detail on available visibility from the site access and proposes no turning facilities for service and delivery vehicles within the site. This proposal will involve large vehicles having to reverse a long distance onto and off a classified highway where visibility is believed to be restricted, thereby interrupting the safe and free flow of traffic adding to the hazards faced by the travelling public. This is detrimental to highway safety and contrary to Policy T12 of the South Gloucestershire Local Plan (Adopted).

An appeal (APP/P0119/A/08/2071750) was dismissed. The Inspector upheld the council's decision supporting reasons 3 and 4 as set out above but did not support reasons 1 and 2.

PK09/1078/F - Erection of 2 no. semi-detached properties with 7 no. external parking spaces. (Approved but subject to the signing of a Section 106 legal agreement to secure highway alterations. This agreement has not yet been signed and therefore the decision has not yet been issued).

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council

No objection raised

Other Representations

4.1 Local Residents

There have been 2 letters of objection received. The grounds of objection can be summarised as follows:

- 1) The proposed development will add additional traffic to an already very busy road and will result in parking and highway safety problems for all road users
- 2) Additional units will bring difficulties for educational and recreational facilities

4.2 Sustainable Transport

The proposal is to construct two buildings comprising of 4no. self contained flats. This application is follow-on from the recent planning application no. Pk09/1078/F, which was recommended for approval.

Compared to the previous scheme of 2no. four bedroom accommodations, this current application seeks to creation of 4no. two bedroom units within a similar footprint on the same site. It is considered that all previous transportation comments, which were made in relation to the previous proposal (i.e. planning application No. PK09/1078/F) are still relevant to this current application.

Traffic movements associated with four flats would likely to be higher than by the proposals for two dwellings on site however, it is considered that the potential increase traffic would not be significant. As part of the previous scheme, it was recommended that the access should be improved in line with the Inspector's comments when he considered the appeal proposal for two dwellings (i.e. planning appeal No. PK07/2760//O reference APP/P0119/A/08/2071750).

In respect of parking, the applicant proposes to provide a total of 6 parking spaces (ratio of 1.5 spaces per each flat) for the new flats. Additionally, it is also proposed to create 2no. parking spaces for the existing property namely no.14 Tower Road. This level of parking provision complies with the Council's parking standard. In addition to parking on the site, there is also sufficient turning area on site to allow vehicles to enter and exit the site access safely in forward gear.

If approval is being considered for this scheme, then it should be conditional to the following; The applicant first enters into a s106 legal agreement to secure the highway works (as shown in principal on the submitted plan) to full and final satisfaction of the highway authority and an additional planning condition is included to ensure that prior to occupation of any dwelling on site provide off-street parking and turning facility as shown on the approve plan and maintain these satisfactory thereafter.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 allows for residential development within the Defined Settlement Boundaries subject to

certain detailed criteria, which are discussed below. The site is within the Defined Settlement Boundary as defined in the South Gloucestershire Local Plan (Adopted) 6th January 2006. Government advice contained in PPS3 – ‘Housing’ supports a more efficient and sustainable use of land in the urban area, with a provision for more intensive housing development in and around existing centres and close to public transport nodes.

The proposal falls to be determined under Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits the residential development proposed, subject to the following criteria:

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

Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 seeks to secure good quality designs. Policy H4 considers development within residential curtilages including new dwellings. Due to the sites suburban location, there is adequate provision for education, leisure, recreation and other community facilities within the vicinity to meet the needs arising from the proposal.

5.2 Density

Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and like PPS3 seeks to avoid development, which makes an inefficient use of land. PPS3 (para.47) indicates that a national indicative minimum density of 30 dwellings per hectare should be used and whilst not prescribing any maximum figure, the PPS encourages the highest density that can be achieved within the various local considerations that need to be taken into account. The site area is 0.11 hectares and it is proposed to erect four flats, which equates to approximately 36 dwellings per hectare, this is considered an appropriate density for the site and it should be noted that the building itself is marginally smaller than that previously approved.

5.3 Siting and Layout

Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 requires a good standard of design, in particular the siting, layout, form, scale, height, detailing, colour and materials should be informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.

Policy H4 states that development will only be permitted where it respects among other criteria the character of the street scene. The proposal represents a form of backland development and this represented one of the refusal reasons on the

previous planning decision on the basis that the development was out of character with the pattern of development in the area. The Inspector in reaching his judgement on the previous case indicated that most development fronts onto the public highway but stated (section 7 and 10 of letter):

'In this case the proposal does not respect and enhance the characteristic of development fronting the highway. However advice in Planning Policy Statement 3 (PPS3) explains that one of the specific outcomes that the planning system should deliver is a flexible, responsive supply of land, managed in a way that makes efficient and effective use of land, including the re-use of previously developed land where appropriate ;whilst the proposal does not fall fairly and squarely within all the constraints of Policy D1 the principle of the re-use of this previously developed land accords with the national advice in PPS3 and in my judgement no serious harm to the character or appearance of the area arises from this proposal'

Having regard to the above comments which represent a key material consideration and having regard also to the impact upon No.14 Tower Road South, it is no longer considered that the refusal of the application on the grounds that it represents unacceptable backland development could be sustained in this case. It should be noted that on this basis the subsequent application PK09/1078/F was approved albeit the signing of a S106 is awaited at the present time.

The proposed siting and layout is therefore considered in accord with criterion A of both Policies H4 and D1 of the South Gloucestershire Local Plan (Adopted January 2006).

5.4 Impact Upon Residential Amenity

Given the scale and the location of the proposed buildings it is not considered that there would be any adverse impact upon the amenity of neighbouring occupiers by reason that the development itself would appear oppressive and/or overbearing or would result in the loss of privacy by reason of overlooking.

Policy H4, Paragraph 8.178 states that 'tandem development consisting of houses behind others is generally unacceptable among other reasons because of disturbance to those at the front'. The application was previously refused on the basis that it was considered that the proposal would introduce a significant level of vehicular traffic into what is currently a peaceful garden environment and that this disturbance from noise and fumes associated with this traffic using the lane immediately to the side of No.14 would have an adverse impact upon occupiers of that property. The Inspector concluded that even accounting for the pinch point on the lane alongside the side of the garden of No.14 that there would not be a significant impact upon residential amenity given that any traffic would be 'travelling at a slow speed'. The Inspector indicated:

'I do not consider that the number of movements or the limited disturbance that would be caused to the occupiers of No.14 would be so great that permission should be withheld on that basis'

It is considered having regard to the above comments that the refusal of the application on the basis of the impact upon No.14 Tower Road South could no longer be sustained given the importance of the Inspector's judgement as a material planning

consideration. The Inspector also concluded that the proposal would not have an adverse impact given its scale and location upon the residential amenity of any other residential occupiers albeit this did not form a reason for refusal previously. It is not considered that the current proposal would have an adverse impact upon neighbouring occupiers given its scale and the location of the buildings in relation to the nearest properties, either by reason of appearing oppressive or overbearing or by resulting in the loss of privacy through overlooking. The current proposal certainly would not have a greater impact upon residential amenity than the application recently approved PK09/1078/F.

Policy H2 also requires consideration of the amenity of future occupiers of a development. Paragraph 8.163 states 'In seeking to ensure that development does not prejudice residential amenity, the Council will have regard to the amenities of existing residents in the vicinity of the site and to those of future occupiers of the development'. Access to private amenity space is available to the occupiers of the ground floor flats only. Amenity space would not therefore be available to the occupiers of the 2 no. two bedroom flats on the upper floor, however there is not a requirement to provide such space given that it would be unlikely that the flats would attract family occupation and the site is located within reach of public open space.

In summary it is not considered that the proposed development would result in detriment to the residential amenity of neighbouring occupiers.

5.5 Transportation Issues

Policy T12 of the South Gloucestershire Local Plan (Adopted January 2006) considers the impact of new development upon the existing highway network with the paramount objective of preserving and where possible enhancing highway safety. Concern has been raised that the proposed development may result in highway safety problems in terms of the safety of the access, additional vehicle movements and parking space provision.

In considering the current proposal (as with other issues in this report), it is considered that the key material consideration is the Inspectors Appeal Decision of 1st July 2008, albeit the current proposal is for 4 no. flats while previous proposals have related to 2 no. (four bed) properties.

The previous proposal was partly deemed unacceptable as the development incorporated inadequate details on visibility from the site access and proposed no turning facilities for service vehicles within the site. As a result of this, it was considered that the development would have involved large vehicles having to reverse a long distance to and from a road where there is restricted visibility thereby interrupting the safe and free flow of traffic adding to the hazards faced by the travelling public. This detrimental to highway safety and contrary to policy T12 of the South Gloucestershire Local Plan (adopted). In the appeal decision, the planning Inspector made comments on the appeal proposals and those reasons for highway refusal and gave his reasons for highway issues under para 24 to 28.

Visibility - It is noted that concerns have been raised regarding highway safety matters. At the time of the planning appeal the applicant submitted a plan to illustrate how changes would be made to the entrance with changes to the kerb line to allow

widening of the existing footway ensuring a small narrowing of the highway outside of the application site. In para 24 of his decision notice, the Inspector referred to the illustrative plan with access alterations and stated *that the plan indicates that visibility splays of 2.4m by 43m could be achieved if the footway near the access point was extended* and that visibility standards referred to in 'Manual for Streets' could be achieved and concludes that *'I am satisfied that the proposal would provide safe access to and from the site so long as vehicles were able to enter and leave the site in forward gear'*.

On the issue of widening of the footway with subsequent affect on narrowing the road, the Inspector (in para 25 of his decision notice) states that *'the carriageway width that would remain after the footway widening would be 7.1m. I am of the view that this amount of carriageway would not interfere with safe and free flow of traffic along this part of Tower Road South'*. It should be noted that alterations to the kerb line in order to achieve better visibility because of the subsequent impact upon the carriageway width would not usually be supported however regard must be had in this case to the conclusions of the Inspector as set out above.

Turning and Manoeuvring – The Inspector upheld the Council's reasons for refusal (para 26) on the issue of on site turning area and access for service vehicles stating that *'the development, from time to time, generate deliverers by larger vehicles. It would be unsatisfactory, in highway safety terms, if larger vehicles were unable to turn on site and had to reverse out on to Tower Road South'*. On the same issue, the Inspector in para of 27 of his decision notice states that *'insufficient evidence has been provided to indicate what size of vehicles would be able to turn within the site. Until this can be established and that the turning movements can be achieved clear of the buildings to be provided and associated car parking spaces I am not satisfied that the proposal could safely accommodate all the traffic that is likely to be generated by the proposal'*.

As part of the previous application PK09/1078/F information was received to show details of parking and turning on site. These details included evidence (i.e. auto-track details) with regard to an off-street turning facility on site for service vehicles. The submitted details suggest that service vehicles as large as 6.49m fire tender and 7.2m panel van could enter and leave the site in forward gear. Transportation Officers consider this to be reasonable provision for the scale of proposed development. In consideration of the all above mentioned and having regards to the Inspector's decision, it is felt that on balance, it would be difficult to maintain highway objections to this proposal on highway ground and that a suitable turning facility can be provided on site to meet the reasonable needs of the development.

Parking – In respect of parking, the applicant proposes to provide a total of 6 parking spaces (ratio of 1.5 spaces per each flat) for the new flats. Additionally, it is also proposed to create 2no. parking spaces for the existing property. This level of parking provision complies with the Council's parking standard. In addition to parking on the site, there is also sufficient turning area on site to allow vehicles to enter and exit the site access safely in forward gear. A condition is therefore recommended to ensure that prior to the first occupation of any dwelling on site provide off-street parking and turning facility as shown on the approve plan and maintain these satisfactory thereafter.

In summary it is considered that the proposed development is acceptable in transportation terms subject to the applicant entering into a Section 106 legal agreement to carry-out highway works to the full and final satisfaction of the Highway authority and the above condition.

5.6 Drainage

The Council's Drainage Engineer raises no objection to the principle of the development. A condition to secure sustainable drainage is recommended. Part of the site is situated within Flood Zone 2 as defined by the Environment Agency. The applicant has submitted details of mitigation measures as required and no objection is raised either by the Agency or the Council Drainage Engineers. A condition is recommended to ensure that all works are carried out in accordance with the submitted details.

Subject to the above conditions the proposed development is considered acceptable in drainage terms.

5.7 Landscape/Trees

Policy L5 of the South Gloucestershire Local Plan (Adopted) January 2006 indicates that within existing urban areas development will not be permitted where it would adversely affect the contribution that an open area makes to the quality, character and amenity and distinctiveness of the locality. Landscape officers have viewed the proposal and site and do not consider that there are any landscape attributes or features of note on the site and as a result raise no objections to the proposed development.

With respect to the trees to the north on the adjoining employment site, aside from their amenity value, they are considered to form an important barrier between the employment site and the residential development. For this reason a method statement for works along this boundary to include the root protection area for these trees has been submitted and subsequently been accepted by the Council Tree Officers. A condition is recommended to ensure that all works are carried out in accordance with the approved details. The Tree Officer has previously indicated that the Method Statement shall state the exact specification for the pile and beam will be agreed with the tree officer and architect and this will be specifically included in the condition.

The proposed development is considered acceptable in landscape terms subject to the above condition.

5.8 Use of Energy and Sustainability

The proposed development will include solar panels within the main roof. Greywater harvesting utilising waste water and the use of a natural spring on the site and heat recovery ground pump.

5.9 Improvements achieve to the scheme

In this case it has not been considered necessary to negotiate changes to the proposal.

5.10 Design and Access Statement

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

5.11 Section 106 Requirements

In this instance, having regard to the above advice, the traffic management/transportation improvements are appropriately the subject of a Section 106 Agreement and would satisfy the test set out in Circular 05/05.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- The carrying out of highway works to alter the existing kerb line and the widening of the existing footway.

2) That the Head of Legal and Democratic Services be authorised to check and agree the wording of the agreement.

7.2 Should the agreement not be completed within 6 months of the date of the decision that planning permission be refused.

Contact Officer: David Stockdale

Tel. No. 01454 864533

CONDITIONS

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

Reason

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

2. The boundary treatments hereby approved shall be erected in full prior to the first occupation of the units.

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 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 Policies T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

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

5. Prior to the commencement of works on the site a mining report must be submitted and approved in writing by the Local Planning Authority. Works shall proceed in accordance with the approved details.

Reason:

To prevent non-point source pollution and flooding, and to accord with Policies L17, L18 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. All works must take place in accord with the Arboricultural Implications/Method Statement and Tree Protection Plan from Hillside Trees dated July 2009 in relation to application PK09/1078/F. To accord with the Method Statement, the exact specification for the "pile and beam" shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work.

