



**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. 31/07

Date to Members: 03/08/07

Member's Deadline: 10/08/07

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 12 noon)**. 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 (by 12 noon) (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: 03/08/07

SCHEDULE NO. 31/07

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 12 noon), 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 03 August 2007

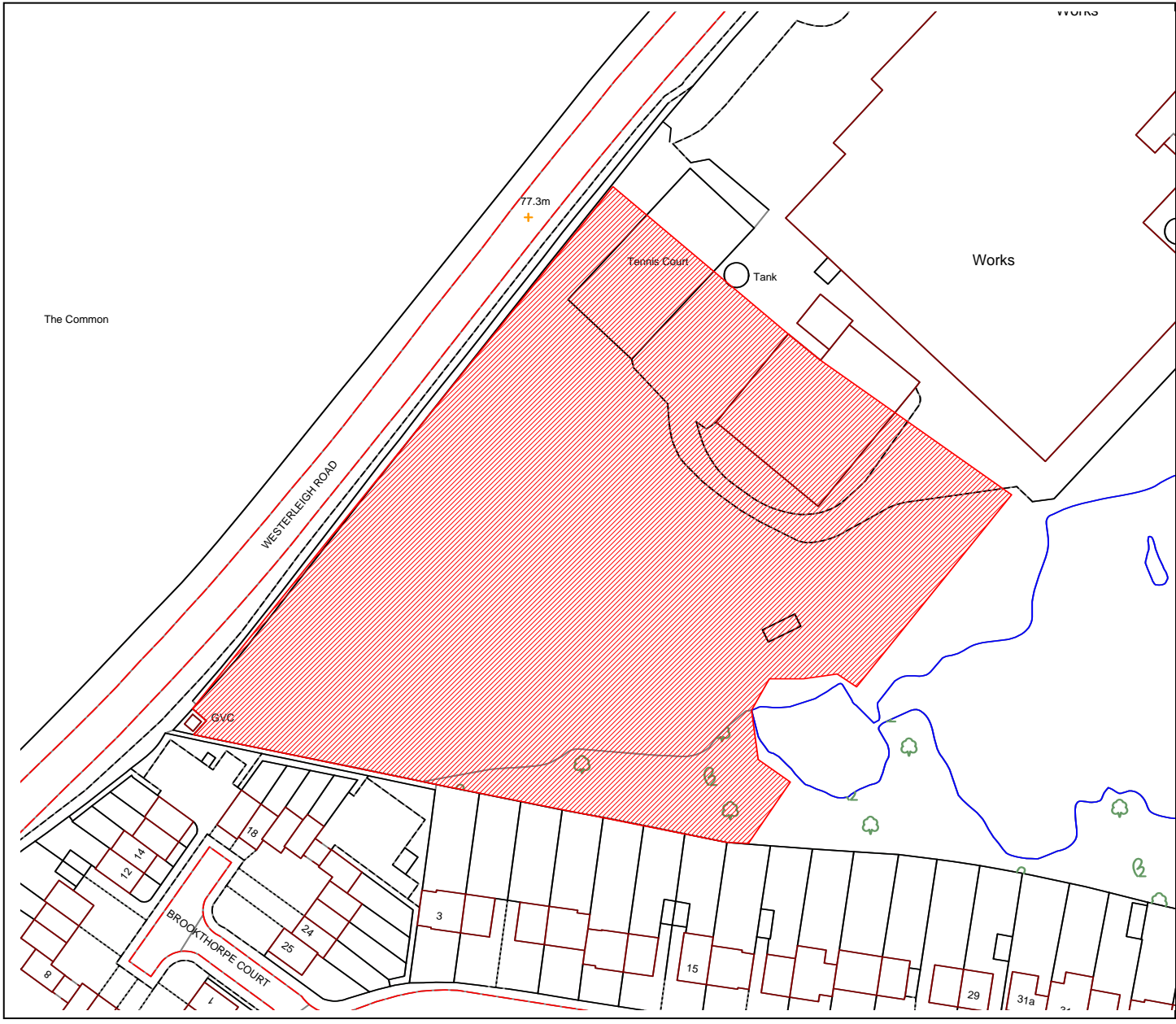
ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1.	PK06/2774/O	Approved subject to Section 106	Westerleigh Road Yate South Gloucestershire BS37 8QA	Yate Central	Yate Town Council
2.	PK07/0385/F	Approve with conditions	Frys Farm Leigh Lane St. Catherine South Gloucestershire BA1 8HQ	Boyd Valley	Cold Ashton Parish Council
3.	PK07/0933/F	Approve with conditions	Builder's Yard adj to the Lodge 255 Badminton Road Downend South Gloucestershire BS16 6NR	Siston	Downend and Bromley Heath
4.	PK07/1328/CLE	Refusal	Ford Farm Yate Rocks Yate South Gloucestershire BS37 7BT	Yate North	Yate Town Council
5.	PK07/1477/CLE	Refusal	209 Overndale Road Downend South Gloucestershire BS16 2RQ	Downend	Downend and Bromley Heath
6.	PK07/1737/F	Approve with conditions	The Former Crossroads Service Station, 35 Badminton Road, Downend, South Gloucestershire, BS16 6BB	Downend	Downend and Bromley Heath
7.	PK07/1800/F	Approve with conditions	29 Cadbury Heath Road Cadbury Heath South Gloucestershire BS30 8BX	Parkwall	Oldland Parish Council
8.	PK07/1883/F	Approve with conditions	45 Stanley Road Warmley South Gloucestershire BS15 4NX	Siston	Siston Parish Council
9.	PK07/1940/ADV	Approve with conditions	Co-Op Pharmacy 3 High Street Warmley South Gloucestershire BS15 4ND	Siston	Siston Parish Council
10.	PK07/1971/F	Approve with conditions	20 Westfield Close Hanham South Gloucestershire BS15 3SB	Hanham	Hanham Parish Council
11.	PK07/1979/F	Approve with conditions	78 Coronation Road Downend South Gloucestershire BS16 5SL	Downend	Downend and Bromley Heath
12.	PK07/2031/F	Approve with conditions	112 Littledean Yate South Gloucestershire BS37 8UH	Dodington	Dodington Parish Council
13.	PK07/2035/F	Approve with conditions	Wilson's Engineering (on former Trumax site) Tower Road North Warmley South Gloucestershire BS30 8XP	Siston	Siston Parish Council
14.	PK07/2099/F	Approve with conditions	15 Windsor Court Downend South Gloucestershire BS16 6DR	Downend	Downend and Bromley Heath
15.	PT07/1747/F	Approve with conditions	Aretians R F C Clubhouse Station Road Little Stoke South Gloucestershire BS34 6HW	Stoke Gifford	Stoke Gifford Parish Council
16.	PT07/1885/F	Approve with conditions	19 Braemar Avenue Filton South Gloucestershire BS7 0TA	Filton	Filton Town Council

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
17.	PT07/1915/CLE	Approve	47 Gloucester Road Rudgeway South Gloucestershire BS35 3SF	Thornbury South and Alveston	Alveston Parish Council
18.	PT07/1957/F	Approve with conditions	Unit 12 Concorde Road Patchway South Gloucestershire BS34 5TB	Patchway	Patchway Town Council
19.	PT07/1977/F	Approve with conditions	Pentire Fishpool Hill Bentry South Gloucestershire BS10 6SW	Patchway	Almondsbury Parish Council
20.	PT07/2002/F	Approve with conditions	North View Knightwood Road Stoke Gifford South Gloucestershire BS34 8PR	Stoke Gifford	Stoke Gifford Parish Council
21.	PT07/2038/LB	Approve with conditions	Principals House Silverhill School Swan Lane Winterbourne South Gloucestershire BS36 1RL	Winterbourne	Winterbourne Parish Council

CIRCULATED SCHEDULE NO. 31/07 – 03 AUGUST 2007

App No.: PK06/2774/O
Site: Westerleigh Road Yate BRISTOL South Gloucestershire BS37 8QA
Proposal: Erection of 70 No. dwellings (Outline) with layout and vehicular access to be determined.
Map Ref: 70648 81911

Applicant: Terramond Limited
Date Reg: 27th September 2006
Parish: Yate Town Council
Ward: Yate Central



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100023410, 2007.

N.T.S

PK06/2774/O

INTRODUCTION

This application is reported on the Circulated Schedule as it relates to a major development and on the original consultation, prior to the latest amendment, objections were received.

1. THE PROPOSAL

- 1.1 This application seeks outline planning permission for the erection of 70 houses and flats on 1.25 hectares of land fronting Westerleigh Road. The site bounds to the north the existing industrial Coopers Works site, to the east a lake and beyond this housing and to the south a two and three storey housing development erected around 5 years ago. The application also involves the erection of associated garages, access roads and landscaping. A key element in the layout is the construction of a roundabout on Westerleigh Road at the site's entrance. This leads into a simple loop road through the site, from which parking courts and the proposed houses and flats themselves would be accessed. The application has been made in outline, with siting/layout and access to be determined at this stage, with scale, landscaping and design/appearance to be reserved matters for later consideration.
- 1.2 A screening opinion under the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 concludes that the proposed development will not require an Environmental Impact Assessment.
- 1.3 The proposal is for a mixture of houses and flats on the site to meet the aim in PPS3 of providing a variety of dwelling sizes in a large development. The majority of the houses are proposed to be two storey with a three storey frontage to Westerleigh Road and at the rear of the site, overlooking the lake. The majority of flats are either over garages or in the taller parts of the development, alongside the lake.
- 1.4 The scheme also involves the improvement of facilities for pedestrian and cyclist use along the Westerleigh Road frontage, where the existing footway would be widened to become a shared footpath and cycle path. A Traffic Assessment was submitted to accompany the application.
- 1.5 The site is currently derelict but was used as part of Coopers Works in the past. As such, there is a risk of industrial contamination. The site is reasonably level and is covered with small trees and shrubs. There is a tall hedgerow along the site frontage which is proposed to be retained and trimmed down to 1-1.5 metres in height. In the southern part of the site there is a badger sett. The plans show this to be relocated within the site and a wildlife corridor to be left along the southern boundary. The corridor will be fenced off, with a gate provided for access for maintenance purposes.
- 1.6 Bordering the site to the north is the industrial premises of Coopers Works, an engineering factory constructed mainly of brick, with grounds extending to the lake at the rear. This site falls within the sites for employment retention in the Local Plan.
- 1.7 The adopted South Gloucestershire Local Plan has allocated the site for housing under policy H1 (14). There is however an extant outline planning permission approved in 2005 for the erection of buildings to form a B1(a) Office use.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport: Guide to Better Practice
PPS16	Archaeology
PPG24	Planning and Noise

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

H1	Allocated Residential Development
H2	Residential Development
H6	Affordable Housing
D1	Design
L1	Landscape/ Trees
L9	Wildlife conservation
L11	Archaeology
L17	The Water Environment
EP1	Environmental Pollution
T7	Cycle Parking
T8	Car Parking
T12	Transportation
LC8	Recreational facilities
EP1	Pollution
EP6	Contaminated Land

3. RELEVANT PLANNING HISTORY

3.1	PK02/0933/O	Erection of buildings for B1(a) office use subject to a Section 106 agreement.	Approved,
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4. CONSULTATION RESPONSES

N.B. Initial consultation was carried out on the basis of the plans originally submitted with the planning application. Negotiations led to amendments to the plans, finally resulting in Revision S to the proposed layout, which now forms the proposed plan. At this stage, reconsultation took place and no objections were received from the local residents to the revised proposal. For members information, the consultation replies from local residents to the original proposal are set out below.

4.1 Yate Town Council

No objection to the revised layout.

4.2 Other Consultees

Wessex Water

Foul water flows can be connected to the existing public foul water sewer. There are no public surface water sewers in the vicinity. Suggest contacting Land Drainage Authority to investigate discharging surface water flows to land drainage. Storm flows should not be connected to foul sewers.

Technical Services Unit

No objection in principle, subject to the conditions shown below in respect of sustainable drainage. A Flood Risk Assessment was provided with the application.

Avon & Somerset Police

Commented only on the original scheme, that there were concerns over some of the proposed footpaths/ access lanes, due to a lack of natural surveillance and the limited width of the paths.

Environmental Protection

No objection in principle, but noise mitigation measures may be required. A condition has been recommended to overcome this.

4.3 Sustainable Transport

The proposal is for development of 70 dwellings, of which 38 will be houses and 32 flats. This planning application is in outline form with a layout plan submitted. The matters to be determined with this planning application are the layout and vehicular access.