Reason:

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

7. All works shall take place in accordance with the submitted Flood Risk Information received by the Council 17th December 2009.

Reason

To prevent non-point source pollution and flooding, and to accord with Policies L17, L18 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

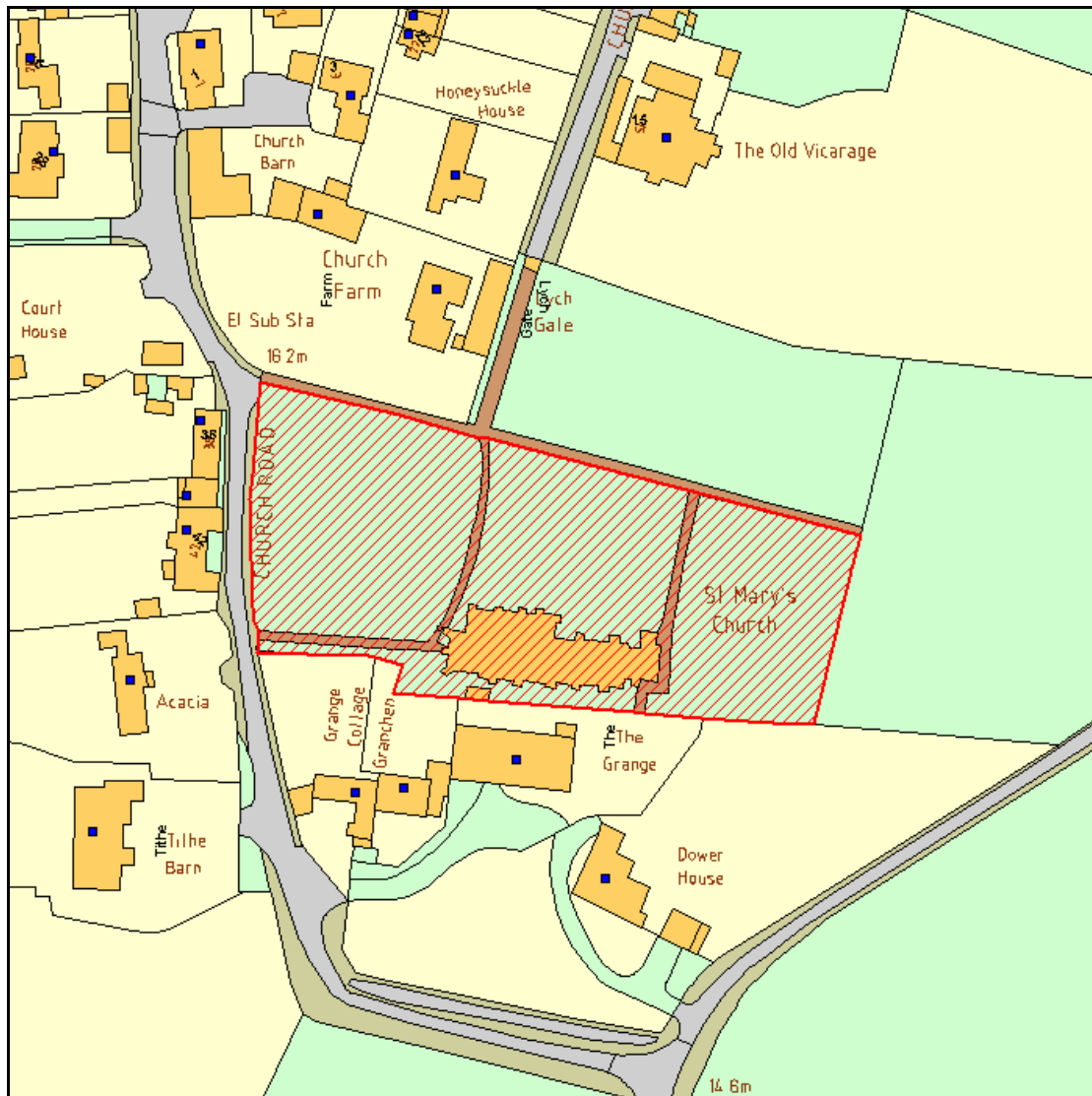
8. The hours of working on site during the period of construction shall be restricted to 0730 to 1800 hours and 0800 to 1300 hours Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of 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 minimise disturbance to occupiers of No.14 Tower Road South and other nearby buildings and to accord with Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 01/10 – 08 JANUARY 2010

App No.:	PK09/5873/F	Applicant:	St Mary's Church
Site:	St Mary's Church Church Road Bitton Bristol South Gloucestershire	Date Reg:	24th November 2009
Proposal:	Part replacement of cobbled area to west door with slabs. (Resubmission of PK09/5089/F).	Parish:	Bitton Parish Council
Map Ref:	368117 169367	Ward:	Bitton
Application Category:	Minor	Target Date:	14th January 2010



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INTRODUCTION

This planning application has been referred to the Council's Circulated Schedule as a result of an objection received from a local resident regarding the proposed works.

1. THE PROPOSAL

- 1.1 The application site relates to a Grade 1 listed church within the village settlement boundary of Bitton.
- 1.2 This planning application seeks permission to improve pedestrian access into the church building by replacing an area of cobbles at the main entrance of the church with slabs.

1(b) Background Information submitted in support of application

- There have been a number of injuries to visitors to the church from slipping and twisting ankles on the cobbles and the existing cobbles make pushing a wheelchair almost impossible. The new paved strip will greatly improve access to this Grade 1 listed building.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS15 Planning and the Historic Environment

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- D1 Design
L13 Listed Buildings

- 2.3 Supplementary Planning Guidance
Design Checklist

3. RELEVANT PLANNING HISTORY

- 3.1 PK09/5089/F Replacement of cobbled area with slabs
Withdrawn September 09

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
No objection

4.2 Other Consultees

Public Rights of Way

'No comment' on the proposals as they are unlikely to affect the nearest recorded public right of way, footpath with reference PBN 74 which runs to the north of the church in an east/west direction.

Other Representations

4.3 Local Residents

One letter has been received from a local resident raising the following objections to the proposed works, which have been summarised by the Planning officer as follows:

- No need to introduce flagstones, will spoil appearance
- Works only necessary if cobbles are uneven and large mat would be a moveable and temporary solution

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy L13 of the South Gloucestershire Local Plan which relates to works affecting a listed building will only allow development that preserves the listed building and its setting and retains features of architectural or historic interest.

5.2 Listed Building

St Mary's Church is a 12th/13th Century, grade I listed building of outstanding architectural and historic interest. Situated to the south of the village, the site has a very enclosed and secluded character, with access via the lychgate to the north and from Church Road to the west. The area of paving subject of this application is located at the principal west door to the church and comprises approximately 10m of thin pennant stone setts laid in extremely tight courses running east-west. The paving, possibly 18th or 19th Century in origin, is a traditional type of paving at the main entrance to the church and is an historic feature that makes a positive contribution to its setting.

5.3 An objection have been raised by a resident regarding the proposed works in terms of impact on appearance and temporary solution has been proposed. The justification for the works is based on the health and safety implications of having a worn and uneven path at the main entrance to the church and the problems it presents for disabled access. The path is uneven in places although the tightness of the stone and the predominantly flat upper surfaces of the setts give a relatively sound surface for crossing from side to side. They do, however, have a tendency to cause difficulties for wheelchair users as the alignment of the setts tends to railroad and trap the wheels.

5.4 This is a revised scheme to an earlier application (PK09/5089/F) and the proposal is to now lift a narrower section of the cobbles to correspond with the width of the west door, and to lay a natural pennant stone path using shot-

blasted stone of good dimension to reflect the scale of the building. The lifted cobbles would then be relaid to the north of the existing path to extend the paving around the base of the tower where it is presently tarmac. A length of cobbles would also be laid to define the footpath that leads up to the stone apron.

5.5 Alternatives to the lifting of the cobbles have been discussed and it is concluded that the proposal offers an acceptable solution which addresses the problem of access, whilst respecting and enhancing the setting of the listed building.

5.6 A number of conditions will be imposed with regards details of the method for lifting, laying and re-pointing and samples of the pointing and of the re-aid cobbles.

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

Not applicable

5.9 Improvements Achieved to the Scheme

None required

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) The proposed works have been designed to preserve the Grade 1 listed building and it's setting by taking account of proposed materials-Policy L13

7. **RECOMMENDATION**

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

Contact Officer: Tracey Price
Tel. No. 01454 863424

CONDITIONS

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

Reason

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

2. Prior to the commencement of development, a sample of the new stone paving shall be submitted to and approved in writing by the local planning authority. The development shall be carried out strictly in accordance with the approved sample.

Reason

In order that the development serves to preserve the architectural and historic interest of the listed building and its setting, in accordance with Policy L13 of the South Gloucestershire Local Plan and national guidance set out at PPG15

3. Prior to the commencement of development, a detailed method statement for the works shall be submitted to and approved in writing by the local planning authority. The method statement shall cover the following items and include section drawings where applicable:

1. The lifting, sorting and secure storage of cobbles during works.
2. Protection measures for the cobbles retained in-situ during excavation and remedial works.
3. The relaying of the stone cobbles and stone paving.
4. The raking out and pointing of the cobbles and stone paving. For the avoidance of doubt, all raking out and pointing shall be carried out using hand tools only to avoid damage to the stone.

Reason

The existing paving is an important historic feature in the setting of a grade I listed building. The information is required to satisfy the local planning authority that the process of removing, storing, relaying and finishing the new paving is carried out sympathetically and that it serves to preserve the architectural and historic interest of the listed building and its setting, in accordance with Policy L13 of the South Gloucestershire Local Plan and national guidance set out at PPG15

4. A sample area of the new cobble paving approximately 1m² (or equivalent) shall be provided on site for approval by the local planning authority prior to the commencement of the relevant stages of the work. The development shall be carried out strictly in accordance with the agreed sample area.

Reason

The character of the cobbled pavement is defined in part by the tight packing, coursing and widths of the individual stones. A sample area is required in order to satisfy the local planning authority that the new and relaid cobble paving accurately replicates the original in appearance, and to preserve the architectural and historic interest of the listed building and its setting, in accordance with Policy L13 of the South Gloucestershire Local Plan and national guidance set out at PPG15

5. Sample areas of the proposed pointing showing the texture, colour and finish shall be submitted to and approved in writing by the local planning authority prior to the commencement of the relevant stages of the work. The agreed sample area shall be retained during the course of the works for the purposes of consistency. The development shall be carried out strictly in accordance with the approved sample

Reason

In order that the development serves to preserve the architectural and historic interest of the listed building and its setting, in accordance with Policy L13 of the South Gloucestershire Local Plan and national guidance set out at PPG15

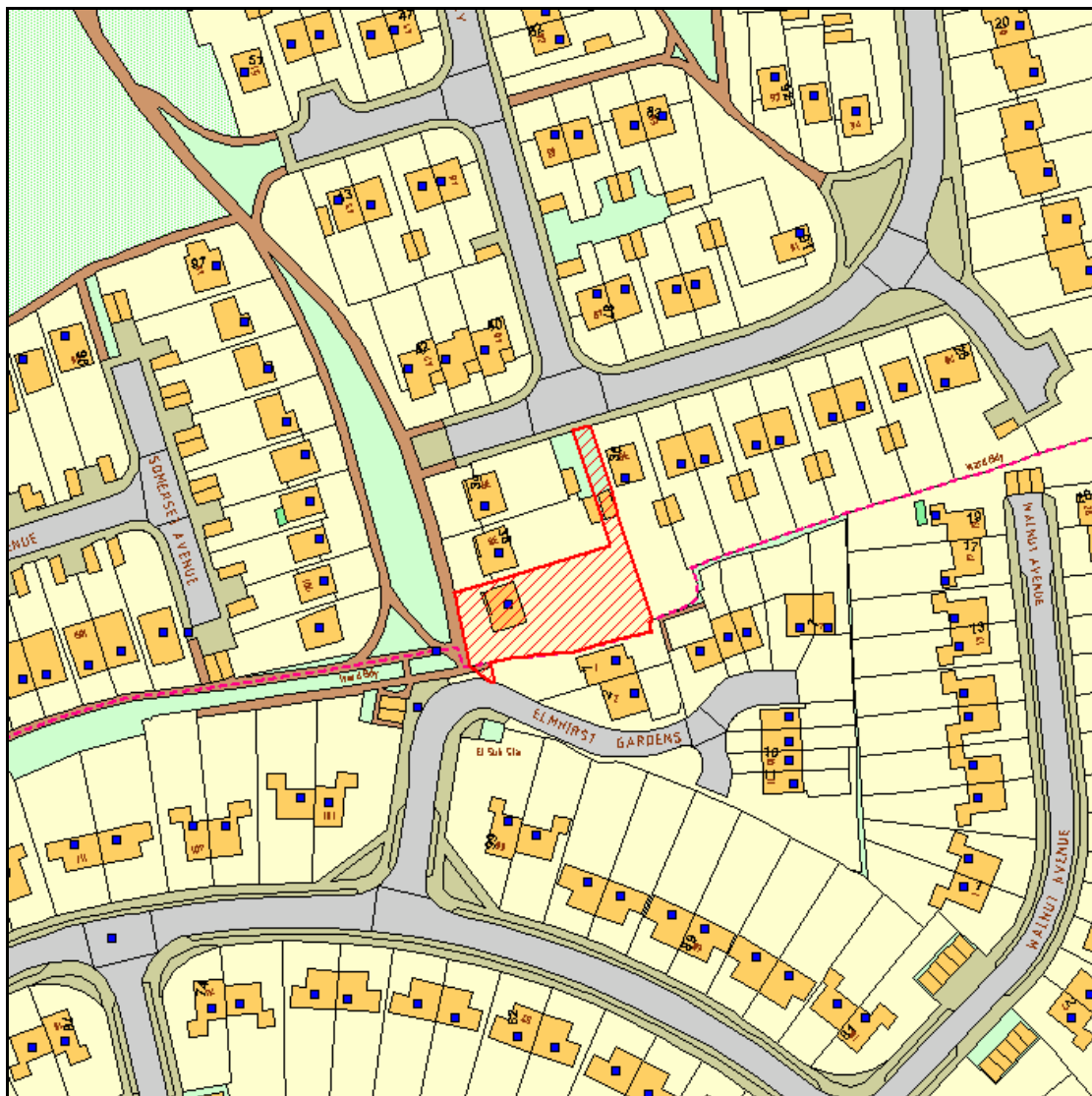
6. Prior to the commencement of development a timetable for the completion of the various works as outlined in the Design and Access Statement shall be submitted to and agreed in writing by the Local Planning Authority.

Reason

To ensure all proposed works are completed as they are required to preserve the architectural and historic interest of the listed building and its setting, in accordance with Policy L13 of the South Gloucestershire Local Plan and national guidance set out at PPG15

CIRCULATED SCHEDULE NO. 01/10 – 8 JANUARY 2010

App No.:	PK09/5884/RM	Applicant:	Mr And Mrs Love
Site:	Land Adjoining 37 Dorset Way Yate Bristol South Gloucestershire BS37 7SW	Date Reg:	24th November 2009
Proposal:	Erection of 1no dwelling. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PK09/0301/O)	Parish:	Yate Town Council
Map Ref:	372079 183002	Ward:	Yate North
Application Category:	Minor	Target Date:	15th January 2010



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INTRODUCTION

This application has been referred to the Circulated Schedule following the receipt of a letter of objection from a local resident; the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The property is a detached 1970's dwelling house, situated within a large open-plan estate in the suburbs of Yate. The location is entirely residential in character. The existing property is two-storey with a large garden to the rear. Similar houses lie to the north, east and west of the site, but immediately to the south-east are 2no. bungalows, accessed off Elmhirst Gardens. No.37 has a detached single garage, which is accessed via a driveway off Dorset Way but also has off-street parking to the south of the house, which is accessed off Elmhirst Gardens.
- 1.2 Outline consent PK09/0301/O was previously granted for the erection of 1no. detached dwelling with details of the access determined at the outline stage. The matters of scale, siting/layout, design/appearance and landscaping are therefore the subject of this reserved matters application. The overall site is 0.07ha in area. The submitted plans confirm that the proposed dwelling would be a two-bedroomed bungalow similar to nos. 1 & 2 Elmhirst Gardens. The outline consent established that the existing garage and parking access from Dorset Way will serve the new bungalow. The existing house retains 2no. parking spaces accessed from Elmhirst Gardens.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 - Delivering Sustainable Development
PPS3 - Housing
PPG13 - Transport

2.2 Development Plans

Joint Replacement Structure Plan

- Policy 1 - Principles
Policy 2 - Location of Development
Policy 17 - Landscape
Policy 33 - Housing Provision and Distribution
Policy 54 - Car Parking Provision

South Gloucestershire Local Plan (Adopted) January 2006

- D1 - Design
EP1 - Environmental Pollution
EP2 - Flood Risk and Development
L17 & L18 - The Water Environment
H2 - Residential Development
H4 - Development in Residential Curtilages

T8 - Parking Standards

T12 - Transportation Development Control Policy for New Developments.

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Check List SPD (Adopted) 23rd August 2007.

3. RELEVANT PLANNING HISTORY

3.1 N1961 - Erection of 112 houses and 3 shops, construction of estate roads and footpaths.

Approved 23rd April 1976

3.2 N1961/25 - Erection of a single-storey rear extension to provide dining room and lobby.

Approved 24th Dec 1981

3.3 P94/1414 - Erection of two bungalows and nine houses. Construction of estate road and associated parking spaces, screen walls, footpaths and driveways.

Approved 13th July 1994

3.4 PK09/0301/O - Erection of 1no. dwelling (outline) with access to be determined. All other matters reserved.

Approved 3rd April 2009.

4. CONSULTATION RESPONSES

4.1 Yate Town Council

No objection

4.2 Other Consultees

None

Other Representations

4.3 Local Residents

1no. letter was received from the occupant of neighbouring no.36 Dorset Way. The Concerns raised are summarised as follows:

- No new fence shown on boundary with no.36 Dorset Way.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The acceptance in principle of a single dwelling with the access arrangements proposed, was established with the previous grant of outline consent PK09/0301/O. The only matters outstanding that need to be determined under this reserved matters application are scale, siting/layout, design/appearance and landscaping. These matters will be dealt with below:

5.2 Scale/Siting/Layout

The scale, siting and layout of the proposed bungalow is exactly the same as that shown on the indicative plans submitted at the outline stage. Condition 12 of the Outline consent restricted the height of the building to no more than 4.8m and this has been adhered to. The proposed footprint would measure approximately 6.8m x 10.8m. An assessment of the indicative scale and layout of the building was carried out under the Outline application. Since the scale of the proposed building would be very similar to neighbouring no.1 Elmhirst Gardens, the scale is considered to be appropriate for this site. There would be no living space in the roof area.

5.3 Given the very large size of the existing garden to no.37, a bungalow of the proportions proposed would slot quite comfortably into the plot and subject to appropriate design, would not look out of place next to the existing bungalows nos. 1 & 2 Elmhirst Gardens. Like nos. 1 & 2 the proposed bungalow would be set back from the road frontage and the main building line formed by the front elevations of nos. 37 – 39 Dorset Way. The proposal would therefore integrate adequately within the existing grain of development within the area and existing street scene. The proposed scale, siting and layout are therefore considered to be acceptable.

5.4 Design and Appearance

The simple gable ended design with low roof pitch would be similar in appearance to the neighbouring bungalows. The face brickwork would be 'Tudor Red' and the concrete double roman roof tiles 'Farmhouse Red' which is considered appropriate for this location. The proposed windows, doors and fascias would be upvc, which is again considered appropriate for the location. The design and appearance would therefore integrate adequately within the existing street scene.

5.5 Landscaping

The proposal would be located wholly within the garden and private open areas of the existing property and no landscape features of any significance would be affected. The submitted landscaping plan shows a comprehensive scheme of new planting and permeable paving, all to the satisfaction of the Council's Landscape Architect.

5.6 Impact upon Residential Amenity

Adequate private amenity space would be available to serve both the existing and proposed dwellings. A new 2m high fence would enclose the resultant garden to the existing property and the existing high boundary treatments adjacent to the neighbouring properties would remain in-situ, thus providing adequate screening and privacy. There is only one small non-habitable room window in the side elevation of no.1 Elmhirst Gardens. There would only be ground floor windows in the proposed bungalow and given the high boundary treatments there would be no significant loss of privacy due to overlooking of neighbouring property. There would be no windows in the southern side elevation of the bungalow and only a small obscurely glazed window in the northern side elevation. The proposed building would be set back from the rear elevation of no.37 and being only 4.8m high, would not have an overbearing

impact on neighbouring property. The impact on residential amenity would therefore be acceptable.

5.13 Environmental and Drainage Issues

These matters were addressed at the Outline stage. A condition to restrict the hours of working was imposed, as was a condition to secure a Sustainable Drainage System. A drainage plan has been submitted with the reserved matters application and the Council's Drainage Engineer has confirmed that the proposed SUDS drainage scheme is acceptable.

5.14 Transportation Issues

The access arrangements were approved under the Outline application. The proposed parking arrangements are the same as shown on the indicative plans submitted at the outline stage and these were considered to be acceptable. The Dorset Way access and parking would be utilised by the proposed bungalow. The Elmhirst Gardens access would be widened to provide two spaces for the existing dwelling. In each case the parking provision i.e. two spaces each, plus the garage for the bungalow, is considered to be adequate. There are therefore no highway objections.

5.15 Other Concerns Raised

Regarding the concerns raised by the occupant of neighbouring no.36 Dorset Way. It is noted that the land immediately next to no.36 currently forms part of the garden of no. 37 and that there is already a high boundary treatment on the common boundary. It is proposed that the land would merely become part of the garden of the new bungalow and the applicant's agent has confirmed that the existing boundary treatment would remain in place. Officers do not therefore consider that a new fence is justified on this boundary.

5.16 Use of Energy and Sustainability

A SUDS has been secured.

5.17 Improvements Achieved to the Scheme

None

5.18 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 the Reserved Matters submitted in accordance with Condition 1 associated with Outline planning Permission PK09/0301/O dated 3rd April 2009 be APPROVED.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

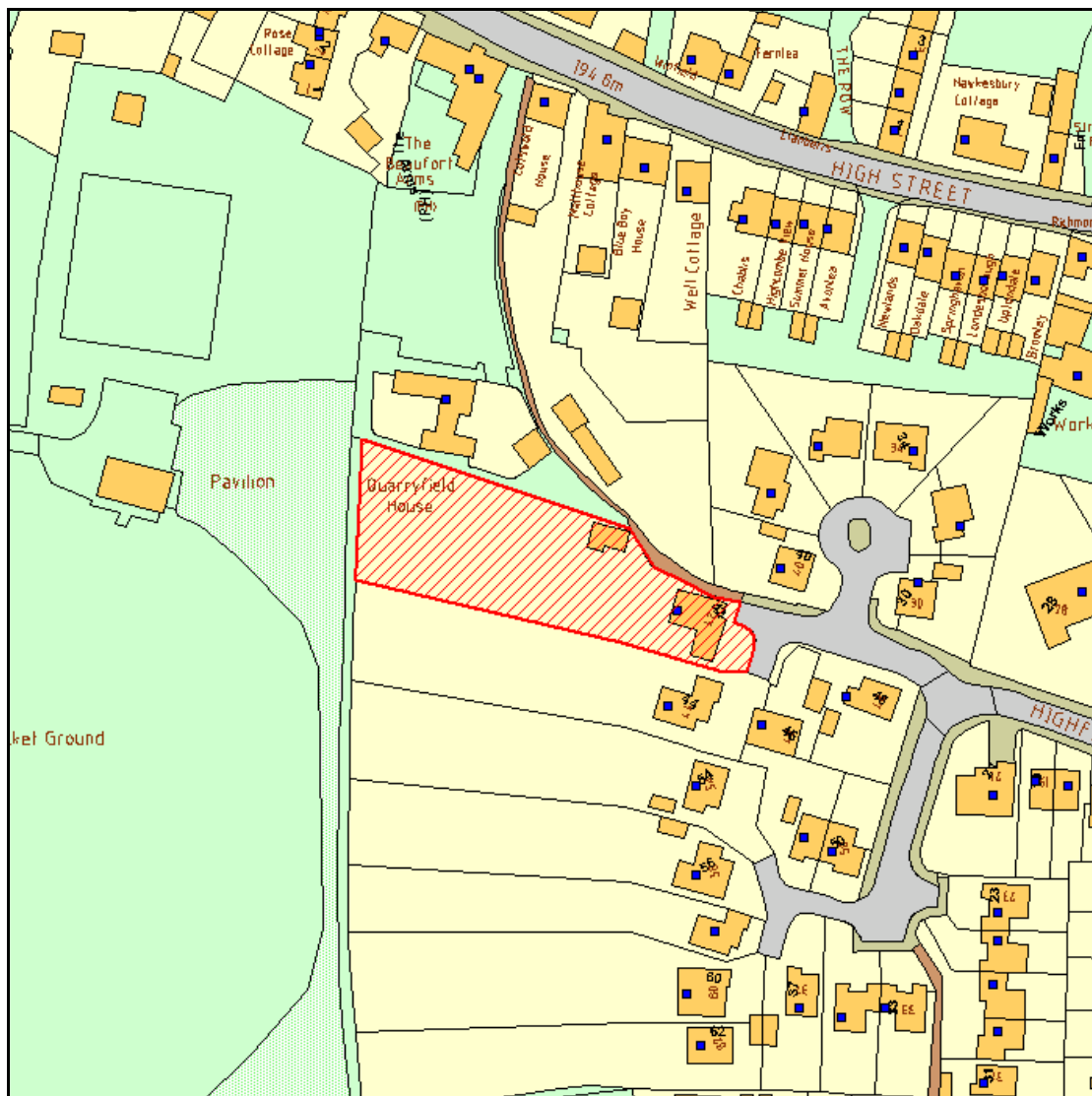
1. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no windows/dormer windows or rooflights [other than those expressly authorised by this permission] shall be constructed or inserted within the roof unless otherwise authorised in writing by the Local Planning Authority.

Reason

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

CIRCULATED SCHEDULE NO. 01/10 – 08 JANUARY 2010

App No.: PK09/5893/O	Applicant: Mr C May
Site: 42 Highfields Hawkesbury Upton Badminton South Gloucestershire GL9 1BJ	Date Reg: 25th November 2009
Proposal: Demolition of existing dwelling to facilitate the erection of 4no. dwellings (Outline) with access and layout to be determined. All other matters reserved. (Resubmission of PK08/2695/O).	Parish: Hawkesbury Parish Council
Map Ref: 377824 186875	Ward: Cotswold Edge
Application Category: Minor	Target Date: 15th January 2010



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 100023410, 2008. **N.T.S.** **PK09/5893/O**

INTRODUCTION

This application has been referred to the Circulated Schedule because representations have been received in favour of the proposal, which are contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to a 0.18 ha site, comprising no.42 Highfields and its garden area located to the rear (west) of the dwelling house. The house is a modern two-storey detached property, built as part of the residential expansion to the south and east of Hawkesbury Upton. The site is bounded to the north-west by Quarryfield House, a new residence with detached garage (see PK03/0678/F); to the north-east by an existing builders yard, where residential development has recently been granted consent (see PK08/1478/F and PK09/5147/F), to the west by Hawkesbury Upton Cricket Clubs' ground and pavilion; and to the south by the large gardens to the rear of neighbouring properties on Highfields. The plots to the north of the site lie to the rear of properties fronting onto High Street, Hawkesbury Upton. Overhead electricity wires are located along the northern and western boundaries of the site.
- 1.2 The site lies within the Defined Settlement Boundary of Hawkesbury Upton and within the Cotswolds AONB. Whilst the site does not lie within the Conservation Area the northern edge of the application site does form the southern boundary of it. Some of the properties within the High Street are Listed Buildings i.e. Malthouse Cottage, The Beaufort Arms P.H and Blue Boy House. Public Rights of Way (PROW) lie adjacent to the north-east LHA/104 and west LHA/103 of the site.
- 1.3 It was previously proposed (PK08/2695/O) to construct 4no. dwellings on the site with associated access and vehicular parking. To facilitate the vehicular access into the site off Highfields, it was proposed to demolish the existing double garage, attached to no.42 and introduce an access along the southern boundary of the site. This application was refused for the reasons listed in para.3.1 below and a subsequent appeal dismissed on the grounds of adverse impact on residential amenity, from traffic entering the site.
- 1.4 The current proposal seeks to overcome the previous refusal reasons and now proposes the demolition of no.42 Highfields and its garage and outbuildings, to facilitate the erection of 4no. new houses i.e. a net gain of 3no. with detached garages, with the access drive and manoeuvring areas now located on the northern half of the site.
- 1.5 The application is in outline form only with access and layout to be determined at the outline stage. The application therefore merely seeks to establish the acceptability in principle of residential development on this site, along with the proposed foot-prints of the respective dwellings, as well as the proposed access arrangements from Highfields. The applicant has confirmed the proposed scale parameters of the houses, the house fronting Highfields would be two-storey and the same height as the existing dwelling it would replace,

while the three dwellings to the rear would be limited to 1.5 storeys with a maximum roof ridge height of 7 metres i.e. the same height as the recently built Quarryfield House. All details of design, external appearance and landscaping would be the subject of a subsequent reserved matters application, should outline consent be granted.