Access issue

A new 24m Inscribed Circle Diameter (ICD) roundabout is proposed on Westerleigh Road to provide access to the new development. The proposed mini-roundabout junction would be constructed on land that is either in highways ownership or is controlled by the applicant and it acknowledged that this scheme would fit with the aspiration of the Council's Traffic Management Section to control vehicular speeds on Westerleigh Road. The footway along Westerleigh Road (fronting the site) is proposed to be widened to 3m in order to encourage walking/cycling. These works would be carried out by the developer and secured under an Section 106 Agreement. As part of the development and new access to the site, the council's Traffic Management Section would seek to promote a Traffic Regulation Order (TRO) in order to reduce the speed limit at this location from 40mph to 30mph. In line with previous planning approval for office development (B1 use) on this site, the developer would be required to make contribution of £20,000 towards implementation of traffic management / road safety measures in the area. The traffic management scheme of works would be subject to public consultation.

Traffic issue

A full transport assessment report has been submitted with the current application and that report has been assessed fully. The report indicates that the forecast vehicular trip generation associated with this proposed residential development will be less compared with the level of traffic likely to be generated by the previously approved office scheme on site. The Highways Officer agrees with this conclusion of the report. It is estimated that total daily traffic flow to and from the proposed residential development on the site would be in the order of 420 movements (two-way movements).

Parking issue

It is proposed to provide 103 parking spaces (some in the form of garages) to serve the development of 70 units (i.e. a parking ratio of 1.47 per dwelling). According to the Local Plan parking standard, the maximum permissible parking requirement for this development is 105 spaces (i.e. a ratio of 1.5 spaces per dwelling) for such development. In respect of off-street parking therefore, the development is considered to provide adequate off-street parking.

Public transport

The bus service that currently passes the site is the supported hourly service No. 689 Yate –Bristol and continuation of this service would depend on funds being available. The nearest bus stops are located on both sides of Westerleigh Road and these are within easy walking distance of the site. There are additional bus stops approximately 600m from the development site located on A432 Station Road. Following the receipt of comments from colleagues in the Integrated Transport Unit, the recommendation is that the applicant carries out improvements to the existing stops. These comments are listed below:

1) Westerleigh Rd.

Currently the nearest southbound bus stop on Westerleigh Rd is located opposite the junction with Wellstead Avenue and close to the junction with Stanshawes Drive. The stop is flanked by accesses to driveways and the shop which removes the potential for a shelter and raised border. The solution would be to relocate the stop to a position outside the Coopers complex where the footway is wide enough to accommodate a shelter and raised border.

2) St Briavels Drive

There are 2 bus stops on each side of St Briavels Drive just east of the junction with Barnwood Rd. Their locations are not ideal as they are almost directly opposite each other. It has been suggested moving the one in the eastbound direction about 10 metres eastward to where the footway widens out. It would bring it close to a junction but the side road is just a short cul-de-sac. A new location would give scope for a shelter and raised border. Alternatively the westbound stop could be relocated round the corner in Barnwood Road and likewise there would be room for raised kerbs and a shelter. The works associated with bus stop improvements would enhance access for disabled people and it would also promote the use public transport facilities. In order to promote the use of buses and provide better access for all at bus stops, the applicant is required to provide a contribution of £500 per dwelling towards improvements to the public transport facilities in the area.

Conclusion

In view of all the above therefore, there are no highway objections to this planning application subject to the applicant first entering into a Section 106 legal agreement to provide the following:

- a) Provision of site access in form of the roundabout together with associated works.
- b) Financial contribution of £20,000 towards traffic management and road safety scheme in the area.
- c) Financial contribution of £500 per dwelling towards improvements of the public transport facilities in the area.
- d) Widen the existing footway on Westerleigh Road (along the site frontage) to 3m wide. The extent of this footway widening will be to the south as far as the St. Briavels Drive junction and to the north to the Stanshawes Drive junction.

Other Representations

4.4 Local Residents

3 letters of objection were received, responding to the original scheme, citing the following concerns:

- * Hope that no traffic controls such as roundabouts will be introduced on Westerleigh Road
- * Relocation of the badger sett could be disruptive for wildlife
- * A three metre wildlife corridor/ buffer strip at the edge of Brookthorpe Court should be achieved
- * Buildings facing Brookthorpe Court should be gable end on to that development
- * Wildlife corridor is not as wide as residents requested in the Concept Statement workshop
- * Badgers are good climbers and can break through fences
- * The arboricultural report includes oak trees in gardens in Brookthorpe
- * Loss of privacy

NB The reconsultation on the final version of the plans brought no consultation replies.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. This is an outline application and therefore the main issues to be considered at this stage are the principle of the development proposal and the access to the scheme as well as its layout. Other issues, while not for consideration at this stage, will be analysed in terms of the proposed layout, as the positions of the roads, parking courts and buildings will be fixed if planning permission for this application is approved. With regard to the principle, the Local Plan in policy H1 has allocated this site for residential development and the proposal is considered to accord with that aim. The main material consideration in the determination of this application is the planning permission for this site, which could yet be implemented, to erect an office development. This has particular implications in terms of traffic generation for this proposal in comparison to the scheme already approved.

5.2 Concept Plan

In accordance with the supporting text to policy D1 the South Gloucestershire Local Plan, regarding allocated housing sites, a Concept Statement was submitted to inform the development proposal for the site and also add in a stage of public consultation. The Concept Statement was tested at an on-site exhibition, complete with mailing to inform local residents, followed by a stakeholders workshop meeting held in Yate in June 2006. This consultation process led to amendments to the Concept Statement and informed the design of the current proposal. For instance, the layout was changed in response to public participation to ensure that there would be no public access to the lake behind the site. Officers had originally encouraged a scheme which would focus on a public view of the lake, now, as a result of public views over safety issues, the lakeshore will run up to rear gardens, marked by the site boundary, which will be a fence designed to still provide views through it, while discouraging access to the lake. The Concept Statement was reported to and approved by the Executive Member for Planning, Transportation and the Strategic Environment.

5.3 Density of Development

The proposal sets a density of dwellings per hectare across the site of 56. The South Gloucestershire Local Plan in policy H1 sets a minimum net density for the site at 30 dwellings per hectare, with a minimum dwelling target of 35 dwellings per hectare set specifically for this site. The proposal is considered to meet that target. Part of the reason for the density of dwellings on the site being above the Local Plan's suggested density is that approximately 40% of the

development is flats, with the rest being houses. The footprint of the development is therefore not as dense as a figure of 56 dwellings per hectare may suggest. The majority of the houses are two or three storey, with a maximum of four bedrooms. The majority of flats would be in the taller parts of the development. The density of development has an effect on other issues which are analysed below and ultimately on the contributions sought under Section 106 to mitigate various effects of the development upon the locality. Some of the measures required in the Section 106 Agreement are considered to enhance the site in terms of choice of travel mode and this is considered to have the potential to increase the sustainability of the site's location. In light of these contributions and taking into account the relationship of the site at walking distance from Yate's town centre, it is considered that development of the site at the density proposed is acceptable and appropriate.

5.4 Transportation Issues

Policy T12, T7 and T8 require compliance with highway safety and parking criteria. The proposed site access and parking provision are considered to be adequate to meet these criteria. Parking has been shown at 1.47 spaces per dwelling on the site, arranged largely into parking courts to reduce the amount of roads taking up in the layout. These parking courts have been kept small in order to avoid large areas of car parking. All parking areas would be overlooked by the dwellings, the majority from the rear elevations. Most of the entrances to the parking courts are shown as being traffic calmed, with either barriers to narrow the entrances or change of surface materials and this would be implemented to ensure compliance with the relevant condition below. All vehicles entering the parking courts would therefore have to do so at minimal speeds.

5.5 Parking

As stated above, parking is proposed to be provided at 1.47 spaces per dwelling across the whole site. It would be a mixture of uncovered parking spaces, but some garage spaces are also to be provided, in the form of integral garages, or groups of garages under mews-style flats. The level of parking provided is considered to be satisfactory to meet the maximum standards in the emerging Local Plan and therefore the proposal is considered to comply with policy in this respect.

5.7 Highway Safety

The proposed visibility at the junction with Westerleigh Road is considered to be adequate and the completion of access works prior to first occupation has been secured by condition below. Segregation of pedestrians, cyclists and cars is considered to be successful, enhanced by the proposed improvement to the footway and the creation of a cycleway along the site frontage. There is no method, other than through physical constraints such as the width of roads and traffic calming, which would effectively regulate the free movement of vehicles. Parking on Westerleigh Road is discouraged in the layout through the retention of the site's hedgerow along the front of the site. Pedestrian access would be achieved along a path leading to the fronts of the houses. As noted below, a contribution of £20,000 has been agreed to be used towards traffic management and road safety works to mitigate the effects of the development in transportation terms. Overall, it should be noted that traffic generated from the residential use of the site would be less than through the implementation of the extant planning permission for an office development, while the contribution in regard to highway safety works is the same as that achieved for the earlier scheme.

5.8 Public Transportation

The site is considered, by virtue of its proximity to Yate town centre, with its full range of facilities, as well as the schools situated in south Yate, to be in a reasonably sustainable location, where future occupiers would not have to be particularly car-dependent. Part of this is recognised in the design of the scheme, making full allowance for pedestrian and cyclist movement to and from the site. Public transportation is another consideration in the sustainable character of the proposal. Through negotiation, it has been agreed to provide funding amounting to £35,000 towards improvements to public transport facilities, including for instance bus stop facilities, which are expected to be in greater demand due to this development.

5.9 Urban Design/ Proposed Layout

Achieving an Appropriate Amount of Development.

Policy H2(B) requires “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 upwards of 50 dwelling per hectare should be achieved”

Annex C of PPS3 provides guidance for a range of density:

	City centre	Urban	Sub-urban	rural
Density range Dwellings per hectare	Above 70	40 - 75	35 - 55	30 - 40

The site has a shop in close proximity, is not far from the town centre and is well served by public transport routes. The Council should therefore, in principle, be seeking a relatively high density development, subject to other policies of the local plan, especially D1 and H2.

The amount of development.

The site area is approx 1.25 hectares (area taken from application form). A development of 70 units will therefore provide a density of 56 units per hectare. The proposed density is in excess of the minimum limits of the densities envisaged by Policy H2(B), and is within the urban and sub-urban range contained within PPS3. In principle, therefore, it is considered that the density is appropriate for this location.

Layout.

Siting/Layout is to be approved at the outline stage. The layout is based on the approved Concept Statement Plan. The proposed layout provides:

- an urban structure with a hierarchy of streets that are positively enclosed by buildings
- a car parking strategy that successfully integrates the car parking into the development
- a layout that will provide future residents with sufficient amenity
- a legible environment
- a safe and secure environment

Hierarchy of Streets / Enclosure

The layout provides a hierarchy of streets that are enclosed by housing that compliment that street hierarchy. The loop road is designed to change scale as it progresses around the site and is enclosed by a variety of different types of houses / flats over garages.

Car Parking Strategy.

Closely linked to the hierarchy of street / enclosure is a car parking strategy to compliment the desired character. The proposed layout locates car parking at the edges. It does not integrate into the street-scene particularly well, but is considered to function satisfactorily overall.

Amenity of Future Residents.

The amenity of future residents is considered to be met through the design respecting the intervisibility and habitable room window to blank wall distances set down in the Council's Supplementary Planning Guidance. With regard to the size of the rear gardens, all of the gardens are considered to be of sufficient size to provide amenity for future residents.

A layout that allows Adaptation.

As noted above, the rear gardens of the properties are considered to be of sufficient size to provide sufficient amenity for future residents. The small rear gardens, may in some limited cases result in future residents not being able to adapt/extend their properties to meet their changing needs. *By Design* recognises that housing should be able to adapt to changing circumstances. This also has the benefit of encouraging a stable community, where residents are able to adapt their houses throughout their lifetime (eg an extension to accommodate a larger family). It is therefore essential that the gardens are of sufficient size to allow extensions under permitted development rights and have sufficient resultant area to maintain residential amenity. Overall, the gardens of the layout on Revision S are considered to be of sufficient size to allow extensions under permitted development rights.

A legible environment.

Whilst the appearance of the buildings will be a reserved matter, the Council must agree in principle the location of landmark buildings, gateway buildings, vista stops etc, that make a significant contribution to the legibility of a place.

The applicant layout plan identifies 'landmark buildings' in approximate location of yellow stars shown in the concept plan statement. This has been followed through with 5 starred building shown on the plan Revision S. For example:

- The two buildings at the entrance to the site intended to be landmarks/ 'gateway' buildings

Principles need to be established on how the buildings will be designed to contribute to the legibility of the environment. For example: how will buildings turn a corner without leaving a blank gable, which can, for instance, encourage graffiti. It is noted that the 'landmark buildings' illustrated have different footprints to adjacent buildings, which will encourage their individuality to stand out from the adjacent buildings. These issues will have to be resolved in detail through the submission of the reserved matters application.

A Safe and Secure Environment

Generally the layout effectively separates the public realm from the private realm and locates buildings so they provide passive surveillance of the street.

This is in accordance with the Design and Access Statement 'design objectives' to "incorporate good urban design principles of secure by design" (page 20).

Minimising the Use of Energy and Natural Resources.

Policy D1(G) states " *Proposals will be expected to demonstrate that: the design, density, orientation and location of buildings and associated landscape proposals incorporate measures to achieve energy conservation and the protection of environmental resources*" Questions 11 to 15 of the South Gloucestershire Design Checklist are related to minimising the use of energy and natural resources. In particular Question 14 asks if the development achieves a minimum EcoHomes standard of 'very good'. This standard is broadly equivalent to the 'Code for Sustainable Homes' Code Level 3, this legislation is superseding the earlier Ecohomes standards. The applicant must demonstrate how the layout and buildings have been designed to minimise the use of energy and resources. There are various strategies and technologies available that can be used (e.g. thermal insulation, re-use of rainwater, natural ventilation, re-use of existing building materials, use of on site energy generation etc), and to be effective, it is often necessarily to use a combination of strategies and technologies. In order to assess the impact the development will have on the environment, the Council requires as a minimum standard, the development to achieve EcoHomes 'very good' rating. This standard should be achieved through compliance with the condition shown below. The applicant has agreed to abide by a condition which specifies building standards to Code Level 3 and that condition appears below.

The Existing Hedgerow along Westerleigh Road.

The Concept Statement (page 14) has a 'development concept' that the existing hedge along Westerleigh Road will be reduced in height to between 1m and 1.5 metres above ground level.

Overall, therefore the submitted layout, Revision S, is considered to be acceptable in Urban Design terms. The Council's Architects Panel identified a number of problems with the earlier drafts of the layout, which have been resolved in the final version.

5.10 Wildlife/ Conservation Issues

The application site comprises a mixture of dense scrub and rough grassland between a lake, the existing Coopers Works and Westerleigh Road, opposite Yate Common. There are no statutory or non-statutory nature conservation designations covering the site. The ecological issues affected by the proposal are considered to be breeding/nesting birds, badgers, great crested newts, slowworms and the hedgerow which forms the habitat for some of the wildlife. The application is accompanied by a Phase 1 ecological survey of the site carried out by Michael Woods Associates on behalf of the applicants in May 2006.

Hedges

There is a well-established hedge on site alongside the Westerleigh Road. The Phase 1 survey indicates that it consists of elder, hawthorn, oak, rose, willow and privet. Amongst the criteria for 'importance' under the Regulations, a hedge should be adjacent to a 'road used as a public path or a byway open to all traffic'; and include at least 4 woody species with at least two of the specified features. While the hedge has more than this threshold number of species and

adjoins a 'byway open to all traffic', it does not have the requisite associated features listed in the Regulations. It does not, therefore, qualify as 'important' under the Hedgerow Regulations 1997. It is therefore being retained more for visual purposes.

Great Crested Newts

The lake was surveyed in 2002 for great crested newts, following the national protocol drawn up by English Nature (Natural England). No great crested newts were recorded – the lake is well stocked with fish and supports a large number of waterfowl, both of which predate newt eggs and larvae and both would be a major impediment to a colony establishing itself there.

Slowworms

While no specific survey for slowworms was carried out, the report noted that *'it is not considered that any more than the occasional individual is likely to be found'*. Slowworms are protected against intentional killing or injury under the Wildlife & Countryside Act 1981 (as amended by the CROW Act 2000): and are also a species listed on the emerging South Gloucestershire Biodiversity Action Plan (BAP). While it may be that the site could only support small numbers, the scrub/grassland does potentially offer suitable habitat, and a dedicated reptile survey should nonetheless be carried out (at an appropriate time of the year). A survey of the site for slowworms is required by condition below.

Bats

None of the trees on site were sufficiently old or contained suitable features (splits, fissures, rot holes, cracks etc) to offer roosting opportunities for bats. It is also accepted that the building on site is likely to be unsuitable for use by bats. However, as individual bats can be found under tiles, slates etc at any time of the year, the report's precautionary recommendation that roofs be stripped by hand and with care is supported.

Breeding Birds

A range of species of birds were recorded on site, one of which, the dunnock, is on the RSPB Amber List of Species of Conservation Concern. Accordingly, the landscaping for the development needs to retain sufficient existing scrub vegetation or bolster this with additional planting to continue to support the species. Landscaping is an issue to be specifically dealt with in the Reserved Matters application.

Badgers

A series of active badger setts (a subsidiary/small main sett, an annexe and an artificial sett, built several years ago) are on the site. To meet the provisions of the Protection of Badgers Act 1992, and to enable the site to be developed, the application proposes to construct an artificial sett at one of two potential off-site locations adjoining the lake to the east and re-locate the social group into it (under licence). As there is a 'closed season' for the issuing of licences (and such work) under the Badgers Act, details of the (phased) timing of the work, the sett type and its exact location, as well as confirmation that the land is in the ownership or control of the applicants) need to be agreed with the Council. It appears as if, while the artificial sett was built several years ago within the woodland at Coopers, the original natural sett was never closed and English Nature have indicated that there's not an issue as far as they're concerned regarding 'moving the social group from an artificial sett that they've been moved into previously'. Consequently, it appears that there are no problems

regarding English Nature issuing a licence for this. A condition requiring a badger mitigation strategy appear below.

5.11 Archaeology

There was an earlier application on this site on which the Heritage section made no archaeological comments as there were no recorded sites on the Sites and Monuments Record at that stage. However, since that point studies by, amongst others, English Heritage, have shown how little is known about Prisoner of War Camps of both the first and second World Wars. The current application area covers part of such a camp know as Wapley Camp. The c1915 OS map of the area shows three buildings within the application area, which might form part of the administrative part of the camp. Much of the area is now covered with scrub and/or trees but the site of the northernmost building appears to be less obscured. Under the terms of PPG16, a condition requiring investigation of the site appears below.

5.12 Trees

The whole of the south of Yate is covered by a Tree Preservation Order. However, the trees on this site are considered to be mostly too immature to be trees are instead classified as shrubs. Trees do however bound the site. The Council, through the Concept Statement process, has been involved with the planning of this development from the beginning and several site meetings have taken place to discuss tree retention and removal. An Arboricultural Appraisal was supplied with the application and these details are considered to be acceptable. Before any works or site clearance commences a plan of tree protective fencing in accordance with BS5837 2005 is required to be submitted and approved in writing by South Gloucestershire Council, in accordance with the condition below.

5.13 Landscape

It should be noted that landscaping of the site is a reserved matter, not for consideration at this stage. However, the proposal will have an impact upon the landscape and the location of the houses and flats will dictate later opportunities for landscaping of the site, therefore these issues are examined at this stage.

The Site

The site contains an area of old buildings together with some rubble and hard standing close to the existing factory area. The site is currently screened by a mature hedgerow of mixed native species which runs at the back of the pavement for a width of 2m approximately. The site boundary fence lies behind the hedgerow.

A small number of small trees are present on the site, the most important being the oak and sycamore which lie along side the road. A mix of shrubs and trees follow the southern boundary of the site and provide screening to the houses to the south of the site. The eastern boundary is formed by a lake which is fringed by some areas of scrub and trees, principally willow.

The proposal

The scheme is for the redevelopment of a piece of partially derelict land to create 70 residential units in a mix of flats and houses of 3, 2 and 2.5 stories high. The scheme allows for almost 1.5 parking spaces per dwelling with some visitor parking. This is all provided within private garages and in car park areas. The scheme proposes the retention of only two trees from the existing

vegetation on the site, the proposed tree removal including two category B trees. There is a proposal to coppice a small amount of willow and a couple of hawthorn to provide the “wildlife corridor” along the southern edge of the site.

Impacts of the Proposal

- The concept statement mentions the retention of the frontage hedge to Westerleigh Road, reducing it in height to 1m, since shown as 1.5 metres high on the amended plan, at which height it is considered to give privacy to the ground floor of the properties and to break up the height and visual impact of the three storey buildings. The new houses on the adjoining site have a substantial impact on the common compared to the surrounding two storey buildings. The retention of the hedge will be beneficial in softening the frontage.
- The southern boundary shows a 3m wide planted margin of hawthorn and other shrub species as a route from the badger sett to the common. The scheme indicates the planting will be enclosed by 2m high close board fencing on the development side with “access for maintenance” provided. In reality the close board fence will create heavy shade to the bottom of the planting, giving an open base to the hedge and reducing its value. Once the planting becomes established it will not be possible to access the area for maintenance. If the willows are coppiced it will be necessary to re-coppice on a regular basis. On this basis, a condition has been added below to ensure that the scheme is implemented with a mesh fence to enclose the inside of the wildlife corridor, in place of the close boarded fence indicated on the plan.
- There is very little room allowed for the two retained trees and development is shown coming close to wildlife corridor. Since this strip of land will not be adoptable in its current form, this area will have to be managed by the developers, or an agent appointed by them, along with the communal facilities in the site. To achieve this, a condition appears below requiring the submission of maintenance and management details to be agreed by the Council.
- As the layout forms part of the outline consent it is appropriate to comment in detail at this stage in terms of the areas where on site landscaping could be provided. In landscaping potential terms, therefore it is considered that there is too high a number of units in the current layout, which has many design issues which need to be addressed and the proposed density may not be sustainable with modifications to the scheme which take landscape considerations fully into account.
- The design statement mentions the opportunity along the north side of the development to use landscape works to screen the adjoining industrial use. This has not been followed through in the design of the site as the proposal has been revised.

It should be noted that landscape objectives are one factor in the analysis of this application. In this instance, it is considered that the relative lack of landscaping within the site is a product of the density of development and the higher than usual provision of car parking. On balance, therefore, given that screening of the front of the site has been achieved and the wildlife corridor retained, it is considered that the landscape objectives for this site have been substantially met and the lack of landscaping opportunities in the layout would not warrant a reason for refusal of the proposal.

5.14 Residential Amenity

Although this application is in outline form, with siting and means of access to be assessed at this stage, some of the impacts upon residential amenity can be divined at this stage, particularly in respect of carrying through the principles in the Concept Statement. Issues of amenity space for future occupiers have been examined at 5.9 above. This section therefore deals with the effect of the proposal on the residential amenity of surrounding housing. As explained in the introduction, this is limited to the southern boundary of the site. Policy H2 requires, inter alia, that proposals for residential development should not affect the residential amenity of surrounding occupiers. This principle informed the approved Concept Statement and is considered to inform the layout now under consideration. As such, the proposed housing, where it is closest to the southern boundary, will present blank gable ends to Brookthorpe Court and Brookdale. The exception to this principle is for units 42-44, where the properties would be between 13 and 25 metres from the site boundary and 34 to 39 metres from the nearest existing properties (in Brookthorpe Court). This distance is well above the Council's threshold for distances between habitable room windows, at 21 metres. Furthermore, the trees and other vegetation along this boundary, with a substantial screening effect will be retained as part of the wildlife corridor. This minor compromise, affecting units 42-44, with regard to the statement in the Concept Statement that all dwellings on this boundary would present blank southern elevations, is considered to have resulted in an improved layout within the site, without compromising residential amenity for adjoining residents.

5.15 Relationship Between the Site and Surrounding Uses

Having examined the effect of the proposed development upon the residential amenity of the houses beyond the southern boundary of the site, it falls to assess the effect of the proposal on Coopers Works, which would remain to the north, as well as the effect of that site on the application site. The Environmental Protection comments above identify Coopers Works as a potential noise source affecting the proposed development and a condition requires a noise mitigation plan in order to deal with that potential problem. This is likely to take the form of noise attenuation fencing along the site's northern boundary, possibly in addition to the 2metre high boundary wall indicated for that boundary. With regard to the effect of the proposed development on the Coopers factory, other than adding a further noise receptor to the locality, which would be dealt with through the condition below, the proposed development is not considered to pose a problem for the factory itself.