2. POLICY CONTEXT

2.1 National Guidance

RPG10 - Regional Planning Guidance for the South West
RSS - Draft Revised Regional Spatial Strategy for the South West
PPS1 - Delivering Sustainable Development
PPS3 - Housing
PPG13 - Transport
PPG15 - Planning and the Historic Environment
PPG16 - Planning and Archaeology

2.2 Development Plans

Joint Replacement Structure Plan

Policy 2 - Location of Development
Policy 17 - Landscape Areas AONB
Policy 33 - Housing Provision and Distribution

South Gloucestershire Local Plan (Adopted) January 2006

D1 - Design
L1 - Landscape Protection and Enhancement
L2 - Cotswold AONB
L5 - Open Areas within the Existing Urban Areas and Defined Settlements
L9 - Species Protection
L11 - Archaeology
L12 - Conservation Areas
L13 - Listed Buildings
L17 & L18 - The Water Environment
LC12 - Recreational Routes
T7 - Cycle Parking Provision
T8 - Parking Standards
T12 - Transportation Development Control Policy for New Development
EP1 - Environmental Pollution
EP2 - Flood Risk and Development
H2 - Residential Development within Settlement Boundaries
H6 - Affordable Housing
LC2 - Provision of Education Facilities
LC4 - Proposals for Educational and Community Facilities Within the Existing Urban Area.

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist (SPD) Adopted 23rd August 2007.
The South Gloucestershire Landscape Character Assessment (SPD) Adopted 2005 – Area 1 – Badminton Plateau
Hawkesbury Conservation Area Advice Note SPG – Adopted 9th Dec 1999

3. RELEVANT PLANNING HISTORY

The following relates to the development site itself:

- 3.1 PK08/2695/O - Erection of 4no. dwellings (Outline) with access and layout to be determined. All other matters reserved.

Refused 25th November 2008 for the following reasons:

1. *The application site is immediately adjacent to the boundary of Hawkesbury Upton Conservation Area, the character and appearance of which it is desirable to preserve and enhance. The proposed development, by virtue of the loss of existing views out of the Conservation Area to the open landscape to the south, and replacement with a block of built form; as well as the deviation from the historic linear pattern of development, which strongly characterises the Conservation area, would harm the character and appearance of the Conservation Area, contrary to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPG15 – ‘Planning and the Historic Environment’ and Policy L12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*
2. *The proposal would lead to the increased use of a substandard access by way of the inadequate space for vehicles to turn into the site off the hammerhead on Highfields and the inadequate width of the access for two-way vehicle movements. This would increase standing and manoeuvring of vehicles on the public highway in close proximity to an existing Public Right of Way thereby increasing potential conflicts and interfering with the safe and free flow of traffic on the public highway. This would be detrimental to highway safety and contrary to Policies T12 and H2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*
3. *The proposal would result in the loss of an open space that is considered to make a significant contribution to the quality, character, amenity and distinctiveness of the locality, contrary to policies D1, L1 and L5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*
4. *The proposed development by reason of its siting would constitute an unacceptable form of backland development, which would result in unacceptable noise and disturbance for adjacent residential occupiers and would be contrary to Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*

A subsequent appeal APP/P0119/A/09/2096851 against this decision was dismissed 21 May 2009 on the grounds that, noise and disturbance created by vehicles accessing the four houses proposed, would have an adverse impact on living conditions for the occupiers of no.44 Highfields.

The following relate to development around Highfields.

- 3.2 N4608/4 - Residential development on approximately 2.0 acres of land and formation of new vehicular access (Site F) outline.

Approved 25th Jan 1979

- 3.3 N4608/6 - Erection of 18 houses and garages. Construction of associated screen walls, roads, access ways and footpaths (in accordance with revised plans received 8th Oct. 1979).
Approved 25th Oct 1979.
- 3.4 N4608/2 - Housing development, outline.
Withdrawn 16th Dec. 1983

The following relate to adjoining sites to the north:

- 3.5 PK03/0678/F - Land at rear of Beaufort Arms, High Street - Erection of 1no. dwelling, detached double garage and associated access.
Approved 27th Feb 2004.
- 3.6 PK08/1478/F - Land to the rear of Blue Boy House, High Street - Erection of 1no. dwelling with associated works. Conversion of existing storage/distribution building used in conjunction with builders yard to ancillary residential usage.
Approved 14th July 2008
- 3.7 PK09/5147/F - Land to the rear of Blue Boy House, High Street - Conversion of existing barn and erection of two-storey extension to form 1no. dwelling with access and associated works. Erection of detached double garage.
Approved 12th Oct 2009

4. CONSULTATION RESPONSES

4.1 Hawkesbury Upton Parish Council

The Parish Council half supported and half objected to the proposal. There were no actual comments in support of the scheme. The concerns raised are summarised as follows:

- Adverse impact on neighbouring residential amenity.
- Inappropriate access to the site.
- Overdevelopment of back-land site.
- Inadequate sewage system.
- Land is still agricultural.
- Siting of the garages adjacent to neighbouring garden.
- Height of buildings should not be greater than Quarryfield House.
- Proximity of PROW's

4.2 Other Consultees

None.

Other Representations

4.3 Local Residents

40no. letters were received in support of the proposal, of which 37 were a standard letter. The comments made in support of the scheme are summarised as follows:

- The site lies outside the Conservation Area.
- The site lies within the village development boundary.
- Would increase the numbers at the school.
- Would benefit the local business community.
- There would be adequate parking provision.
- Additional affordable housing would allow local people to live in the village.
- PROW not affected.

8no letters/e-mails were received objecting to the proposal. The concerns raised are summarised as follows:

- The site is agricultural land.
- Inadequate vehicular access.
- Adverse impact on PROW.
- Houses crammed onto site.
- Not in-keeping with rural setting.
- Increased traffic – hazards for pedestrians, in particular children going to school.
- Poor pedestrian access to site.
- Inadequate parking provision will increase on-street parking in congested roads.
- Inadequate infrastructure in village.
- Loss of privacy.
- The scheme should be the subject of a full application.
- Will set a precedent for future similar developments.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

A previous outline application PK08/2695/O relating to this site, for 4no. dwellings with access and layout determined, was refused for the reasons listed in para. 3.1 above and a subsequent appeal APP/P0119/A/09/2096851 dismissed on the grounds of adverse impact on residential amenity. Officers consider that the appeal decision letter is a material consideration of significant weight in the determination of this current proposal. The appeal decision established a number of key principles, these being:

- The site is not agricultural land but forms part of the garden of no.42 Highfields.
- Views out of the adjoining Conservation Area have already been compromised by other development.
- The layout of burgage plots, seen elsewhere in the conservation area is not readily discernable around the site.

- A proposal for 4no. new houses could be implemented without adversely affecting the character or appearance of the area.
- The site is not worthy of protection under Policy L5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- Fencing or planting could be introduced adjacent to the PROW's without the need of planning permission.
- It would be possible to design a housing development (for 4no. new houses) on the site, which would conform to the criteria in Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- The site is at present within a quiet location.
- Noise and disturbance created by vehicles accessing 4no. houses along an access track on the southern boundary of the site would unacceptably harm the living conditions of the adjoining occupiers i.e. no.44 Highfields.
- Vehicle speeds are necessarily low in this part of the estate and the addition of traffic from four extra houses would not impact appreciably on traffic flows. Highway safety would not be compromised.
- The access for emergency vehicles to the area is not inadequate.
- The acknowledged need for additional dwellings in the wider area is not so serious as to warrant accepting lower standards of residential amenity than would normally be acceptable.

Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 permits residential development within the Defined Settlement Boundaries subject to certain detailed criteria, which are discussed below. The site is within the Defined Settlement Boundary of Hawkesbury Upton as defined in the South Gloucestershire Local Plan. Government advice contained in PPS3 – 'Housing' supports a more efficient and sustainable use of land in the Urban Areas and Defined Settlement Boundaries, with a provision for more intensive housing development in and around existing centres and close to public transport nodes.

- 5.2 Having regard to the adopted Joint Replacement Structure Plan, Policy 19 requires development to be managed in a manner that respects local character and distinctiveness through good design.
- 5.3 The proposal falls to be determined under Policy H2 of the South Gloucestershire Local Plan, which permits the residential development proposed, subject to the following criteria:
- A. Development would not have unacceptable environmental or transportation effects, and would not significantly prejudice residential amenity; and
 - B. The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved. The expectation is that all developments will achieve a minimum density of 30 dwellings per hectare and that higher densities will be achieved where local circumstances permit. Not least, in and around existing town centres and locations well served by public transport, where densities of upwards of 50 dwellings per hectare should be achieved.

- C. The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination; and
 - D. Provision for education, leisure, recreation and other community facilities within the vicinity is adequate to meet the needs arising from the proposals.
- 5.4 Policy D1 of the South Gloucestershire Local Plan seeks to secure good quality designs. Policy L12 seeks to preserve or enhance the character or appearance of the Conservation Area. Policy L13 seeks to preserve the setting of Listed Buildings.
- 5.5 The site is not subject to unacceptable levels of noise, disturbance, air pollution, smell, dust or contamination. There is adequate provision in the locality for Education, Leisure, Recreation and other Community Facilities to meet the needs arising from the proposal.
- 5.6 Density
Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and like PPS3 seeks to avoid development, which makes an inefficient use of land. PPS3 (para.47) indicates that a national indicative minimum density of 30 dwellings per hectare should be used.
- 5.7 PPS3 (para.50) states that *“The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.”* The proposal for 4no. houses on this 0.18ha plot equates to a density of 22.2 dph. which falls below the minimum density (30dph) required by Policy H2 and is slightly less than that previously proposed (25.8dph) under PK08/2695/O.
- 5.8 It should be noted at this point that the current application site (0.18ha) is slightly larger than that of the previously refused application (0.155ha); this is because it is now proposed to demolish no.42 and erect a new dwelling in its place; this would facilitate the re-location of the access driveway to the northern half of the site. Whilst the scheme still involves the erection of 4no. new dwellings there would now only be a net gain of 3no dwellings as opposed to 4no. in the previous proposal. The applicant, in seeking to overcome the previous refusal reason, considers it necessary to reduce the overall number of dwellings by 1no dwelling and re-locate the access drive to the northern half of the site.
- 5.9 Policy H2 at para. 8.161 states that *‘The village development boundaries and defined limits to the larger urban areas generally follow physical features, often dwelling curtilages. They therefore include many gardens and open areas which make an important contribution to the quality, character, visual amenity or distinctiveness of the settlement. Proposals for development on all open areas within existing villages and defined urban areas will therefore also be tested, in particular, against the criteria set out in Policies L1 and L5 ‘Open Areas’.*

- 5.10 In assessing the level of density now proposed, officers are mindful of the fact that the scheme would fall below the threshold (5 dwellings) for contributions towards affordable housing. On the one hand the Inspector for the aforementioned appeal did not attach any great value to the site in terms of its visual qualities or setting and confirmed that he thought that a scheme for 4no. new dwellings, located to the rear of the existing house, could be appropriately designed; siting and layout were to be determined and, it is noted, no objection was raised by the Inspector to this aspect of the proposal or to the density of development proposed. Given that the current application site is larger still, officers must consider whether or not it could accommodate a total of 5no. new houses as well as the access driveway. In assessing this issue officers must take into consideration the overall constraints on the development of the site, especially having regard to the Inspector's previous refusal reason.
- 5.11 Officers are of the view that given the presence of the electricity cables along the northern and western extremities of the site; the requirement to re-locate the access driveway away from the boundary of no.44 Highfields; the need to provide sufficient parking and turning areas within the site; provide adequate private amenity space to serve the 4no. dwellings and locate the dwellings so as to minimise any adverse impact on privacy levels for existing neighbouring properties as well as future occupants of the proposed dwellings, that a higher density scheme than that proposed would not realistically be achievable on this site. Given therefore the site constraints, officers consider the proposed density of development to be acceptable and the proposal would make efficient use of what is a previously developed site within an established settlement boundary.
- 5.12 Conservation Area Issues
Policy L12 seeks to preserve or enhance the character or appearance of the Conservation Area, similarly Policy L13 seeks to preserve the setting of Listed Buildings.
- 5.13 The site does not lie within the Conservation Area but does lie on its very edge. PPG15 para. 4.14 however advises that: *'the desirability of preserving or enhancing an area should also, in the Secretary of State's view, be a material consideration in the planning authority's handling of development proposals which are outside the conservation area but would affect its setting, or views in to or out of the area.'* Furthermore it is evident from the supporting text to Policy L12 para. 4.121 that the Policy also relates to developments that affect the setting of a Conservation Area, which officers consider relates to areas not only within but adjacent to the Conservation Area.
- 5.14 In his decision letter (para.4) the Inspector addressed these issues and concluded that whilst the application site adjoins the Conservation Area, it does so at a location where views out of the Conservation Area have already been compromised by other development, in particular the car park to the rear of the Beaufort Arms and some of the adjoining residential development. The Inspector also noted that burgage plots were not readily discernable around the site and that neighbouring Quarryfields House divorces the core of the Conservation Area from the application site.