5.16 Public Open Space

Using current data, Community Services estimate a population increase of 149.65 persons as a result of this development. If the development is implemented it would create a need for extra public open space. There is a minimal amount of on-site open space proposed. To offset the increased demand on existing public open space, there will be a financial contribution towards enhancing existing public open space in the vicinity:

The one area clearly shown as proposed public open space is a children's play area. This is surrounded on three sides by highway. It appears from the submitted plan to be surrounded by bollards. Policy LC8 of the adopted South Gloucestershire local plan requires provision for informal open space. Guidelines from the National Playing Field Association recommend a minimum of 24sq.m. of formal open space and children's play space per person. Community Services have estimated 5sq.m. per person of informal open space

to be a reasonable requirement for this development. The public open space required as a result of this development equates to 4,087.85sq.m. Based on provision of 165sq.m. on site, a contribution has been negotiated from the developer of ninety six thousand sixty four pounds and forty eight pence (£96,064.48) to enhance nearby public open space, to offset increased demand on facilities. Arrangements must be made to secure the future maintenance of enhanced public open space. This equates to eighty five thousand eight hundred and eighty five pounds and seventy three pence (£85,885.73). Maintenance of the on-site provision of 165sq.m. equates to three thousand one hundred and forty four pounds and ninety pence (£3,144.90), should the developer wish the council to adopt this area. The public open space contribution equates to one hundred and eighty five thousand ninety five pounds and eleven pence (£185,095.11), which is valid based on the information currently available and therefore must be index-linked in the Section 106 Agreement.

Litter Bins

To keep community resources amenable and safe, adequate provision for litter bins is needed. There are also health implications regarding litter, so it is important that adequate provisions are sustained. Community Services currently require 1 bin for every 50 dwellings. As the proposed development is for 70 dwellings, a contribution proportionate to the size of this development was sought. In this case the contribution would be £3,843.84 and will be put towards new litter bins in the vicinity.

Dog Bins

To keep community resources amenable and safe, adequate provision for dog bins is needed. There are also health implications regarding dog fouling, so it is important that adequate provisions are sustained. Community Services currently require 1 bin for every 50 dwellings. As the proposed development is for 70 dwellings, a contribution proportionate to the size of the development was sought. In this case the contribution would be £4,060.06 and will be put towards new dog bins in the vicinity.

Library Service

A contribution of £21.04 per resident would be required for book / IT and audio equipment towards Yate library to offset increased demand on its facilities arising from this proposed development. This equates to £2,968.74

On-site play area

The proposals for the children's play area will need to be considered in detail at reserved matters stage, to ensure that this is a safe, usable area. The detail currently shown is not considered to be acceptable by Community Services, as access is not gained from the footpath outside plots 61 and 62. This is not considered critical as the current application puts forward only the principle of the play area. In detail, the area would need to be fenced. Two gates would be required. This is referred to as the 'bully-gate' system. It allows an alternative exit if required. The only access currently visible on the plan is directly onto the highway, and with the hedges and trees shown, this makes for a situation where children exiting the play area may not be seen by drivers.

The hedge at the front of the site is not intended to be Public Open Space, as such, no maintenance contribution will apply to this part of the site. The areas of landscape adjacent to the lake, which may have to form an embankment, lie outside of the site. The applicants have not declared any ownership or control over land outside the application site.

With regard to the transfer of the on-site Public Open Space, a bi-lateral Section 106 Agreement will be required. It will also specify the agreed terms for trigger dates, indexation, etc. for the off-site contributions. It is likely that some of the off-site contributions would be passed on to Yate Town Council and Dodington Parish Council. Both have expressed their aspirations to increase the capacity of their existing open spaces. Community Services are currently awaiting detailed information from both Councils on locations to assist with increasing the open spaces capacity to assist a development that doesn't provide its own facilities. Suggested locations for spending are:

- * Kingsgate Park play area (YTC) – big redevelopment plan for the play area, using the Council's recent play policy.
- * Fromebank School – YTC are hoping to implement a kickabout area that will be available to the public out of school hours (evenings and holidays and weekends) and used by the school during school hours
- * Yate Common – pond enhancements (Friends Group involved in this area)
- * Yate Common – possible drainage to pitches, but depends on feasibility.
- * The tennis courts at Sunnyside Lane require new fencing and resurfacing.

An identified problem at the moment is the lack of parking to serve the sports facilities – Yate Town Council has a car park at Sunnyside Sports Field with an entrance off Moorland Road and they have recently enlarged and resurfaced this car park to try and meet demand. There is a car park on Yate Common off Westerleigh Road, opposite the shops, this serves the football pitches – it is not well used as it is just grass – if this car park was surfaced it is considered that it would be a great help to sports facility users. Yate Outdoor Sports Centre is trying to obtain sufficient funding for a replacement all-weather pitch and for drainage improvements to the grass pitches. It is not well related to the site but does serve a wide catchment area. Dodington Parish Council is planning major improvements to the Woodchester Play Area, which is one of the play areas that is likely to be used by children from the new development. They are currently selecting equipment with a view to carrying out public consultation on this.

5.17 Education Department Requirements

The Council's Education department has been consulted on this proposal. It is considered that, while the development would generate a significant school age population, the local schools at primary and secondary level are undersubscribed and the increase in school children would help to support the current schools. As such, no contribution towards education has been required as a result of this proposal.

5.18 Affordable Housing Provision

The Council's Housing Department has been consulted on the proposal and negotiations have taken place. Accordingly, the target of 33.3% of social housing to be provided at nil subsidy was sought and agreed to by the developers. As a result of this, 23 dwellings on the site will be transferred to a

Registered Social Landlord upon completion for affordable housing for sale and rent. In accordance with the policy in the local plan and government guidance, this provision will be 'peppercotted' around the site in order to avoid concentrations of such housing. Further to this, there will be a range of housing transferred for social housing, including a representative mixture of size and character. The precise details of these arrangements will be covered in the Section 106 Agreement. The agreed houses to rent will be 6 x 3bed houses – plots 40/41 and 65-68 inclusive (all social rent), 4 x 4bed houses – plots 01-04 inclusive (all social rent). The agreed flats to rent will be 7 x 1bed flats – plots 17-22 inclusive and plot 59 (all social rent). Agreed for shared ownership will be 6 x 2bed flats – plots 10/11, 35-37 inclusive and plot 58 (all intermediate housing). This makes a total of 23 homes, 17 social rent and 6 intermediate. The precise details of these arrangements will be covered in the Section 106 Agreement but in order to ensure affordability to those in housing need, it is expected that the social rented units will be let at Target rents and that the intermediate units will be sold at no more than 40% of market value with an annual rent equivalent to no more than 1% of retained equity.

5.19 Public Art

The precise nature of the public art to be erected on site is unknown at present. This will be resolved as part of the Section 106 negotiations, should planning permission be approved. 1% of the development cost should go towards public art. Art can be incorporated into a development in many ways, for example a stained glass window in each property, a mosaic on the pathway of each property or artist designed benches, plaques, fences etc. Discussion has taken place with the developers and one of the ideas put forward is that the landmark building at the end of the parking court at the north of the site could support a public art feature on its roof.

5.20 Other Issues

A Condition has been appended below to cover the issue of potential contamination of the site, which has had an industrial history. A scheme will be required for dealing with the contamination issue and a further condition requires the submission of a waste management plan to show how waste generated by the development of the site will be dealt with. The Council's Technical Services Unit was consulted on the proposal and concluded that there would be no objection to the proposal, subject to the submission of a drainage plan which incorporates Sustainable Drainage Systems (SuDS). This has been required for submission and assessment by the condition below.

5.21 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 (Consultation Draft).

5.22 Section 106 Requirements

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

preferable. In this instance, having regard to the above advice, the (insert issues e.g. 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.

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

7. RECOMMENDATION

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

1. A contribution of £96,064.48 towards the enhancement off site public open space as well as £85,885.73 towards the maintenance of on-site public open space.
2. A contribution of £20,000 towards traffic management and road safety works.
3. An agreement to provide a 3 metre wide footway/ cycleway on highway land abutting the application site and from the Stanshawes Drive junction to the St Briavels Drive junctions with Westerleigh Road, where the verge is wide enough to accommodate such a widening.
4. A contribution of £2,968.74 towards the provision of local library services.
5. A contribution of £4,060.06 towards the provision and maintenance of dog bins to serve the development.
6. The transfer of 6 x 3bed houses – plots 40/41 and 65-68 inclusive (all social rent), 4 x 4bed houses – plots 01-04 inclusive (all social rent) and 7 x 1bed flats – plots 17-22 inclusive and plot 59 (all social rent) to a Housing Association agreed by the Council. For shared ownership 6 x 2bed flats – plots 10/11, 35-37 inclusive and plot 58 (all intermediate housing) to a Housing Association agreed by the Council. This makes a total of 23 homes, 17 social rent and 6 intermediate.
7. The provision of public art on the site, details of which are to be agreed.
8. A contribution of £35,000 towards improvement of public transport facilities (including improvements to bus stops) in the vicinity of the site.
9. A contribution of £3,144.90 towards the future maintenance of the proposed on-site Public Open Space following adoption.

10. A contribution of £3,843.84 towards the provision of and collection from of litter bins to serve the development.
11. Provision of site access in form of the roundabout together with associated works.

The reasons for this agreement are:

1. To provide suitably enhanced public open space in the vicinity to meet the needs of future occupants of the development and to ensure the maintenance of on site public open space.
2. To mitigate against the effect of the increased level of traffic generated by the proposal.
3. In order to promote the use of non-car travel to and from the site.
4. In order to enhance local library services to meet the needs of future occupiers of the site.
5. To mitigate against the effects of the ownership of dogs by future occupiers of the development.
6. In order to secure the provision of a satisfactory level of social housing to accord with policy H6 of the adopted South Gloucestershire Local Plan.
7. To ensure the provision of public art on site is implemented.
8. To mitigate the increased demand and need to access bus services due to the development.
9. To provide for future maintenance of the on-site public open space.
10. In order to ensure that means are provided to keep the site tidy and litter free to benefit the residential amenity of future occupiers.
11. In order to provide an access to the site to a satisfactory level of highway safety.

- 7.2 That the Head of Legal and Democratic Services be authorised to prepare and seal the Agreement.

Background Papers **PK06/2774/O**
Contact Officer: **Chris Gosling**
Tel. No. **01454 863787**

CONDITIONS

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

Reason:

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

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason:

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

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

Reason:

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

4. Development shall not begin until a scheme to deal with contamination of the site has been submitted to an approved in writing by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid the risk to the public and the environment when the site is developed. Development shall not commence until the measures in the scheme have been implemented.

Reason:

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

5. No development shall take place until a Waste Management Audit has been submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:

- (a) The volume and nature of the waste which will be generated through the demolition and/or excavation process.
- (b) The volume of that waste which will be utilised within the site in establishing pre-construction levels, landscaping features, noise attenuation mounds etc.
- (c) Proposals for recycling/recovering materials of value from the waste not used in schemes identified in (b), including as appropriate proposals for the production of secondary aggregates on the site using mobile screen plant.
- (d) The volume of additional fill material which may be required to achieve, for example, permitted ground contours or the surcharging of land prior to construction.
- (e) The probable destination of that waste which needs to be removed from the site and the steps that have been taken to identify a productive use for it as an alternative to landfill.

Development shall be carried out in accordance with the agreed details.

Reason:

To accord with the Local Planning Authority's adopted Waste Management Strategy, and to accord with Policies 37 and 43 of the adopted South Gloucestershire Minerals and Waste Local Plan (Adopted) May 2002; and Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

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

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

Reason:

To 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.

8. The drainage scheme approved, incorporating Sustainable Drainage Systems (SUDS), shall be implemented in accordance with the approved details before the development is occupied.

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.

9. The off-street car parking facilities 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 T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. Prior to the commencement of development, detailed plans showing the provision of cycle parking facilities in accordance with the standards set out in Policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006 shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; 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, T10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. No doors or gates shall be hung so as to open over or across the public highway/footway.

Reason:

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

12. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

Reason:

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

13. The access shown on the approved plans shall be completed to adoptable standard prior to the first occupation of any of the dwellings hereby approved.

Reason:

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

14. No development shall take place until details of wheel-washing facilities to be provided on site have been submitted to and approved by the Local Planning Authority. These facilities shall be provided prior to development commencing and maintained during the period of construction. All commercial vehicles shall have their wheels washed before entering the public highway.

Reason:

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

15. A badger mitigation strategy, including details of all works to create a new artificial sett (to include, inter alia, details of location, materials, timing and phasing) and all works subject to the licensing provisions of the Protection of Badgers Act 1992, is to be submitted to the Council and approved in writing by the Council prior to the commencement of development.

Reason:

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

16. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority measures in respect of:

- (i) The identification, through site survey, of slowworms and/or their habitat at present (as designated under the Wildlife and Countryside Act 1981 (as amended))
- (ii) The protection, as required, of slowworms, and/or their habitat referred to under (i) above and as identified through the site

survey. The approved measures shall be implemented in full unless the Local Planning Authority gives written consent to any variation.