- 5.15 Officers therefore consider that the appeal decision establishes that, subject to the houses being appropriately designed, the residential development of the site could preserve or enhance the character and appearance of the Conservation Area or its setting and would not therefore be contrary to Policy L12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. The applicant has confirmed that the house fronting Highfields would be two-storey and the same height as the existing dwelling it would replace, while the three dwellings to the rear would be limited to 1.5 storeys with a maximum roof ridge height of 7 metres i.e. the same height as the recently built Quarryfield House; officers consider that this scale of development would be appropriate in this setting. On this basis, officers are satisfied that an objection relating to adverse impact on the setting of the Conservation Area could not be reasonably justified and the proposal would not therefore be contrary to Local Plan Policy L12.
- 5.16 Transportation
Policy T8 states the maximum parking standard for residential developments. Policy T12 states that development should provide adequate and safe access, capable of accommodating the motorised traffic generated by the proposal.
- 5.17 No.42 currently has a vehicular access from the turning head at the end of Highfields, an unclassified residential cul-de-sac, and neighbouring no.46 has a similar arrangement. The property (no.42) has a double garage, to the front of which, are two parking spaces.
- 5.18 It is now proposed to demolish the existing house and garage to facilitate the construction of an access road into the northern half of the site. The new access drive and turning areas would serve the four new houses, their individual garages and parking areas, as well as two visitor parking spaces located adjacent to the driveway. As in the previous application (PK08/2695/O) the access road would connect to the existing turning head at the end of Highfields, adjacent to the footpath linking Highfields to the High Street. As previously a vehicle swept-path analysis plan has been submitted to demonstrate that a refuse vehicle could access and egress the site without overrunning the kerbs
- 5.19 In his decision letter (para.7) to the previous appeal, the Inspector raised no objection to similar access arrangements and noted that vehicle speeds are necessarily low in this part of the estate and the addition of traffic from four extra houses would not impact appreciably on traffic flows. Given that the access now proposed is less awkward than that previously proposed and is a similar width, and would now only serve 4no. dwellings as opposed to 5no; an objection to the proposed access arrangements cannot reasonably be substantiated. Furthermore the Inspector did not consider that the access for emergency vehicles to the area is inadequate and neither did he consider that the proposal would materially add to hazards for users of the adjoining footways. Officers therefore conclude that the access arrangements would not be contrary to Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. The proposed parking provision of 2 spaces per dwelling plus 2 visitor spaces would satisfy the Council's maximum parking standards outlined in Policy T8 of the Local Plan.

5.20 Landscape and Cotswolds AONB Issues

Policy L1 seeks to preserve and enhance the landscape in general, whereas Policy L2 seeks to preserve the natural beauty of the Cotswolds AONB. Policy L5 does not permit development that would adversely affect the contribution that an open area makes to the quality, character, amenity and distinctiveness of the locality.

5.21 The site is well screened to views from the west by a broad band of trees surrounding the Cricket Ground. The site is also well screened to views from the open countryside to the south by the trees, hedges and shrubs in the back gardens of nos. 44 – 62 Highfields. When viewed in the context of the wider landscape, the proposed development would be sufficiently close to existing built development to preclude any significant harm to the natural beauty of the Cotswolds AONB.

5.22 The Inspector at para. 5 of his decision letter noted that:

'The proposal would entail the construction of a terrace of three houses and a detached house grouped around an access road with a turning head. There are public footpaths along the northern and western boundaries of the site and the views across the existing garden, which is largely grassed, would be reduced by the houses and, in all likelihood, fencing around their rear gardens. However, even if the land were not to be developed as proposed, fencing and planting of the existing garden, which would not require planning permission, could result in a similar effect. In any event the nearby cricket field and the countryside immediately beyond contribute a great deal more to the character and appearance of the area than the present garden and I do not regard the site as being one worthy of protection in the terms of LP Policy L5. I consider that it would be possible to design a housing development on the site, which would conform to the criteria in LP Policy D1 and I conclude that the proposal would not harm the character and appearance of the area.'

5.23 Given that the scheme now only proposes the erection of 4no. detached dwellings and 4no. single garages on a bigger site, with the houses more spaced apart, officers consider that having regard to the Inspector's comments, a refusal reason based on Policy L5, L1, L2 or D1 could not be reasonably substantiated.

5.24 Impact Upon Residential Amenity

Officers consider that, given the previous appeal decision, the impact of the proposal on residential amenity is the key consideration in the determination of this planning application.

5.25 There would be ample amenity space to serve the proposed dwellings and in this respect alone the proposal is not considered to be an overdevelopment of the site. The position and proposed height of the proposed houses would ensure that the amenities of neighbouring occupiers would not be adversely affected in terms of overbearing impact. It is noted that there are no significant habitable room windows in the northern side elevation of no.44 Highfields. Concerns have been raised about the proximity of the proposed garages to the boundary of the garden of no.44 Highfields.

Whilst three of the garages would be located close to this boundary, the garages would be single garages only and being sufficiently well spaced apart, with garages G2 & G3 located more towards the western end of the site, the impact in terms of overshadowing or overbearing impact would be minimal. Furthermore, the physical impact of these garages would be further reduced by the presence of the high belt of vegetation that grows on this boundary.

- 5.26 Concerns have also been raised about the loss of privacy for neighbouring occupiers to result from overlooking. This issue would need to be mitigated for at the reserved matters stage by 'designing out' overlooking and introducing appropriate boundary treatments and landscaping. The submitted plans indicate that there would be no habitable room windows located in the northern or southern side elevations of the proposed houses. Officers consider however that some overlooking of gardens in a built up area is inevitable, especially given the Government's requirements to make the most efficient use of land within the Urban Areas and Settlement Boundaries.
- 5.27 It is acknowledged that the current proposal would locate the proposed driveway further away from the garden of no.44 and the proposal would now result in one less dwelling in what is currently the rear garden of no.42. The proposal would however again introduce new dwellings, a driveway and turning area into what is considered to be a back-land site with no street frontage of its own. The existing garden currently provides a very tranquil setting for the neighbouring properties and the Inspector also noted at para.6 of his decision letter that this is a '*quiet location*'. Whilst the Inspector did not raise any objection to the residential development of the site per se, he did raise concerns about the level of disturbance for the occupiers of neighbouring no.44, created by vehicles accessing the site. In doing so the Inspector noted the proximity of the proposed driveway to the boundary of no.44 and the relative levels differences between the two sites, the application site being some 0.8m higher than the garden of no.44, which would exacerbate the potential for nuisance.
- 5.28 The proposed shared driveway would again run along almost the entire length of the site, with all of the parking and turning areas located within what is currently the rear garden of no.42. Officers consider that, whilst the proposed revisions would to some extent relieve the resultant level of noise disturbance, the existing tranquil nature of the location would still be destroyed by the introduction of the traffic associated with the proposed dwellings; in particular the sound of revving car engines, changing of gear, doors slamming, screeching of brakes, car radios and CD players, and the general comings and goings at all hours of the day, which would have a significant adverse affect on the amenities of neighbouring no.44.
- 5.29 Officers acknowledge that there is a car park to the rear of the Beaufort Arms Public House, but this is located much further away from the garden of no.44 and the presence of Quarryfield House, its garage and walled garden together with the buildings to the rear of Blue Boy House, all help to baffle noise breakout from the pub car park.

- 5.30 The Inspector at para.8 of his decision letter noted that, *'I do not consider that the need for additional dwellings is so serious as to warrant accepting lower standards of residential amenity.'* On balance therefore officers consider that the proposal would still have such a significant adverse impact upon residential amenity that refusal of outline planning permission is again justified on this issue alone. Notwithstanding the acknowledged need for new housing within the wider area, officers consider that this is overridden in this case by the likely adverse impact on residential amenity to result from the proposal.
- 5.31 Ecology
The site is a grassed garden, which has traditionally been used for grazing purposes and as such is most unlikely to provide habitat for any protected species. The 'agricultural' buildings within the site may however be nesting sites and as such should be surveyed prior to any development taking place. These matters can be appropriately addressed by a condition.
- 5.32 Environmental
Whilst there will inevitably be some disturbance for neighbouring occupiers during the construction phase, this can be adequately mitigated for by imposing a condition to limit the hours of construction. The Council's Environmental Health Officer raises no objection to the proposal.
- 5.33 Drainage Issues
In terms of drainage, the Council's Drainage Engineer has raised no objection to the proposal. Conditions would be required to secure the submission of a full drainage scheme to be approved prior to the commencement of any development on the site.
- 5.34 PROW
The PROW, which run to the west of the site would be retained in its entirety and would therefore not be adversely affected. An appropriate boundary treatment and surface treatment could be secured at the reserved matters stage.
- 5.35 Archaeology
A recent desk-based assessment for a nearby site to the rear of Blue Boy House, suggests the possible survival of archaeology within the area, although it is unlikely to be of such significance to preclude development. As such a condition for a Watching Brief during ground-works is recommended.
- 5.36 Other Concerns Raised
Concerns have been expressed that if this application were approved, it would 'open the door' for future similar applications relating to the garden areas further south. Officers consider that given the difficulties of accessing this land and the fact that each application should be determined on its individual merits, that a refusal reason on precedent would not be appropriate in this case.
- 5.37 Community Services Department
The proposal is for 4no. houses only and since this falls below the 10 unit threshold for contributions to Community Services, no contributions are requested in this case.

5.38 Education Service

Due to the small size of the development including only 4no. houses, it is considered that no contributions to education provision can be justified for this development.

5.39 Affordable Housing

The site area is below 0.2 hectares in area and the proposed number of units (4) is below local and national policy guidance on the threshold for requiring affordable housing (5) within settlements in rural areas. There is therefore no requirement for the provision of affordable housing in this case.

5.40 Design and Access Statement

The Design and Access Statement submitted with the application is not considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That planning permission be REFUSED for the following reason:

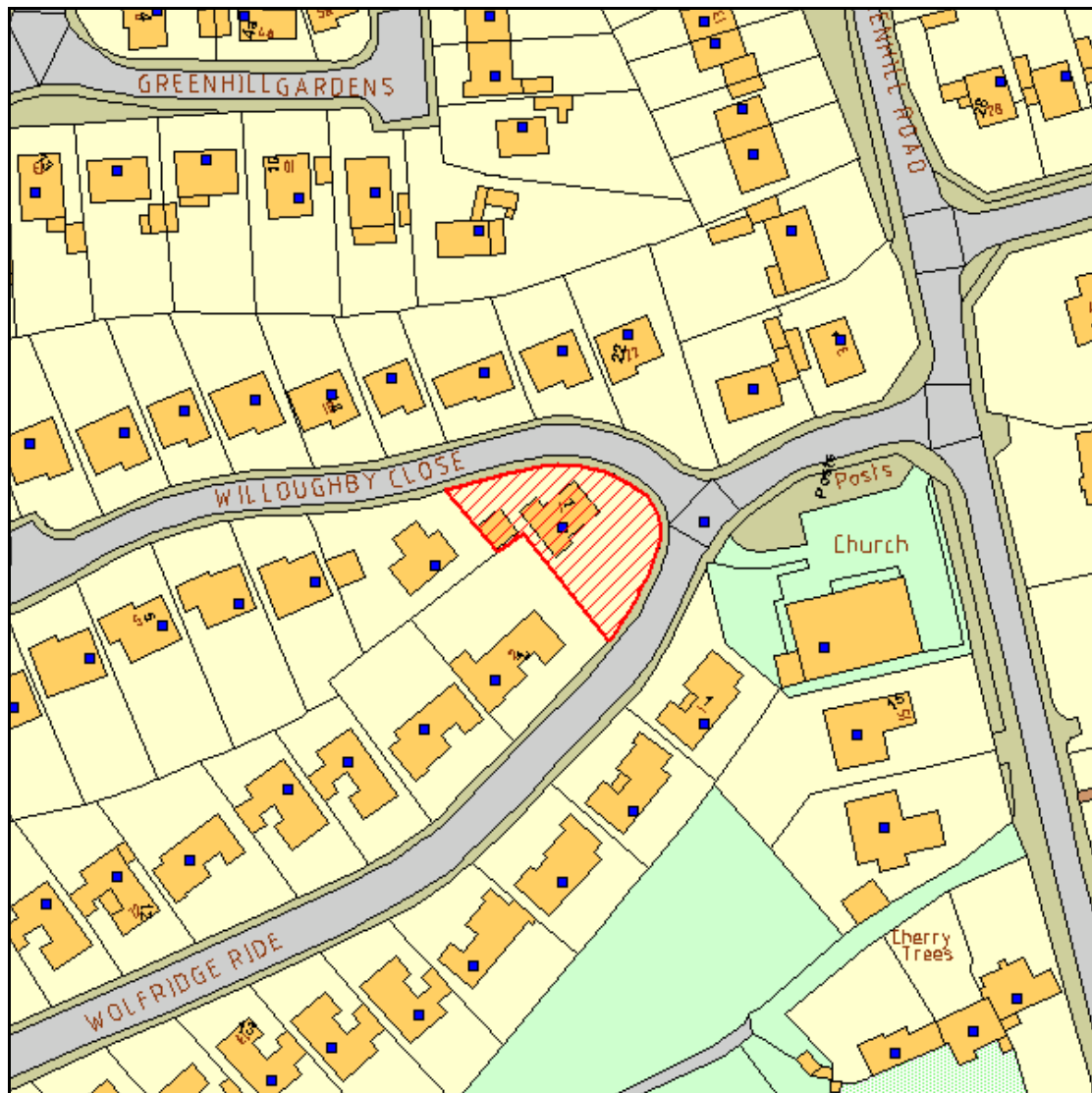
Contact Officer: Roger Hemming
Tel. No. 01454 863537

REASONS FOR REFUSAL

1. Given the quiet nature of the location and the proximity of the site to neighbouring residential property (44 Highfields), the proposed development, by reason of the disturbance associated with the traffic entering and manoeuvring within the site, would result in unacceptable noise and disturbance for adjacent residential occupiers, contrary to Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

CIRCULATED SCHEDULE NO. 01/10 – 08 JANUARY 2010

App No.:	PT09/5761/F	Applicant:	Mr M J Maxwell
Site:	1 Willoughby Close Alveston Bristol South Gloucestershire BS35 3RW	Date Reg:	13th November 2009
Proposal:	Erection of rear conservatory.	Parish:	Alveston Parish Council
Map Ref:	363190 187851	Ward:	Thornbury South And Alveston
Application Category:	Householder	Target Date:	30th December 2009



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 100023410, 2008. **N.T.S.** **PT09/5761/F**

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the erection of a rear conservatory. The proposal would extend across the whole of the rear of the bungalow in two sections. This would be a maximum of 3.5m deep.
- 1.2 The application site relates to a detached bungalow and its associated residential curtilage. The dwelling is situated within a well-established residential area within the washed over village of Alveston.

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 Curtilage

GB1 Green Belt

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 None.

4. CONSULTATION RESPONSES

4.1 Alveston Parish Council

No comment.

4.2 Local Residents

One support comment received.