Reason:

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

17. Prior to the commencement of development noise mitigation measures shall be submitted to the Council in order to protect the approved dwellings from noise from the adjacent factory. The agreed protection measures shall be approved in writing and implemented in full prior to the first occupation of any of the dwellings.

Reason:

To protect the residential amenity of the future occupiers of the development and to accord with Policies D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

18. The plans and particulars submitted with the Reserved Matters shall include:

1. Details of any proposed alterations to existing ground levels, and of the position of any proposed excavation within the crown spread of any tree on land adjacent to the site or within the wildlife corridor
2. Details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree or tree on land adjoining the site from damage before or during the course of development.

The plans and particulars submitted in accordance with condition 18 above shall include details of the size, species, and positions or density of all trees to be planted, and the proposed time of planting.

Reason:

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

19. No development shall take place until a scheme for environmental assessment of the development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme for environmental assessment shall require the development to achieve, as a minimum, a specified 'Code for Sustainable Homes' Code level 3. The approved scheme for environmental assessment shall also require adherence to a formal post-construction assessment regime, which shall be implemented prior to the first occupation of any of the dwellings hereby approved. The development shall be carried out in accordance with the approved scheme for environmental assessment, unless otherwise agreed in writing by the Council.

Reason:

To ensure that the dwellings meet the environmental standards required by Policy D1 of the adopted South Gloucestershire Local Plan.

20. Notwithstanding the approved plans, the fence to enclose the northern edge of the wildlife corridor shall be of mesh, details of which shall be supplied to the Council and agreed in writing prior to the commencement of development.

Reason:

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

21. The residential units hereby approved shall not be occupied until a scheme for the management of the communal areas of the development for the first 2 years of occupation and permanently in the case of the wildlife corridor has been submitted and agreed in writing by the Local Planning Authority. The scheme should include management responsibilities and maintenance schedules. The scheme for the management of communal areas shall be carried out as approved.

Reason:

To ensure a satisfactory standard of external appearance and to accord with Policies D1 and L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

22. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before any of the buildings are occupied. Development shall be carried out in accordance with the approved details.

Reason:

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

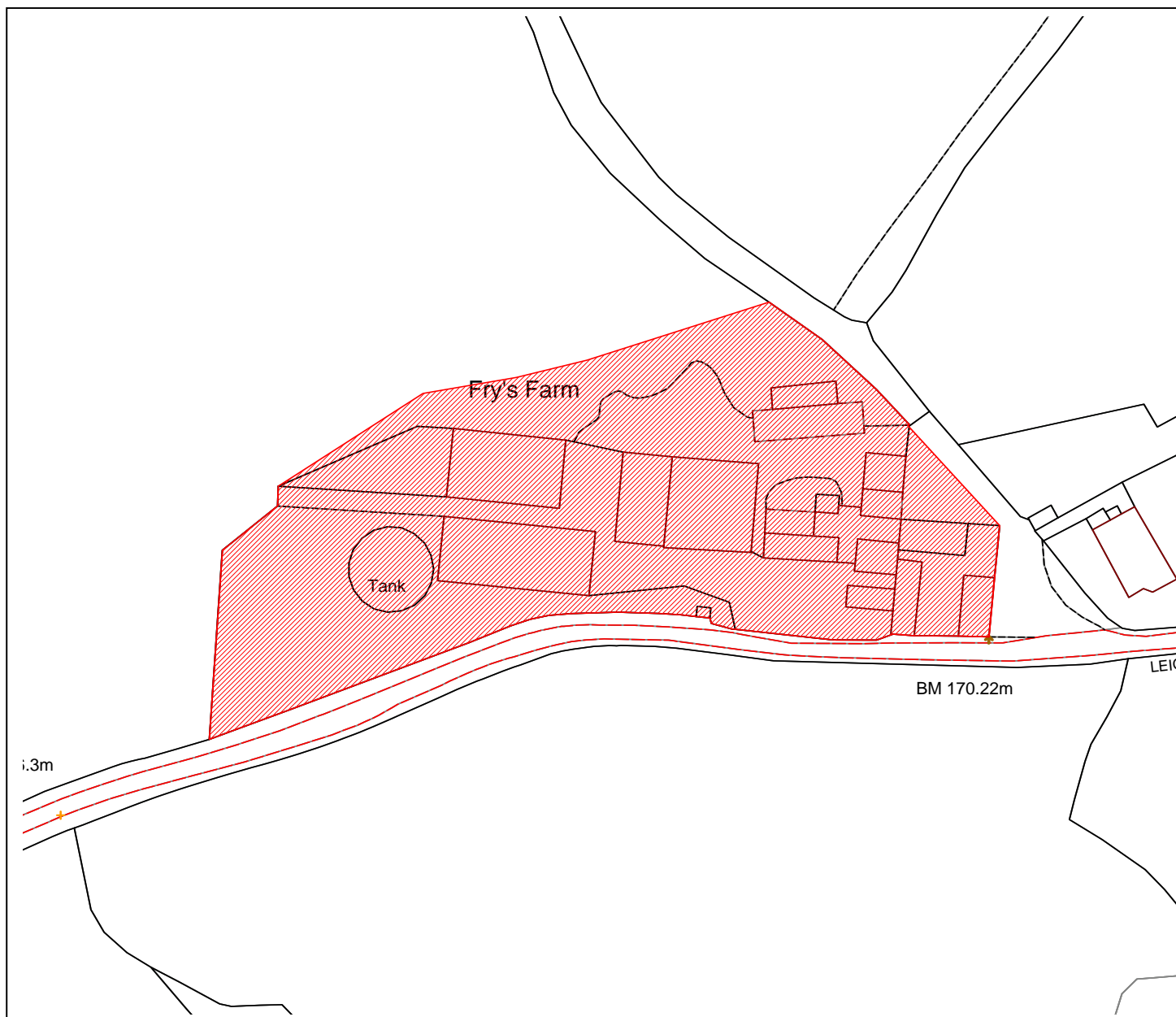
23. Application for the approval of the reserved matters shall be in accordance with a revised design and access statement including updated information to reflect the approved plans.

Reason:

In order to accord with the guidance in Circular 01/2006.

CIRCULATED SCHEDULE NO. 31/07 – 03 AUGUST 2007

App No.: PK07/0385/F	Applicant: Mr Lippiatt
Site: Frys Farm Leigh Lane St. Catherine BATH South Gloucestershire BA1 8HQ	Date Reg: 7th February 2007
Proposal: Conversion and extension of agricultural buildings to form 3 no. dwellings. Construction of new vehicular access with associated works.	Parish: Cold Ashton Parish Council
Map Ref: 75395 71455	Ward: Boyd Valley



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N.T.S

PK07/0385/F

INTRODUCTION

This application is referred to the Circulated Schedule following an unsolicited objection to the proposed scheme being received from a neighbouring parish council.

1. THE PROPOSAL

- 1.1 The proposed scheme seeks planning permission to convert and extend a number of agricultural buildings to form 3no. dwellings with associated curtilages, off-street parking and the formation of a new vehicular access off Leigh Lane.
- 1.2 Fry's Farm and its outbuildings are not listed, but are considered to be of historic interest and close to listable quality, and so there is considerable merit in seeking to maintain them. The buildings also form an important and highly visible traditional grouping within the Bristol/Bath Green Belt and open countryside.
- 1.3 This application follows previous application (PK04/1651/F) which sought consent for a residential conversions, but failed due to design, lack of structural details and the lack of marketing to demonstrate that the buildings could not be used for commercial purposes. The application was subsequently withdrawn.
- 1.4 Since the previous application, a marketing exercise has been undertaken and the scheme now proposed has been the subject to extensive pre-application discussions.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPG3	Housing

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
GB1	Development within the Green Belt
H10	Conversion and Re-Use of Rural Buildings for Residential Purposes
L1	Landscape
L2	Cotswolds Area of Outstanding Natural Beauty
T12	Transportation Development Control Policy for New Development.

3. RELEVANT PLANNING HISTORY

- 3.1 PK04/1651/F – Conversion of agricultural building to form 1no. dwellinghouse and construction of vehicular access. Withdrawn 08/07/04.

4. CONSULTATION RESPONSES

4.1 Cold Ashton Parish Council

No consultation responses were received.

St Catherine Parish Council

- 4.2 Objection on the grounds that there is a concern that the proposed scheme would give rise to a substantial increase in traffic that would use the narrow St Catherine's Lane, but also the difficult access onto the A46.

4.3 Other Consultees

Environmental Services

A standard condition is to be attached to address the potential for land contamination.

Other Representations

4.4 Local Residents

No consultation replies were received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy GB1 (B) allows for the change of use of existing buildings on the proviso that there would be no materially greater impact than the existing authorised use on the openness of the Green Belt and would not conflict with the purpose of including land in it. Moreover the buildings have to be of substantial construction and capable of conversion without complete reconstruction and their form, bulk and general design are in keeping with their surroundings.

- 5.2 The new access has been sensitively designed through position, grading and planting. The car parking areas have been directed to the rear with further planting to help soften its appearance and the front curtilage will be screened and enclosed by new planting and existing walls and structures. In addition the amendments to the design will also retain the character of the existing building that previously proposed and it could be considered that the restoration of the existing building would improve visual amenity levels. Consequently it is considered that the proposal would have no greater material impact than the current use of the site.

- 5.3 The level of extension proposed is only limited to connecting two existing storage barns on the north-eastern side of the site and so can be regarded as infil.

- 5.4 Therefore in light of the above, it is not considered that the proposal (subject to a number of conditions) would have any greater effect on the openness of the Bristol/Bath Green Belt as the current buildings.

- 5.5 To address the other criteria, a structural report has been submitted which demonstrates that although despite some partial collapsed sections of roof, the buildings are still in a reasonable condition and are capable of restoration without the need for substantial reconstruction. The buildings are also considered wholly in keeping with their surroundings and so with regards to Green Belt policy, the principle of the conversion is considered to be acceptable.

- 5.6 Policy H10 of the local plan allows for the conversion and re-use of existing buildings for residential purposes outside existing urban area and the boundaries of settlements subject to the following criteria:

A. All Reasonable Attempts Have Been Made To Secure A Suitable Business Re-Use Or The Conversion Is Part Of A Scheme For Business Re-Use:

- 5.7 In support of this application a marketing statement has been produced by Hootons Commercial Limited. It states that the buildings subject to this application were marketed for a 12 month period from December 05' to December 06'. Details of the nature of the marketing exercise are also included and are considered reasonable and sufficient.
- 5.8 It is stated that less than 10 individuals requested details of the site and no accompanied site viewings were requested. Of those which visited unaccompanied, they reported that they did not like the access or isolated location and therefore did not want to progress the matter further.
- 5.10 The marketing statement concludes that the poor access, poor layout and condition of the buildings were the reason for the lack of any prospective business occupier.
- 5.11 It is considered that the marketing statement appears to be sufficiently robust in demonstrating the lack of market for the existing buildings. In most cases one of the key factors is the rental returns sought, but here the property was advertised with no rental values noted as there space available was left as flexible to help broaden the appeal of the site. It can also be noted that there would be significant concern if the buildings were used for commercial traffic on both highway safety and conservation grounds.
- 5.12 In view of the above, it is considered that the proposed scheme has complied with this criterion.

B. The Buildings Are Of Permanent Construction And Structurally Sound And Capable Of Conversion Without Major Or Complete Reconstruction;

- 5.13 As noted previously, the application has been supported with a structural report which states that although some significant roof members have collapsed, the buildings do not require major construction. Consequently the proposed scheme is considered to be comply with this criterion.

C. The Buildings Are In Keeping With Their Surroundings In Terms Of Character, Form, Bulk And Overall Design.

- 5.14 It is considered that the proposal complies with this criterion.

D. Development, Including Any Alterations, Extensions Or The Creation Of A Residential Curtilage Would Not Have A Harmful Effect On The Character Of The Countryside Or The Amenities Of The Surrounding Area;

- 5.15 The level of new building is limited and can be seen as infill without extending the building further out into open countryside. The design of the conversion has been the subject to careful negotiations so the effect on the appearance of the

building has been limited as far as reasonably possible. With regards to external alterations, the off-street parking has been directed to the rear and should be sufficiently screen by the proposed landscaping scheme. The creation of residential curtilages has also been carefully considered as the appearance of the two of the front gardens will be softened by landscaping and the existing front stone boundary wall. The third unit's front garden will be visually contained between two existing structures so creating a courtyard garden. Therefore whilst the amenity spaces will be visible from the road side, the idea is that in the long views across the valley, the newly created properties and their access would assimilate successfully into the landscape.