One objection comment received regarding scale of the proposal and potential overlooking into a side facing bedroom window at the neighbouring house.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for extensions to residential dwellings. This is subject to the proposed development:

- respecting the character and appearance of the existing dwelling and the surrounding area;
- not prejudicing the amenities of nearby occupiers
- maintaining highway safety; and

- providing adequate amenity space.
- 5.2 Policy D1 of the Local Plan applies to all types of development. It considers general design principles to ensure new development respects, conserves and enhances the character and quality of the surrounding local environment.
- 5.3 Policy GB 1 seeks to restrict development in the green belt to those limited categories of development which are appropriate in the green belt. With regard to this application only limited extension would be permitted.
- 5.4 Residential Amenity
The proposed extension would be situated on the dwellings rear elevation. The conservatory would have a maximum depth of 3.5m, it would be set in marginally from both sides of the house and would be located 1.7m from the boundary with 2 Wolfridge Ride. There is a modest level change between the gardens and the neighbour has a bedroom window to the side elevation which is only around ten metres from the conservatory and it is feasible that the side elevation of the conservatory could cause overlooking into the neighbours bedroom window. The rear windows to the proposed conservatory are less likely to cause overlooking that the existing situation due to the acute angle of vision and as such these need not be obscured. On this basis the side elevation should be obscure glazed, and this can be achieved with a condition, but overall the conservatory would not result in an overbearing effect on the neighbouring occupier. It is therefore concluded that the proposed development would not materially harm residential amenity and would accord to Policy H4 of the adopted local plan.
- 5.5 Visual Amenity
The proposed dwelling is a detached bungalow. The proposed conservatory would be subservient to the bungalow and have limited impact on the streetscene. On this basis it is concluded that the proposed extension appears proportionate to the host dwelling and would maintain the character and appearance of the existing dwelling and the surrounding residential area. The development therefore accord to policies D1 and H4 of the adopted local plan.
- 5.6 Green Belt
The proposal represents a 28% extension in the green belt which is an acceptable proportion for this bungalow. In addition the extension is set behind relatively high gardens walls, will be subservient to the bungalow and have no impact on the openness of the Green Belt.
- 5.7 Use of Energy and Sustainability
To current Building Regulation standards.
- 5.8 Improvements Achieved to the Scheme
None.
- 5.9 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular

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

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 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 overlooking by the neighbour have been considered and addressed by a condition such that the proposed extension would not give rise to an adverse overbearing effect or a material loss of privacy to nearby occupiers. The development therefore accords to Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - b) The proposed extension has been designed to respect and maintain the massing scale, proportions, materials and overall design and character of the existing dwelling and the 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.
- 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: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

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

Reason

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

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

Reason

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

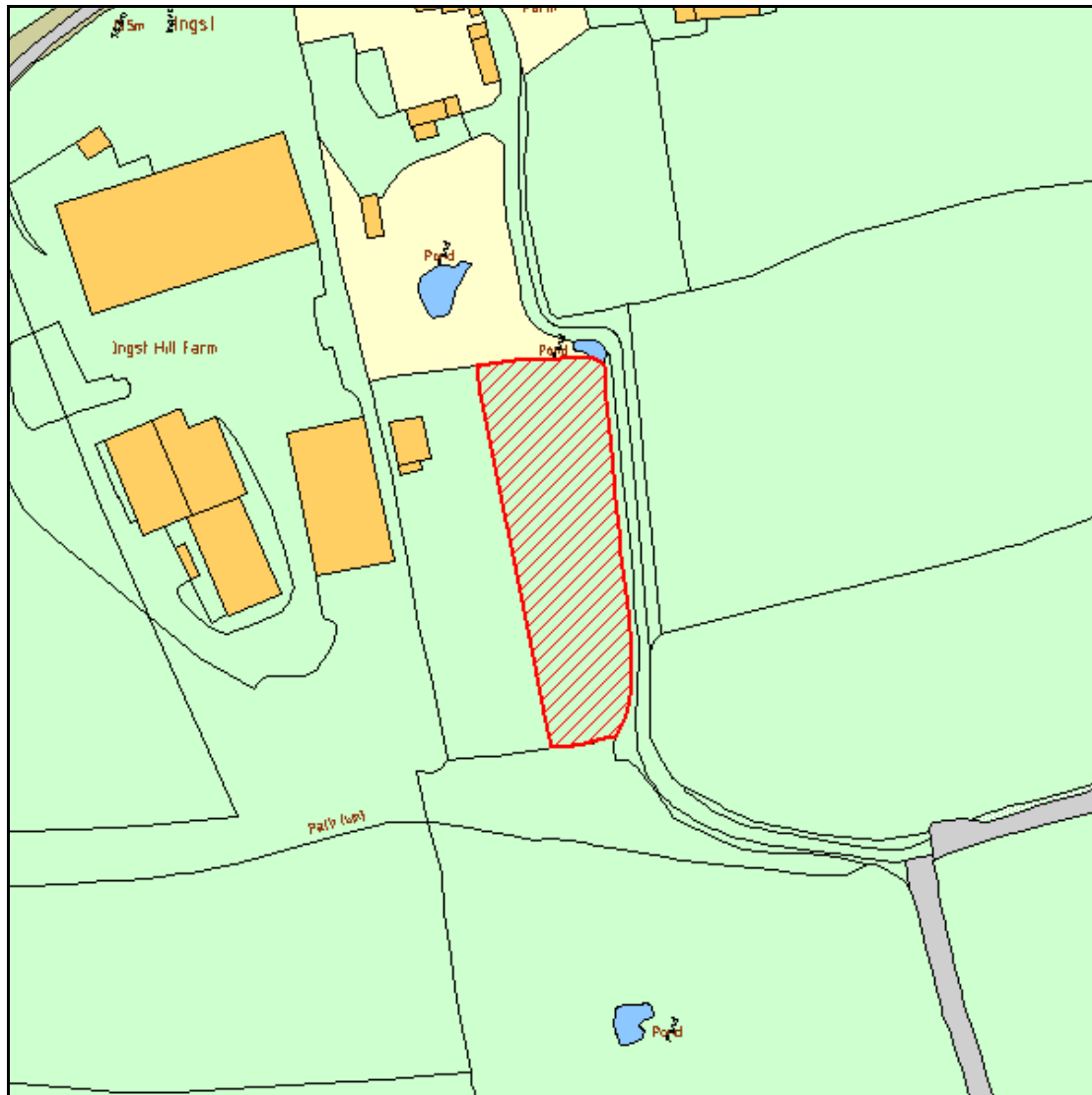
3. The glazing on the western elevation shall at all times be of obscured glass to a level 3 standard or above and be permanently fixed in a closed position except above 1.7m from finished floor level.

Reason

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

CIRCULATED SCHEDULE NO. 01/10 – 08 JANUARY 2010

App No.:	PT09/5810/F	Applicant:	Mr And Mrs R Hemmings
Site:	Ingst Farm Ingst Hill Olveston Bristol South Gloucestershire	Date Reg:	24th November 2009
Proposal:	Erection of agricultural building for the keeping of livestock.	Parish:	Olveston Parish Council
Map Ref:	358243 187794	Ward:	Severn
Application Category:	Minor	Target Date:	18th January 2010



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 100023410, 2008. **N.T.S.** **PT09/5810/F**

INTRODUCTION

This application appears on the Circulated Schedule, as a representation was made contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application relates to a site located on a hilltop in open countryside to the west of Olveston. There are already a number of agricultural buildings on the site.
- 1.2 It is proposed to erect a modern agricultural building to be used for the keeping of livestock. The building proposed would be constructed of green powder coated steel sheets and measure 3.6 m in height, 6 m in width and 13.7 m in length.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPS7	Sustainable Development in Rural Areas

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design
L1	Landscape Protection and Enhancement
E9	Agricultural Development
GB1	Development within the Green Belt

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

No relevant history.

4. CONSULTATION RESPONSES

4.1 Olveston Parish Council

Olveston Parish Council has no objections to this application, but has concerns regarding the large size of the barn compared to the acreage, despite the applicant's claim that it is adequate acreage.

4.2 Landscape Architect
No objection.

4.3 Transportation
No objection.

Other Representations

4.4 Local Residents
No comments received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006 allows the construction of new buildings for agriculture subject to the impact on the 'openness' of the Green Belt being acceptable.

Policy E9 of the Local Plan relates to the erection of Agricultural Buildings. Permission is granted subject to the satisfaction of the following criteria:

5.2 **They are sited on land which is in use for agricultural purposes and there are no existing suitable underused buildings available;**

5.3 The site is situated within farmland to the rear of Ingst Farm and there are no other agricultural buildings on the land that could be utilised. The only existing buildings are within Ingst Farm itself and in the adjacent field to the west.

5.4 **Adequate provision is made for access and manoeuvring of machinery and livestock to avoid the perpetuation, intensification or creation of a traffic hazard;**

5.5 There is an existing access to the site from Ingst Hill. A track runs up the hill past the existing buildings and yard. The proposed use and new agricultural building would not generate a high level of traffic. The Council's Highways Officer has raised no objection to the proposal.

5.6 **Development would not have unacceptable environmental effects;**

5.7 It is not considered that the proposal would have any unacceptable environmental effects.

5.8 **The proposal would not prejudice the amenities of people residing in the area.**

5.9 The site is remote from the residential properties that front Ingst Hill. The impact on residential amenity would be acceptable.

5.10 Impact on the Green Belt / Landscaping

The site is located on a hilltop but is well back from the break of slope and this factor combined with existing vegetation means that it is not widely visible in the landscape. The Parish Council raised concern regarding the large size of the barn compared to the acreage of the site. It is considered that the field is of ample size to accommodate the proposed building and contain the associated livestock.

The most important attribute of Green Belts is their openness. To the west of the application site lies Ingst Hill Farm. This large farm contains three agricultural buildings in close proximity to the proposed location of the building. These buildings are of a significant scale, all of them measuring at least 40 m in length. The proposed building will be read with this group of larger farm buildings and will be much smaller than any of them and consequently will be visually subservient and thus an appropriate addition.

In terms of 'openness' the proposed building will be well screened by tall trees and hedgerows which ensure the site is enclosed. Taking into account this level of existing vegetation it is not considered that a landscaping condition would be required.

5.11 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.

5.12 Section 106 Requirements

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

6. CONCLUSION

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

The 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 proposal constitutes appropriate development in Green Belt terms and would not impinge on the 'openness' of the Green Belt. The proposal therefore complies with Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) The proposal would not prejudice highways safety, residential amenity or have any unacceptable environmental effects. The proposal therefore accords to Policy E9 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

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

Contact Officer: William Collins
Tel. No. 01454 863819

CONDITIONS

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

Reason

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

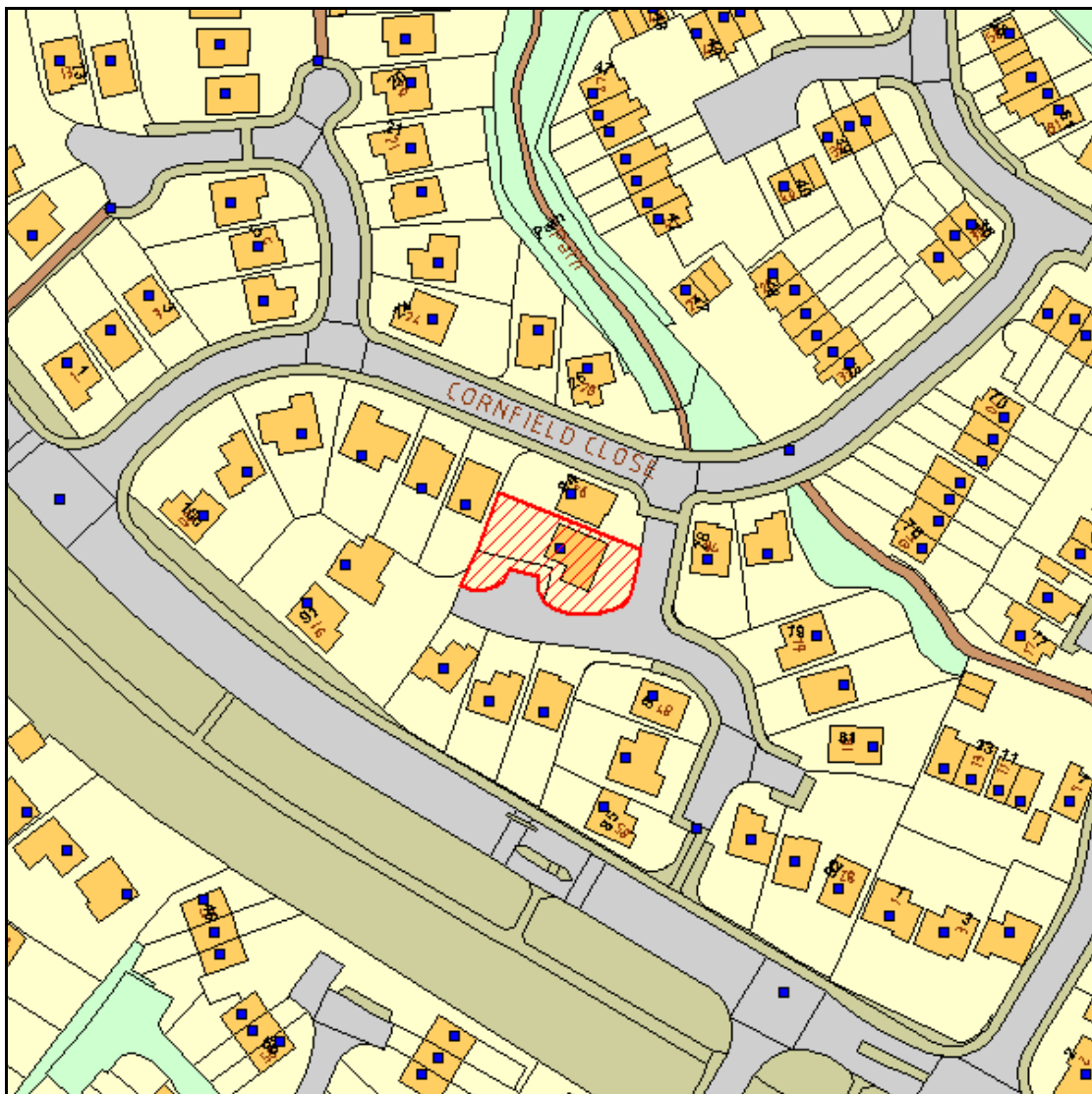
2. If the agricultural use of the building hereby permitted permanently ceases within ten years from the date on which the development was substantially completed then the building shall be removed from the land and the land shall, so far as is practicable, be restored to its condition before the development took place.

Reason

To ensure the building hereby permitted shall be used for agricultural purposes in the long term which is an appropriate use within the Green Belt as defined in Policy Planning Guidance 2: Development in the Green Belt and Policy GB1 of the South Gloucestershire Local Plan (Adopted) 2006.

CIRCULATED SCHEDULE NO. 01/10 – 08 JANUARY 2010

App No.:	PT09/5935/F	Applicant:	Mr John Ashford
Site:	93 Cornfield Close Bradley Stoke Bristol South Gloucestershire BS32 9DR	Date Reg:	30th November 2009
Proposal:	Erection of two storey side extension to form additional living accommodation.	Parish:	Bradley Stoke Town Council
Map Ref:	361408 182282	Ward:	Bradley Stoke Central And Stoke Lodge
Application Category:	Householder	Target Date:	21st January 2010



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100023410, 2008. **N.T.S.** **PT09/5935/F**

INTRODUCTION

This application is being circulated to Members because the Officer's recommendation conflicts with written representations received from a local resident and the Bradley Stoke Town Council.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a two storey side extension to form additional living accommodation. The proposal would measure approximately 7.5 metres to ridge height falling to approximately 5 metres at the eaves. The ground floor of the extension would measure approximately 7.5 metres in depth and 3.5 metres in width with the first floor measuring approximately 6 metres in depth and 6 metres in width. There would also be a 1.8 stone wall running along the south west boundary replacing the existing trees and mature hedge landscaping.
- 1.2 The application site relates to a two storey detached dwelling with pale stone brick facing and light brown concrete pantiles. It is situated in the well-established residential area of Bradley Stoke.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT04/2136/F Erection of single storey side and rear extension to form kitchen diner and WC.
Approved. 19 July 2004.

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
Objection on the grounds that the proposed development almost doubles the size of the house and as such is detrimental to the visual amenity of the site and area.

Other Representations

- 4.3 Local Residents
1 letter was received from a local resident not objecting to the extension per se but concerned about the erection of the boundary wall in place of existing landscaping. It would reduce the openness and be detrimental to the visual

amenity of the street. Concern was also raised that any window in the side elevation should be obscure glazed.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local plan (Adopted) January 2006 allows for the extension to residential dwelling subject to there being no adverse impact on the residential amenity.

5.2 Policy D1 of the Local Plan applies to all types of new development. It considers general design principles and ensures good quality design which respects, conserves and enhances the character of the existing dwelling and the surrounding local environment.

5.3 Residential Amenity

The application site is situated on a corner plot of Cornfield close and adjoins two dwellings, No. 95 to the northeast and No.94 to the northwest. The proposed development would extend the existing house towards the and as such it is considered that the effect of the development to either of these neighbouring occupiers would be minimal and would not be detrimental to the occupiers' privacy or amenity.

Nos. 88 and 89 Cornfield Close would be directly opposite the proposed development. There is a highway of approximately 7 metres in width in between, with the houses themselves being approximately 12 metres away from the proposed development. Concern has been raised that a window in the southwest elevation is planned and it is hoped that this would be obscure glazed. However, no window can be seen on the southwest elevation on the plans submitted (see 'Proposed Plans' Drg. No. 002, received by SGC on 26 November 2009). This is only evident on the existing plans (see 'Existing Plans, Location Plan and Block Plan' Drg. No. 001, received by SGC on 26 November 2009).

Another concern has been raised regarding the replacement of the existing tree and hedging with a 1.8 metre high boundary wall on the grounds that it would create an overbearing effect, reduce the openness and be detrimental to the visual amenity of the street and more significantly, the occupiers of the neighbouring dwellings directly opposite. A boundary wall in this location is likely to be detrimental to the visual amenity of the neighbouring occupiers and the immediate locality. Moreover it is considered likely to increase the sense of enclosure in this area of the 'Close'. This would be contrary to Policies H4 and D1 of the South Gloucestershire Local Plan. On this basis it is recommended that the boundary wall is replaced by a scheme of landscaping and as such a condition to this effect would be attached to any permission.

Notwithstanding the concerns over the boundary wall, it is considered that the proposed extension is unlikely to result in any material harm to the residential amenity of neighbouring occupiers or public safety and as such would accord with policy H4 of the South Gloucestershire Local Plan.

5.4 Design/Visual Amenity

This application seeks planning permission for the erection of a two storey side extension to form additional living accommodation. The proposal would

measure approximately 7.5 metres to ridge height falling to approximately 5 metres at the eaves. The ground floor of the extension would measure approximately 7.5 metres in depth and 3.5 metres in width with the first floor measuring approximately 6 metres in depth and 6 metres in width. There would also be a 1.8 stone wall running along the south west boundary replacing the existing trees and mature hedge landscaping. The application site relates to a two storey detached dwelling with pale stone brick facing and light brown concrete pantiles. It is situated in the well-established area of Bradley Stoke.

The proposed extension would consist of converting one of the two garages to form living accommodation and erecting a new garage to the side of the existing remaining one. Above this, the first floor would be extended above to create additional living accommodation.

The proposal does increase the scale and massing of the house yet it would remain subservient to the main dwelling and would be constructed of materials to match those of the existing property.

The proposed new windows in the planned extension are slightly incongruous to those existing in the main house however this is not a sufficient basis for refusal of the application. The surrounding residential development in the locality is architecturally eclectic involving a wide variety of styles and materials. Given this context and the limited room for improvement to the existing dwelling it is considered that the proposed extension would not be detrimental to the character of the existing property and surrounding locality. In terms of visual amenity, the issue of the boundary wall has already been addressed above. It is considered that the proposed wall would be detrimental to the visual amenity of the neighbouring occupiers opposite and the immediate locality and as such a condition requiring a landscaping scheme on the southwest boundary is recommended. Notwithstanding this it is considered that the proposed extension accords with criteria contained in policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) August 2007.

5.5 Design and Access Statement

The Design and Access Statement submitted with the application is [not] 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

Will be in accordance with Building Regulation standards.

5.7 Improvements Achieved to the Scheme

None.

5.8 Section 106 Requirements

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

condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 Notwithstanding the concerns over the boundary wall, the proposed extension will not result in any material harm to the residential amenity of neighbouring occupiers or public safety and as such would accord with policy H4 of the South Gloucestershire Local Plan.
- 6.3 The proposed extension would be subservient to the main dwelling and would be constructed of materials to match those of the existing property. Given the context it is considered that the proposed extension would not be detrimental to the character of the existing property and surrounding locality. Notwithstanding the issue of the boundary wall, the proposed extension accords with criteria contained in policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) August 2007.
- 6.4 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 Planning permission be **GRANTED** subject to the following conditions:

Contact Officer: Genevieve Tuffnell
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

2. Notwithstanding the details on the submitted plans (Proposed Plans, Location Plan & Block Plan : Drawing No. 002 received by South Gloucestershire Council on 26

November 2009), this consent does not extend to or include the provision of a 1.8 metres tall boundary wall on the south west boundary of the application site.

Reason

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

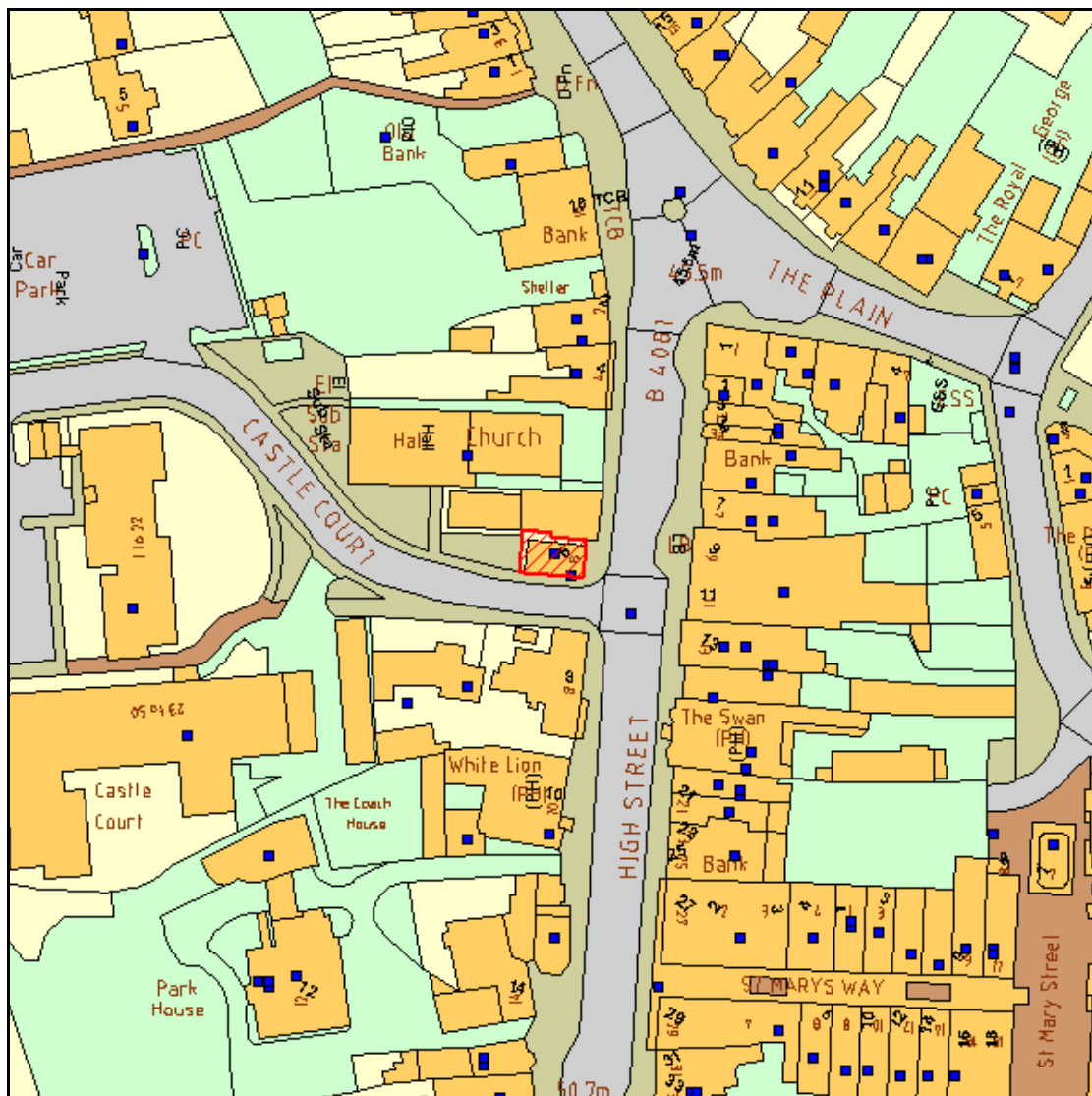
3. No development shall commence until a scheme of landscaping ; proposed planting (and times of planting) and boundary treatment on the southwest boundary shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason

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

CIRCULATED SCHEDULE NO. 01/10 – 08 JANUARY 2010

App No.:	PT09/5936/F	Applicant:	Mr D Parkhill
Site:	The Register Office 6 High Street Thornbury Bristol South Gloucestershire	Date Reg:	3rd December 2009
Proposal:	Change of Use from Office (Class Use B1) to Hot Food Takeaway (Class Use A5) (as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) to include installation of extractor fan, flue and roofing over rear courtyard and associated works.	Parish:	Thornbury Town Council
Map Ref:	363661 190154	Ward:	Thornbury North
Application Category:	Minor	Target Date:	21st January 2010



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INTRODUCTION

This application appears on the Circulated Schedule as representations were made contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the Change of Use from Office (Class Use B1) to Hot Food Takeaway (Class Use A5) (as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) to include installation of extractor fan, flue and roofing over rear courtyard and associated works.
- 1.2 This is a Grade II Listed Building known as 'The Register Office' located on Thornbury High Street within the Conservation Area. The building constitutes a 'secondary shopping frontage'. The current authorised use of the building is for office use, however the building has been vacant for around six months.
- 1.3 An amended plan showing a revised flue and additional information regarding the odour abatement system were submitted by the applicant following Officer's concerns.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS4	Planning for Sustainable Economic Growth
PPG15	Planning and the Historic Environment

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design
L12	Conservation Areas
L13	Listed Buildings
T12	Transportation Development Control Policy for New Development
EP1	Environmental Pollution
RT1	Development in Town Centres
RT10	Changes of Use within Secondary Shopping Frontages

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

PT08/1925/LB – Internal alterations to include enlargement of internal door openings and alterations to lobby floor area (Resubmission of PT08/0878/LB). Approved 11/08/2008.

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council

No objection.

4.2 Other Consultees

Environmental Services

No objection subject to conditions.

Transportation

No objection.

Conservation

No objection subject to conditions.

Other Representations

4.3 Local Residents

Two letters of objection were received from local residents raising the following concerns:

- a) There are already two long established fish and chip shops within 100/200 yards with a fast food outlet next door.
- b) Being a listed building its change of use from office use to catering is totally out of character.
- c) The proposed development would result in a dangerous traffic hazard due to cars stopping outside.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policies RT1 and RT10 of the South Gloucestershire Local Plan (Adopted) January 2006 following guidance in PPS4 indicates that retail and other appropriate development will be permitted within the Town Centre of Thornbury subject to not detracting from the overall vitality and viability of the centre and it is consistent with the scale and function of the centre, it is accessible to public transport users, there are no adverse environmental or transportation effects or impact upon residential amenity and that other uses including a non-retail use is included on the upper floor.

Policy RT10 considering development within Secondary Shopping Frontages reiterates the above criteria and allows scope for flexibility in the types of use that can be accommodated. The proposed A5 use is therefore considered acceptable in principle subject to detailed consideration of the following issues.

Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006 considers the environmental impact of development, with regard to noise and odour. Policies L12 and L13 consider the impact of alterations to the building in terms of its Listed status and location within the Conservation Area following guidance given in PPG15 that all development should preserve or enhance the

character and the appearance of the area. Policy T12 considers the impact of development upon the surrounding highway network.

5.2 Residential Amenity / Environmental Impact

It is not considered that the proposed physical alterations to the building will adversely affect the amenity of neighbouring occupiers. The provision of extraction and odour abatement equipment including details of the extraction system will ensure that the equipment is maintained regularly and ensure that noise prevention measures are adequate. There will be a condition added to the decision notice ensuring further odour control details are provided prior to commencement of development. To ensure that there is no impact upon the sewerage system from grease/food particles a condition to cover this matter is recommended requiring the provision of grease traps. A condition will also limit the opening hours to customers from 11 am to 11.30 pm on all days.

5.3 Impact on Listed Building / Conservation Area

The property is Listed and dates back to 1839. The front façade is of a 'Greek Revival' design with the rest of the building being a simple stone structure with a slate roof. The main external alterations proposed are concentrated on the north facing side elevation. It is proposed that ductwork would run through the existing aperture in the building and an extractor fan be situated on top of the existing flat roof to the side of the building. Initially a large upright flue approximately 1.9 m in height had been proposed however the Council's Conservation Officer deemed this unacceptable given its size and appearance and consequent harm it would cause to the fabric of the Listed Building.