- 5.16 In conclusion it is considered that due to the amendments that have been made to the scheme and the specification of the proposed planting, the proposal would not harm the character of the countryside that also falls within an area of the Cotswolds Area of Outstanding Natural Beauty. A condition removing permitted development rights will though be attached to safeguard the future levels of visual amenity as well as residential amenity.

E. The Building is well related to an existing settlement or other groups of buildings.

- 5.17 The previous scheme established that any proposal would comply with this criterion so this view is therefore applied to this scheme.
- 5.18 The proposal also stands to be considered under the following heading in addition to the above assessment.

Highways

- 5.19 There is in terms of highway safety a preference that this group of building be used for residential purposes rather than any commercial use. It is though considered that the proposed use would increase vehicular movement to and from the site.
- 5.20 In applying the modern standards, the visibility splays proposed could be upgraded, but this would make the access more prominent and undermine the works to try and limited the visual appearance of the access. Therefore in light of the landscape issue and the fact that although somewhat substandard, the access is not considered a hazard, as submitted the degree of splay is acceptable. To help off set potential hazards through the increase of traffic caused by the creation of 3no. residential units, a scheme for the formation of a number of passing bays is to be submitted to the Council for written approval. It is envisaged that no more that three bays are required and will require carefully consideration treatment as to not harm the rural character of the lane.

5.21 Section 106 Requirements

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

6. CONCLUSION

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

7. RECOMMENDATION

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

Background Papers PK07/0385/F

Contact Officer: Robert Nicholson
Tel. No. 01454 863536

CONDITIONS

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

Reason:

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

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

Reason:

To ensure a satisfactory standard of external appearance and to accord with Policies D1, GB1 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason:

To protect the character and appearance of the area to accord with Policies D1,L1 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the commencement of development, detailed plans showing the provision of a number of passing bays along Leigh Lane shall be submitted to and agreed in writing by the Local Planning Authority.

Reason:

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

5. The construction of all doors, windows and other external timber framework construction must be in undecorated European Oak.

Reason:

To ensure a satisfactory standard of external appearance and to accord with Policies D1 and H10 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. All rooflights must be installed flush with the roof tiling.

Reason:

To ensure a satisfactory standard of external appearance and to accord with Policies D1 and H10 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. All works must be carried out in strict accordance with the "Works Required to Permit Re-Use of the Existing Buildings as Proposed" in the Structural Engineer's Investigations report dated December 2006. The emphasis of all work on the existing building fabric must be on repair and so no demolition or replacement work on the existing building fabric - other than already mentioned in the report - should be carried out unless prior agreement in writing by the local planning authority is obtained.

Reason:

To ensure a satisfactory standard of external appearance and to accord with Policies D1 and H10 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 31/07 – 03 AUGUST 2007

App No.: PK07/0933/F

Applicant: Trent Land & Build Ltd.

Site: Builder's Yard adj to the Lodge 255 Badminton Road Downend BRISTOL South Gloucestershire BS16 6NR

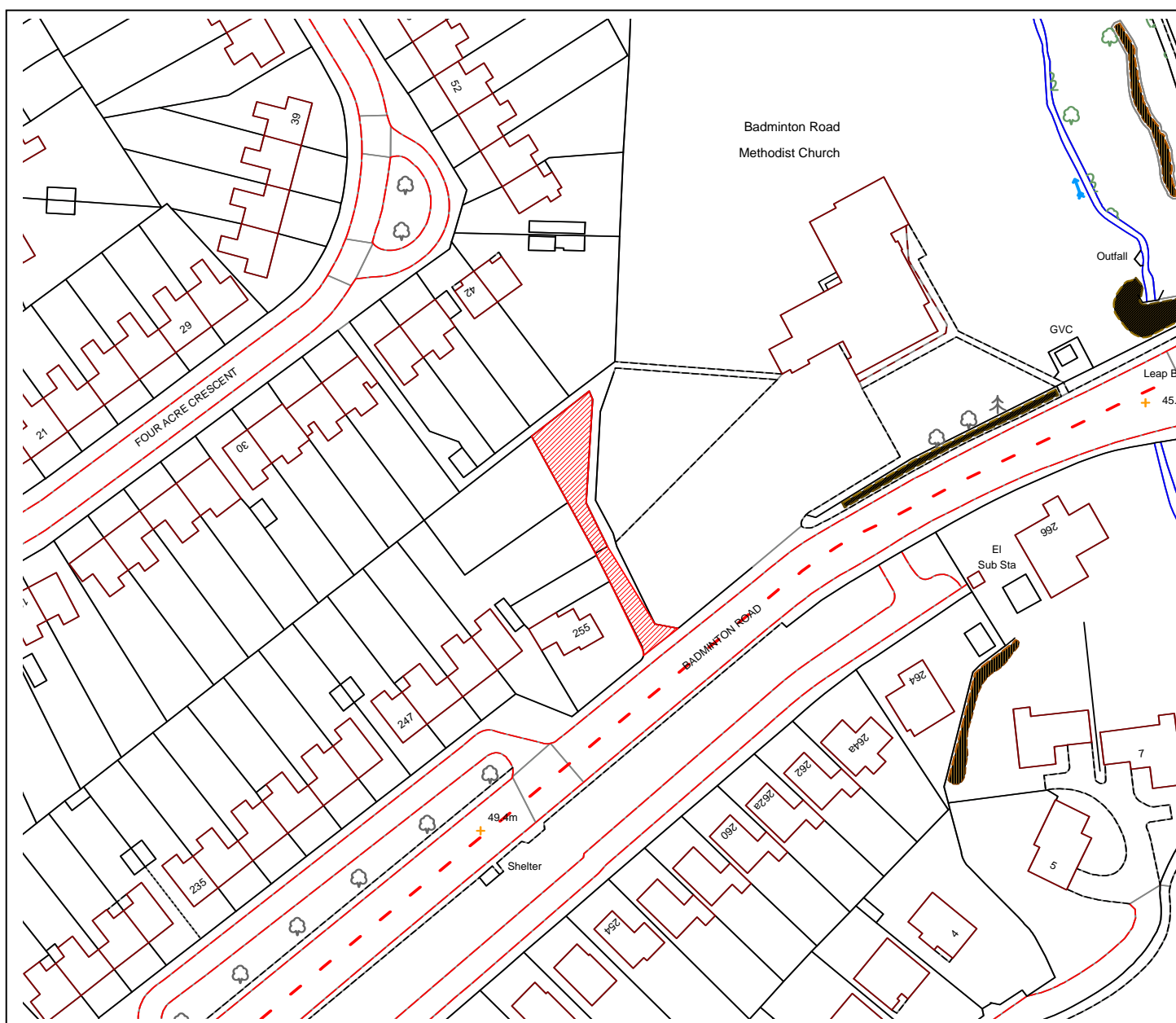
Date Reg: 22nd March 2007

Proposal: Erection of 1 no. detached dwelling with associated works.

Parish: Downend and Bromley Heath

Map Ref: 65626 77905

Ward: Siston



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100023410, 2007.

N.T.S

PK07/0933/F

INTRODUCTION

This application appears on the Circulated Schedule in accordance with Council procedure for the determination of applications where a financial contribution is requested and also because of the receipt of objections from the Parish Council and Local Residents.

1. THE PROPOSAL

- 1.1 This application seeks full planning consent for the erection of 1 no. detached dwelling on a currently vacant site within a residential area of Downend. The new dwelling would be two storeys in height and would have two bedrooms. It would include the insertion of a vehicle turntable.
- 1.2 There is a question over the authorised use of the site. The applicant claims the use is a Builders Yard although the Council disputes this claim. In either case, the site is currently predominantly vacant and largely overgrown with grass and brambles. The site is surrounded by tall walls and a public footpath on the north and east elevations. Residential gardens bound the western elevation of the site.
- 1.3 During the course of the application several sets of amended plans have been received from the agent. The plans have been submitted in an attempt to address the issues of impact on residential amenity and highway safety raised by officers. The necessary re-consultation has been carried out on the amended plans received.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG3	Housing
PPG13	Transport: Guide to Better Practice

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
H2	Proposals for Residential Development within Existing Urban Area and Defined Settlement Boundaries
T8	Parking Standards
T12	Transportation Development Control Policy for New Development

3. RELEVANT PLANNING HISTORY

- 3.1 P91/4536 Erection of 1 No. detached dwelling.
Refused November 1991
- 3.2 P83/4565 Erection of Garage.
Refused January 1984

- 3.3 P82/4518 Erection of covered store area.
Refused March 1983

4. CONSULTATION RESPONSES

(a) Statutory Consultees

4.1 Downend and Bromley Heath Parish Council

Object to the application for the reason that the road is unsuitable for access to residential property and also because turning space is insufficient to ensure cars will be able to exit the property forwards.

(b) Other Representations

4.2 Local Residents

Four letters of objection have been received from local residents. A summary of the points of concern is as follows;

- The windows would overlook neighbours gardens
- Overshadowing of neighbours gardens – especially in winter
- There is a right of way through the site for the neighbouring property. This is not shown on the submitted plan but could be resolved directly between the neighbour and the applicant
- Health and safety issues if there is a fire – would occupants have to climb the wall
- Overbearing impact on neighbours
- Out of keeping with surrounding area
- Letters have also been sent with details to support that the site is not used as a builders yard and has not been done so historically.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site is located within the existing built up area, as defined on the Local Plan Proposals Maps. Policy D1 of the South Gloucestershire Local Plan only allows for development where good standards of site planning and design are achieved. In addition to this and in accordance with Policy H2, new residential development will normally be permitted subject to compliance with the following criteria;

5.2 **(a) Development would not have unacceptable environmental or transportation effects, and would not significantly prejudice residential amenity; and**

In the interests of clarity, this point will be subdivided into two smaller sections:

Transportation Effects

The application shows how one off-street parking space will be provided to serve the proposed new dwelling. In accordance with Policy T8 of the South Gloucestershire Local Plan, a maximum of 1.5 parking spaces can be provided to serve a two bedroomed dwelling. Given that the standards are maximum only it is not considered that it is possible to object to the application on the basis of a loss of half a parking space.

As originally designed, your officers agree with the Parish Council that there was insufficient space on site to allow for the parking and manoeuvring of vehicles to allow cars to both enter and leave the site in a forward gear. In order to overcome this concern, a vehicle turntable has been included on the plans. Cars would be able to drive onto this turntable to turn around to ensure they are able to both enter and leave the site in a forward gear. A condition would be attached to any consent granted to ensure that full details of the turntable are submitted to the Council for written agreement prior to the commencement of any development on the site. A further condition would then be added to ensure that the turntable is installed and maintained. In light of the above, it is considered that vehicles can both enter and leave the site in a forwards gear.

Access to the development is via a short access lane (an unnamed class iv highway) with a public right of way running along the side which connects Badminton Road to Fouracre Crescent. The access width is limited and the visibility distances at its junction with Badminton Road (when measured from 2.4 metre set back) is restricted partly due to an existing boundary wall and partly by vegetation. As part of the proposal, the applicant is proposing to provide a separate path for pedestrians along the existing access road by way of raised pavement and bollards. This however would reduce the width of the access road and is not therefore recommended. However, the possibility of denoting the pedestrian footpath by way of changes of surface colour has also been discussed. It is considered that change in surface colour would help to retain a sense of footpath whilst not further reducing the width of the access way. Given that the new dwelling is to have two bedrooms only, vehicle movements are not expected to be high in order to cause issues of conflict between pedestrians and cars on this access lane.

The use of the land is not yet established. However, it is not questioned that the land is within the applicant's ownership and there are vehicular access gates. The site is not completely overgrown and it is probable that vehicles do visit the site. The application is for a small two bedroomed property only that will have a relatively low number of vehicle movements. Should the applicant choose to re-use the site as a builder's yard, vehicle movements are likely to be well in excess of that one would reasonably expect from a small dwelling. On balance therefore, it is considered that the highway implications from the granting of planning permission for a small 2 bedroomed property and significantly less than the use of the site as a builders yard.

As part of the proposal, the applicants agent has put forward a scheme of alterations to the carriageway marking on Badminton Road (including central markings) but in isolation, such a proposal is not considered appropriate. As part of casualty reduction scheme on Badminton Road, the Councils traffic management section has in its capital programme a wish to promote a scheme of road safety improvements in the area to control vehicle speeds. The applicant has been advised of this and has agreed to make a financial contribution towards the future traffic management scheme. The financial contribution will aid in the facilitation of the traffic management scheme and will help to reduce traffic speeds in the area. As a result, this will make the access to the site more safe as vehicles will be travelling at slower speeds.

In view of the assessment above, no highway objections are raised to the proposal subject to the applicant first entering into an appropriate legal

agreement to secure financial contribution of £5,000 towards traffic management scheme in the area. Through discussions with the agent, the sum of £5,000 has been agreed as it is considered that this sum is necessary, reasonable and related to the scale of development. The funding will be secured through the signing of a Section 278 Agreement of the Highways Act 1980.

Residential Amenity

Significant attention has been paid to the design and layout of the new dwelling to ensure that it does not have any detrimental impact on the amenities of the surrounding properties. The internal layout has been designed in such a way that there are habitable room window only in two elevations of the proposed dwelling with the majority facing out to the east towards to Methodist Church.

It is not considered that the proposed dwelling will have any impact upon the properties along Fouracre Crescent that have their rear gardens running towards the site. The new dwelling will be standard height and the majority of this building will be screened from view by the existing vegetation in the rear garden of No. 42 and 44 Fouracre Crescent that has significant height. In the rear elevation of the proposed dwelling at first floor level, only one window is proposed. This window serves a bathroom only and is not a habitable room window. As the window is to serve a bathroom, it is reasonable to expect that it will be fitted with obscure glazing. Therefore, there is very little potential for any overlooking from the proposed dwelling to the properties along Fouracre Crescent.

To the west of the site lie the rear gardens of the dwellings on Badminton Road. Again, the new dwelling has been designed so as to be devoid of windows at first floor of its western elevation that would overlook these neighbouring gardens. When the new dwelling is viewed from the gardens of No. 255 and 253 Badminton Road, there will be no impact on residential amenity by way of loss of privacy or overlooking. In order to continue this, a condition will be attached to any consent granted to restrict the insertion of any new windows into the dwelling.

There is one window to be inserted into the front elevation of the proposed dwelling at first floor level. This window is required for aesthetic purposes. It is accepted that there is potential for occupiers of this new dwelling to look out of this front window and overlook the garden of No. 255. However, this front window is to be a secondary window serving a bedroom – the main window to the bedroom will face out over the Church. The window in the front elevation is to be obscurely glazed and permanently fixed in a closed position. The agent has also agreed to fit this front window with coloured glass to avoid one large blank frosted window. A condition will be attached to any consent granted to ensure that the window is indeed fitted with coloured opaque glazing and permanently fixed closed.

Due to the distances between the proposed dwelling and the neighbouring dwellings, there are no issues of overbearing. Sufficient private and useable amenity space will be provided to serve the new dwelling and as such, there are no objections to the proposal in terms of residential amenity.

It is accepted that there appears to be some dispute over a right of access for the neighbouring properties to access their rear gardens via the site. The

applicant has conformed that there may indeed be some right of access. The right of access however is believed to be at the front of the site – close to where the gates will be sited. The applicant has conformed that he can accommodate the right of access with no compromise to the development. This however is a legal issue and must be remedied outside of the planning system.

5.3 **(b) The maximum density comparable with the site, its location, its accessibility and its surroundings is achieved.**

A density calculation on the site gives a density of 62 dwellings per hectare. In accordance with PPS3, density is required to be in keeping with the character of the surrounding area. The density of 62 dph is considered to be entirely suitable for its suburban setting and will not be out of keeping with the character of the area. The proposal will make best use of a brownfield site.

5.4 **(c) The site is not subject to unacceptable levels of noise disturbance, air pollution, small, dust or contamination; and**

The site is surrounded by residential gardens and a church. There are no sources of noise, dust or other disturbance that could have an impact on the proposed dwelling.

5.5 **(d) Provision for education, leisure, recreation and other community facilities within the vicinity is adequate to meet the needs arising from the proposals.**

The proposal is only for one small dwelling. The proposal will not therefore have any noticeable effect on existing service levels.

5.6 Design

The dwelling will be viewed against a variety of building designs – although the predominant property type is standard rendered inter-war semi-detached properties. The adjacent chapel is relatively modern construction finished with buff brick. In order to integrate as successfully as possible with the surrounding area, the new dwelling has been given a hipped roof. The application states that it is to have a brown tiled roof and its walls will be finished with face brick. Conditions will be attached to any consent granted to ensure that details of the finishing materials are submitted to the Council and agreed in writing prior to the commencement of development. However, it is envisaged that the roof will match the neighbouring dwellings and the walls will match the neighbouring chapel. As such, the proposed new dwelling would act as a visual link between the two building styles.

5.6 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 (Consultation Draft).

5.7 Section 106 Requirements

In this instance, having regard to the above advice, the transportation improvements are appropriately the subject of a Section 278 Agreement of the Highways Act 1980.

6. CONCLUSION

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

The 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 & Strategic Environment to grant planning permission, subject to conditions set out below and the applicant first voluntarily entering into an Agreement under Section 278 of the Highways Act 1980 to secure the following:

(i) A contribution of £5000 towards the future traffic management/traffic calming measures in the area.

The reasons for this Agreement are:

(i) To meet the need for the provision of highway improvements in the vicinity of the site for the benefit of the development and in the interests of highway safety.

Background Papers **PK07/0933/F**

Contact Officer: **Marie Bath**
Tel. No. **01454 864769**

CONDITIONS

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

Reason:

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

2. No development shall take place until details of the proposed turntable have been provided in accordance with details submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the

agreed details with the turntable kept clear of obstruction and operational at all times for the manoeuvring of vehicles.

Reason:

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

3. Prior to the commencement of development, details shall be submitted to the Council indicating how the pedestrian footpath along the access lane will be demarked. If the details are acceptable, the Council will give written agreement and the works must be implemented in accordance with the agreed details prior to the first occupation of the dwelling hereby permitted.

Reason:

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

4. No windows other than those shown on the plans hereby approved shall be inserted at any time in the dwelling hereby permitted.

Reason:

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

5. The first floor window on the front elevation of the new dwelling as shown on the approved plans shall be fitted with coloured, opaque glazing and permanently fixed in a closed position. Prior to the commencement of development on the site, full details of the proposed finish of this window shall be submitted to the Council for written agreement and if acceptable, the Council will give written approval. All development must be carried out exactly in accordance with the details so agreed.

Reason1:

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

Reason 2:

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

6. No development shall take place until details and samples of the roofing and external facing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

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

7. The off-street parking facilities 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 T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Prior to the commencement of works on site, a delapidation survey of the public highway (the unnamed access lane that leads to the site) shall be prepared in conjunction with the Councils street care manager. Any damage arising from the construction traffic accessing the site shall be put right to the full satisfaction of the Councils street care manager.

Reason:

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

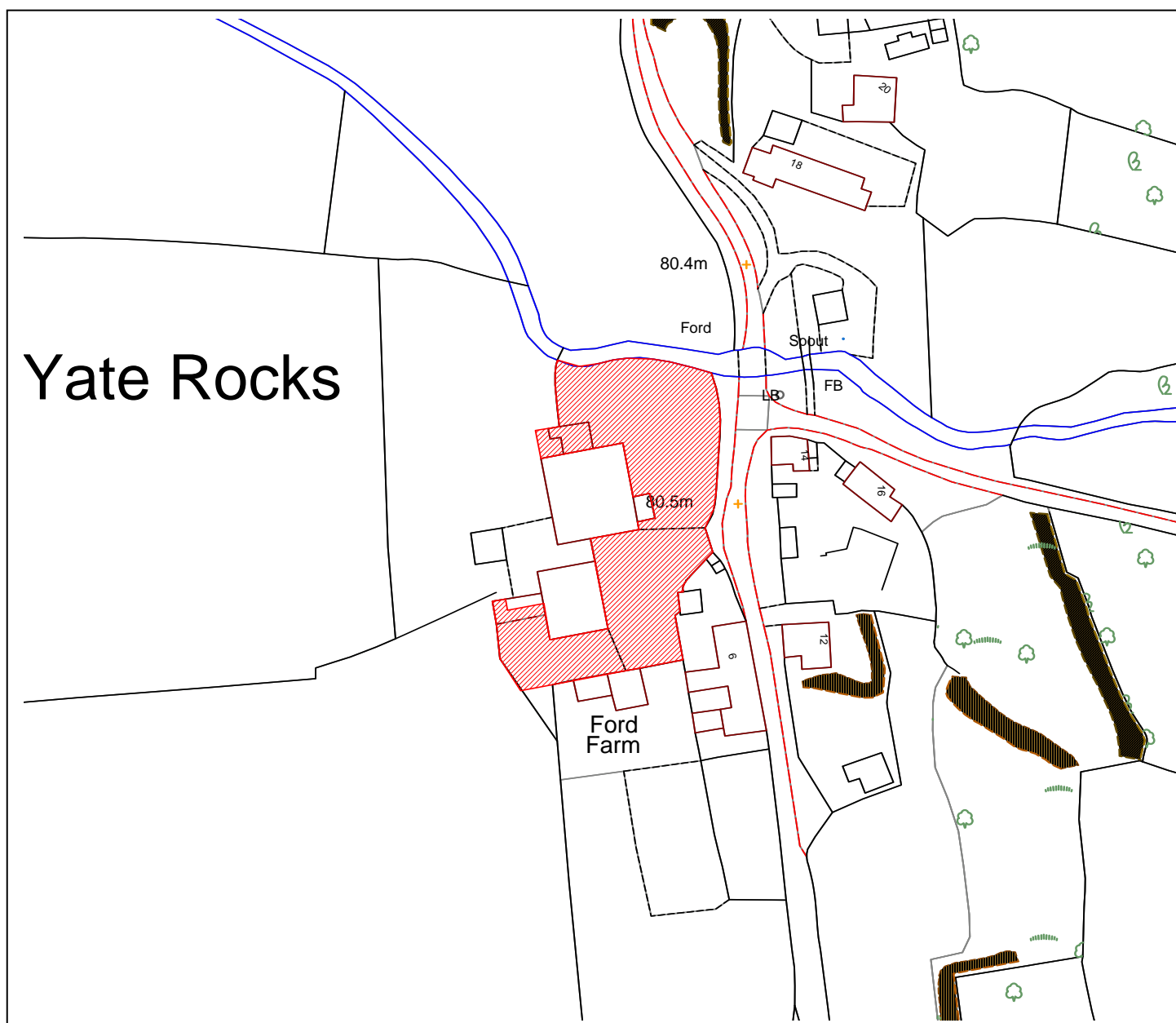
9. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, and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

Reason:

To ensure the provision of adequate levels of amenity space to serve the new dwelling and to avoid any issues of overlooking for neighbouring dwellings. Also to accord with Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 31/07 – 03 AUGUST 2007

App No.:	PK07/1328/CLE	Applicant:	Mr BDP Howes
Site:	Ford Farm Yate Rocks Yate BRISTOL South Gloucestershire BS37 7BT	Date Reg:	26th April 2007
Proposal:	Application for Certificate of Lawfulness for an existing use of outbuilding and yard for storage of building materials.	Parish:	Yate Town Council
Map Ref:	71948 84701	Ward:	Yate North



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N.T.S

PK07/1328/CLE

INTRODUCTION

This application is for a Certificate of Lawfulness and as such, under the scheme of delegation, falls to be considered under the circulated schedule procedure.

1. THE PROPOSAL

- 1.1 The application is for a Certificate of Lawfulness for an existing use of an outbuilding and yard for storage of building materials. It should be noted that the original description referred to the storage of building materials; and, storage of farm machinery and access to farm buildings. It is considered, however, that because the authorised use of the land would appear to be for agriculture, and, following a site visit, the character of the area is best described as a farm yard, the two later uses/activities do not require permission. Accordingly, the description has been amended.
- 1.2 The site is located adjacent to the junction of Brinsham Lane and Yate Rocks highway, in the centre of Yate Rocks hamlet.
- 1.3 On the day of the officer's site visit two separate areas contained builders materials. The first area was located between the highway entrance to the site and the northern boundary of the site, measuring approximately 4 metres in width and running parallel with the highway. The types of material at this location comprised of stacks of bricks, tiles, breeze blocks, and concrete, alongside a pile of stone deposited in a mound. The second area was located at the western edge of the site adjacent to a wooden field boundary. A range of bricks and general rubble could be seen in this particular pile.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 None.

4. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 4.1 The applicant has submitted three pieces of evidence in support of their case.

The first comprises of an O/S 'Superplan' identifying the site. The second comprises of a further site plan, on South Gloucestershire headed paper, but this time smaller in scale. The third comprises of a letter from a self employed farm labourer. The contents of these are summarised below:

O/S Superplan

The copyright for this plan is dated 1994 and the typed annotation confirms that it shows a 'Survey available at:- May 1994'. An area is hatched in blue and the plan is annotated with the word 'sheds' with one shed circled in blue. A red outline identifies a substantial area of 'land in ownership' extending over 0.5 km to the west.