A revised plan and additional information concerning the extraction system was submitted to the Local Planning Authority. The large, upright flue has been omitted and in its place is a smaller extraction unit that would not project in height above the existing top part of the window frame. This would ensure that the extraction unit would barely be visible, if at all, from views from the Conservation Area and would be a much more sympathetic addition to the existing Listed Building.

To the rear of the building it is proposed that a roof is added over the rear courtyard area and velux flat roof windows added. Again this addition would have minimal impact on the character of the building with the roof being flat and not pitched. Overall it is considered that the proposed alterations and change of use would not result in harm being caused to the historic fabric or character of the Listed Building.

The Conservation Officer has suggested a number of conditions that will be attached to the decision notice, concerning details of the junction and finish of the proposed ductwork and details of all new wall, floor and ceiling finishes.

5.4 Transportation

The proposed takeaway unit occupies a sustainable High Street location within walking distance of a large catchment of dwellings. Existing parking restrictions

along the site frontage prohibit cars from stopping directly adjacent to the proposed takeaway. These parking restrictions are required to safeguard a junction and a zebra crossing. However, a free public car park lies in close proximity and on-street parking is available immediately to the south of the site which could be used by customers and for servicing requirements.

The proposed development is therefore considered in accord with the aims and objectives of Local Plan Policy.

5.5 Concentration of Hot-food Takeaways / Appropriateness as Town Centre Use

Concern has been raised that there are existing fast food outlets in close proximity to the proposed fish and chip takeaway. The Old Fire Station next to The Register Office is currently in use as a hot food takeaway and on the other side The Mogul Shamrat although predominantly a sit-in restaurant also offers takeaway food. There are also several other hot food takeaway's in Thornbury town centre including The Frying Machine, The Great Wall and another Chinese takeaway on Pullins Green. However it is not considered there is an over concentration of hot food takeaways given the 100+ shop units available on Thornbury High Street, St Mary's Centre and surrounding area.

The Local Plan makes a distinction between the main shopping areas or 'primary frontages' which contain a high proportion of retail uses, particularly those within Class A1 of the Use Classes Order and 'secondary areas' where there is scope for more flexibility in the type of uses which may be accommodated. The Register Office is designated as a secondary shopping frontage within Thornbury town centre. The building is already in use for a non-shop purpose (B1 Office) and following the failure to secure a tenant for this use the change to an A5 use would help secure the future vitality and character of the premises. The change to an A5 use would give the premises increased flexibility as there would be permitted changes to A1, A2 or A3 uses.

5.6 Design and Access Statement

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

5.7 Improvements Achieved to the Scheme

A revised plan was received that incorporated a new extraction system without the need for a large upright flue that would have detracted from the visual and historic appearance of the Listed Building.

5.8 Section 106 Requirements

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

condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

The 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.

- The proposed change of use to A5 (Hot food takeaway) would respect the vitality and character of the secondary shopping frontage on Thornbury High Street and the proposal therefore accords with Policies RT1 and RT10 of the South Gloucestershire Local Plan (Adopted) January 2006.
- The proposed development would not unacceptably harm the environment or the health or amenity of users of the site or surrounding land. The proposal therefore accords with Policies EP1 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- The proposed change of use would not prejudice highway safety and the site is located in an area that is highly accessible by foot and public transport. The proposal therefore accords with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
- The proposed development would respect and preserve the character and appearance of the Listed Building and the setting of the Conservation Area. The proposal therefore accords with Policies L12 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

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

Contact Officer: William Collins
Tel. No. 01454 863819

CONDITIONS

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

Reason

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

2. The use hereby permitted shall not be open to customers outside the following times 11am to 11.30pm Monday - Sunday.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies EP1 and RT10 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the first use of the site, full details of the proposed grease traps (Grease should be prevented entering the sewer by achieving compliance with BS EN 1825 or other suitable means) to be installed shall be provided. The grease traps shall hereafter be retained in accordance with these approved details.

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

4. Prior to the first use of the site, further details are required on the exact grease filters to be used. These must be replaced and maintained in compliance with the manufacturer's recommendations.

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

5. Prior to the first use of the site, further odour control system will be necessary and therefore the proposed liquid odour control system should be installed within the system, namely O.N 100 by the manufacturer Purified Air.

Reason

To minimise disturbance to occupiers of nearby buildings and to accord with Policy EP1 and RT10 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Notwithstanding previously submitted details and prior to commencement of work, the detailed design of the junction between the window and the extract vent, at the point that the ductwork passes through the window, shall be submitted and approved in writing by the Local Planning Authority.

Reason

To safeguard the special architectural and historic character of the building and to maintain and enhance the character and appearance of the Conservation Area and to accord with Policy L12 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006 and PPG15.

7. Notwithstanding previously submitted details and prior to the commencement of work the finish of the external ductwork shall be agreed in writing by the Local Planning Authority and maintained in the approved finish thereafter.

To safeguard the special architectural and historic character of the building and to maintain and enhance the character and appearance of the Conservation Area and to accord with Policy L12 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006 and PPG15.

8. Notwithstanding previously submitted details and prior to the commencement of work all new wall, floor and ceiling finishes shall be submitted and agreed in writing by the Local Planning Authority.

To safeguard the special architectural and historic character of the building and to maintain and enhance the character and appearance of the Conservation Area and to accord with Policy L12 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006 and PPG15.

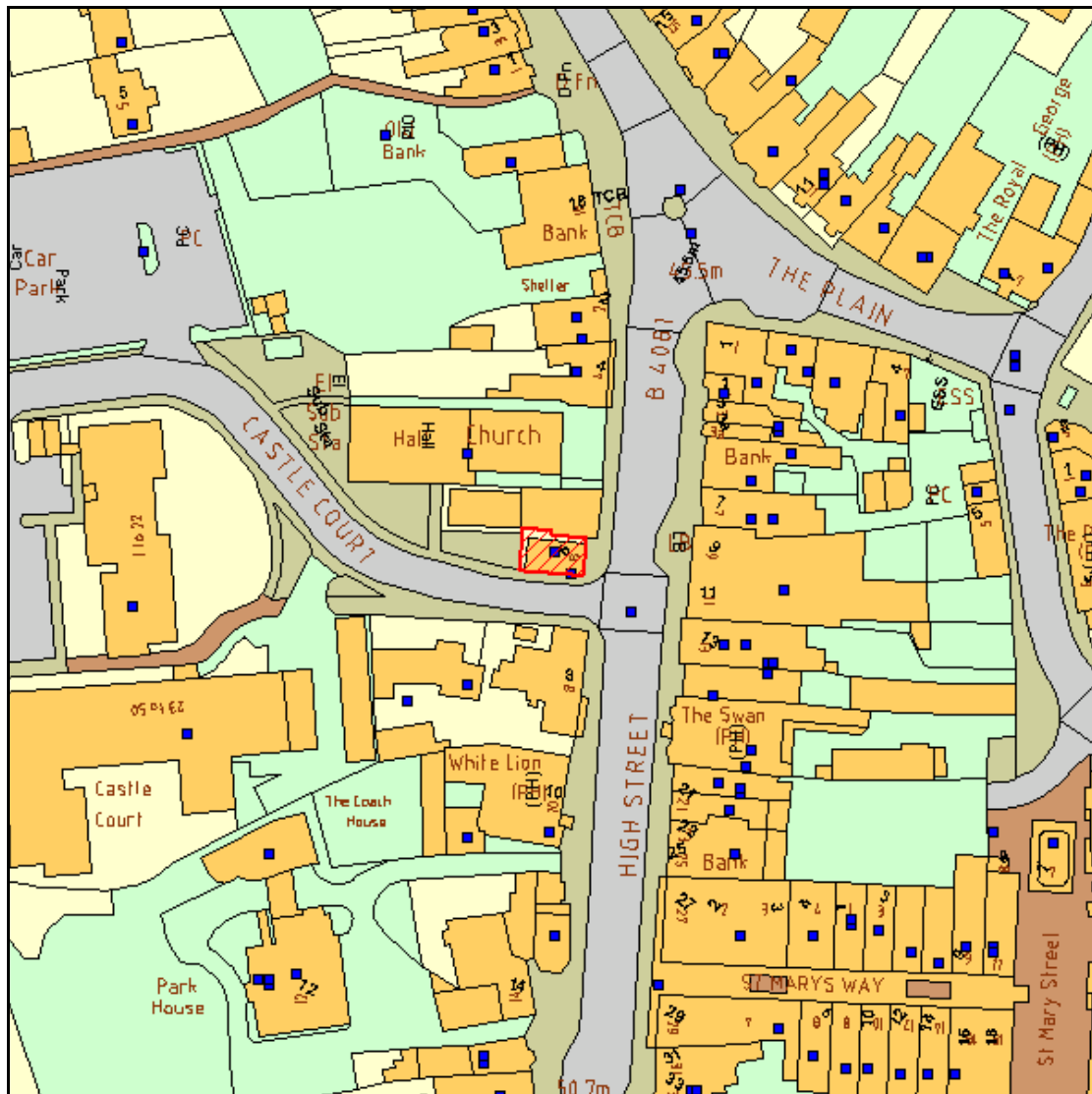
9. Notwithstanding previously submitted details and prior to commencement of work, a revised version of drawing '2941:02', showing the amended details of the extraction system (omitting the upright flue) on the north elevation of the building shall be submitted and approved in writing by the Local Planning Authority.

Reason

To safeguard the special architectural and historic character of the building and to maintain and enhance the character and appearance of the Conservation Area and to accord with Policy L12 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006 and PPG15.

CIRCULATED SCHEDULE NO. 01/10 – 08 JANUARY 2010

App No.:	PT09/5937/LB	Applicant:	Mr David Parkhill
Site:	The Register Office 6 High Street Thornbury Bristol South Gloucestershire	Date Reg:	3rd December 2009
Proposal:	Change of Use from Office (Class Use B1) to Hot Food Takeaway (Class Use A5) (as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) to include installation of extractor fan, flue, internal works and roofing over rear courtyard and associated works.	Parish:	Thornbury Town Council
Map Ref:	363661 190154	Ward:	Thornbury North
Application Category:	Minor	Target Date:	21st January 2010



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INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This application seeks Listed Building consent for the Change of Use from Office (Class Use B1) to Hot Food Takeaway (Class Use A5) (as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) to include the installation of an extractor fan, flue, internal works and roofing over rear courtyard and associated works.
- 1.2 This is a Grade II Listed Building known as 'The Register Office' located on Thornbury High Street within the Conservation Area. The current authorised use of the building is for office use, however the building has been vacant for around six months. The change of use is considered under a separate planning application, reference PT09/5936/F.
- 1.3 An amended plan showing a revised flue and additional information regarding the odour abatement system were submitted by the applicant following Officer's concerns.

2. POLICY CONTEXT

- 2.1 National Guidance
Planning (Listed Buildings and Conservation Areas) Act 1990
PPG15 Planning and the Historic Environment
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design
L12 Conservation Areas
L13 Listed Buildings
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

PT08/1925/LB – Internal alterations to include enlargement of internal door openings and alterations to lobby floor area (Resubmission of PT08/0878/LB). Approved 11/08/2008.

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
No objection.

Other Representations

4.2 Local Residents

One letter of objection received raising the following concerns:

- There is no parking outside the building.
- There are already enough food outlets in Thornbury

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The only matter under consideration is the impact upon the special architectural and historic character of the listed building.

The Planning (Listed Buildings and Conservation Areas) Act 1990 seeks to ensure that new development involving curtilage listed buildings will not result in a harmful impact to the setting of the listed building or the loss of historic fabric. The proposal will therefore be acceptable subject to the following detailed assessment.

5.2 The Listed Building and its Setting

The property is Listed and dates back to 1839. The front facade is of a 'Greek Revival' design with the rest of the building being a simple stone structure with a slate roof. The main external alterations proposed are concentrated on the north facing side elevation. It is proposed that ductwork would run through the existing aperture in the building and an extractor fan be situated on top of the existing flat roof to the side of the building. Initially a large upright flue approximately 1.9 m in height had been proposed however the Council's Conservation Officer deemed this unacceptable given its size and appearance and consequent harm it would cause to the fabric of the Listed Building.

5.3 A revised plan and additional information concerning the extraction system was submitted to the Local Planning Authority. The large, upright flue has been omitted and in its place is a smaller extraction unit that would not project in height above the existing top part of the window frame. This would ensure that the extraction unit would barely be visible, if at all, from views from the Conservation Area and would be a much more sympathetic addition to the existing Listed Building.

5.4 To the rear of the building it is proposed that a roof is added over the rear courtyard area and velux flat roof windows added. Again this addition would have minimal impact on the character of the building with the roof being flat and not pitched. Overall it is considered that the proposed alterations and change of use would not result in harm being caused to the historic fabric of the building.

The Conservation Officer has suggested a number of conditions that will be attached to the decision notice, concerning details of the junction and finish of the proposed ductwork and details of all new wall, floor and ceiling finishes.

5.5 Other Matters

It should be noted that this application is for Listed Building Consent and therefore matters concerning highway safety and demand for a food outlet cannot be considered under this application. These issues are considered as a part of the associated planning application (PT09/5936/F).

6. CONCLUSION

6.1 The recommendation to approve Listed Building Consent has been made having regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Government advice contained in PPG15 (Planning and the Historic Environment).

7. RECOMMENDATION

7.1 That Listed Building consent is **GRANTED** subject to the following conditions.

Contact Officer: William Collins
Tel. No. 01454 863819

CONDITIONS

1. The works hereby permitted shall be begun before the expiration of three years from the date of the consent.

Reason

As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to avoid the accumulation of Listed Building Consents.

2. Notwithstanding previously submitted details and prior to commencement of work, the detailed design of the junction between the window and the extract vent, at the point that the ductwork passes through the window, shall be submitted and approved in writing by the Local Planning Authority.

In order that the development serves to preserve the architectural or historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out at PPG15.

3. Notwithstanding previously submitted details and prior to the commencement of work the finish of the external ductwork shall be agreed in writing by the Local Planning Authority and maintained in the approved finish thereafter.

In order that the development serves to preserve the architectural or historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out at PPG15.

4. Notwithstanding previously submitted details and prior to the commencement of work

all new wall, floor and ceiling finishes shall be submitted and agreed in writing by the Local Planning Authority.

In order that the development serves to preserve the architectural or historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out at PPG15.