South Gloucestershire Site Plan

No date specified. It identifies two uses for the land – ‘storage of materials’ (hatched in blue) and ‘access and parking’ (hatched in green). An extra area, not detailed on the Superplan, in the south west corner of the site, is identified as an area for storage of materials. Finally, the red site boundary area is considerably smaller than on the O/S Superplan.

Signed letter from Colin Hicks

Dated: 4th November 2004. Relates to complaint No. COE/04/0068 and states that

‘I can confirm that I was a self employed farm labourer on Ford Farm 20 years ago and at this time the sheds were used for storage of building materials and as a general builders yard’.

5. SUMMARY OF CONTRARY EVIDENCE

- 5.1 Three letters have been received from local residents, the contents of which are summarised below.
- 5.2
- building firm DHB have been using the land for the past 8/9 years.
 - the proprietor, David Howes, undertook to remove all materials and signs from the land and subsequently vacated the land in January 2007.
 - registered complaints with the Council’s Enforcement Team in 2004 and 2006 about the material

In addition to the comments above, local residents have highlighted the negative impact of the use on the area. They point out that:

- the storage of material is unsightly and an eyesore
- not in keeping with the sensitive rural character of the area
- results in a detrimental outlook from these properties
- builders yard should be located in an appropriate zoned industrial area
- conditions suggested

As stated in Annex 8 of Circular 10/97, because this application is for a Certificate of Lawfulness the Council can only assess the evidence as to whether the operation has achieved a lawful use. It can not take into account the planning merits of the operation, use or activity, as would be the case for a planning application. As a result, the comments in respect of the operation’s negative impacts are not relevant to the consideration of this Certificate of Lawfulness because the matters to be determined are solely matters of evidential fact. Furthermore, conditions can not be appended to Certificates of Lawfulness and thus the suggestion to include conditions is not relevant.

6. OTHER REPRESENTATIONS RECEIVED

6.1 Yate Town Council

The Town Council does not have any evidence as to whether this is an established use.

7. EVALUATION

- 7.1 The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been proved on the balance of probability. As such the applicant

needs to provide precise and unambiguous evidence in support of the application that the outbuilding and yard has been used for storage of building materials.

7.2 Precision and clarity of evidence

In respect of the O/S Superplan, this is dated as May 1994. It circles one shed and hatches a section of land in a rather ill-defined and vague manner. It does not annotate what this land is used for. It is considered that this piece of evidence merely identifies a piece of land (imprecisely) and the existence of an outbuilding at this location in 1994. It fails to provide any evidence to confirm the use of the outbuilding or the land.

The smaller scale plan provides greater detail. However, it is again considered that it simply identifies sections of land. In addition, when taken together with the Superplan, it is considered to be ambiguous as it identifies two distinct areas of land (one for the 'storage of material' and one for 'access and parking') whereas the Superplan identified just one area. In addition the red outline of the site is considerably smaller than the red outline shown on the Superplan. In short, it fails to corroborate the details contained on the Superplan and thus is not conclusive.

Turning to the letter, this states that the sheds were used for storage of building materials and as a general builder's yard 20 years ago. It does not specify which sheds and is not supported by a plan or map identifying the sheds. Furthermore, it does not prove that the sheds have been used continuously for storage purposes for ten years, but simply that the sheds were used 20 years ago for storage. Their use could have ceased after, for example, 6 months. Consequently, it is considered this piece of evidence is not sufficiently precise or unambiguous.

In respect of the contrary evidence, two of the letters corroborate each other by emphasising that the builder's yard ceased to operate in January 2007 following the removal of building material on the site and removal of DHB contractors advertising signs. However, it is considered that because these letters are unsworn the weight to be applied to this evidence is limited.

Having regard to all of the above, it is considered that insufficient evidence has been submitted to prove that on the balance of probability the land has been used for storing builder's material in excess of ten years. It is therefore considered improbable that on the basis of the submitted evidence, that the use is lawful.

8. RECOMMENDATION

8.1 A certificate of existing Lawful Use be **REFUSED**.

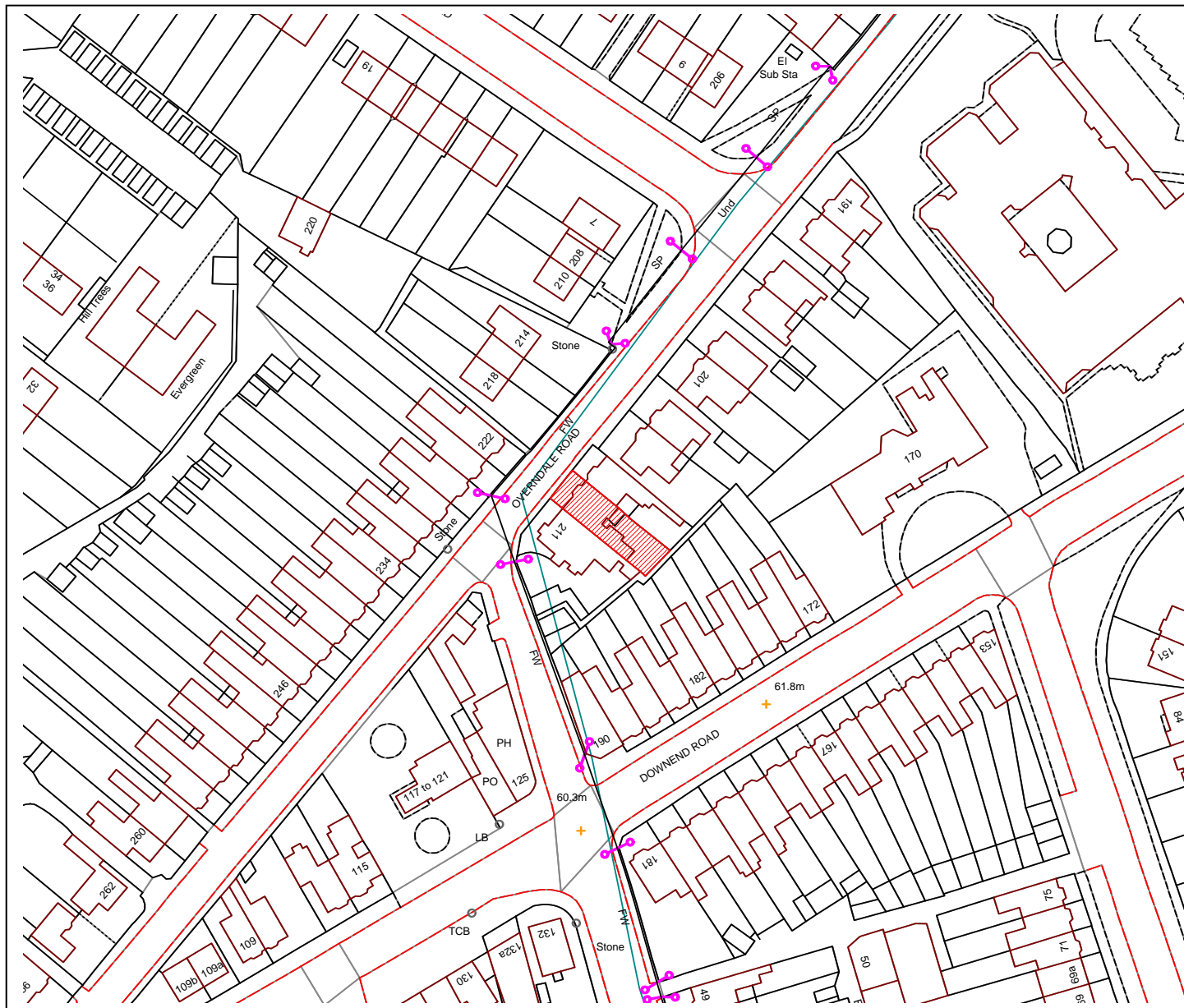
Background Papers **PK07/1328/CLE**

Contact Officer: Edward Purnell
Tel. No. 01454 863056

CIRCULATED SCHEDULE NO. 31/07 – 03 AUGUST 2007

App No.: PK07/1477/CLE
Site: 209 Overndale Road Downend
 BRISTOL South Gloucestershire BS16
 2RQ
Proposal: Application for Certificate of Lawfulness
 for an existing use of dwelling as 2no.
 self contained flats.
Map Ref: 64236 76366

Applicant: Mrs V Vicary
Date Reg: 11th May 2007
Parish: Downend and
 Bromley Heath
Ward: Downend



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N.T.S

PK07/1477/CLE

This application is for a Certificate of Lawful Use and under the Council's current scheme of delegation must appear on the Circulated Schedule.

By way of information, Members should be aware, that the test to be applied to this application for a Certificate of Lawful Use is that the applicant has to prove on the balance of probability that the dwelling has been used as 2no. self-contained flats, for a period of 10 years consecutively, prior to the receipt of the application.

1. THE PROPOSAL

- 1.1 The application has been submitted under Section 191 (1) of the Town and Country Planning Act 1990 for a Certificate of Lawfulness for an existing use of the site.
- 1.2 The application relates to no.209 Overndale Road, Downend. The property is a two-storey mid-terrace dwelling house, probably early 20thC in age.
- 1.3 The applicant considers that the dwelling was converted to two self-contained flats in 1994.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (General Procedures) Order 1995 Article 24
Circular 10/97: Enforcing Planning Control.
- 2.2 Development Plans
As the application is for a Certificate of Lawfulness the policy context is not directly relevant, as the land use merits are not under consideration. The applicant need only prove that on the balance of probability the use has taken place for an uninterrupted period of at least the last 10 years prior to the receipt of the application (19th April 2007).

3. RELEVANT PLANNING HISTORY

- 3.1 None
- 3.2 Enforcement History

Z827 - Planning Contravention Notice Served 22nd Nov 1994 - Conversion of Dwelling House into Self-Contained Flats.
No Enforcement Action taken.

4. SUMMARY OF EVIDENCE SUBMITTED IN SUPPORT OF THE APPLICATION

The applicant has submitted the following evidence in support of the application :

- One red edged site location plan.
- A Solicitors letter dated 29th March 2007 confirming that their client has stated to the Solicitor that the property was converted into flats prior to their purchase in 1999.

5. SUMMARY OF CONTRARY EVIDENCE

5.1 None

6. REPRESENTATIONS RECEIVED

6.1 Downend and Bromley Heath Parish Council
No objection.

6.2 Local Residents
No responses received.

7. EVALUATION

7.1 The application seeks to prove that on the balance of probability the dwelling has been occupied as two self contained flats, for a period of 10 years consecutive to the receipt of the application. The application has been supported by very little evidence at all. In cases such as this, the Council would have expected the application to be supported by signed affidavits or letters from existing and previous owners of the property or from people who previously occupied or currently occupy the property, or at the very least utility bills or rent books to demonstrate that the house has been occupied as two self-contained flats.

7.2 Despite officer requests to submit such evidence, none has been forthcoming. Instead, the applicant seeks to rely almost entirely on the fact that a Planning Contravention Notice was served in 1994 on the then owner, relating to the possible unauthorised use of the house as two flats and the fact that no enforcement action was subsequently taken. Council records confirm that such a PCN (ref. Z827) was served and that no further action was taken. There is no record of any planning application subsequently being submitted that relates to the property 209 Overndale Road. If anything, this would suggest that no breach of planning control had taken place and the house was not in fact being occupied as two flats at that time.

7.3 Notwithstanding the outcome of the above, the event took place in 1994 which is some 3 no. years prior to the 10 year period relevant to this application.

7.4 The only other piece of submitted evidence is the letter from Farrells Solicitors dated 29th March 2007. The letter merely says that a client has stated that the property was converted to flats prior to their purchase in 1999. The client referred to appears to be the previous owner. The letter does not state when before 1999 the house was converted to flats and none of the evidence submitted confirms that even if the house was converted some time in the past, that it has continuously been occupied as two flats for the ten year period prior to 19th April 2007.

7.5 Given this lack of evidence, Officers are of the firm view that a Certificate of Existing Lawful Use cannot in this case be issued.

8. RECOMMENDATION

8.1 That a Certificate of Existing Lawful Use be REFUSED for the following reason:

Background Papers **PK07/1477/CLE**

Contact Officer: **Roger Hemming**
Tel. No. **01454 863537**

REFUSAL REASONS

1. There is insufficient evidence to demonstrate that, on the balance of probability, the property has been occupied as two self-contained flats for 10 years consecutively prior to the receipt of the application on 19th April 2007.

CIRCULATED SCHEDULE NO. 31/07 - 03 AUGUST 2007

App No.: PK07/1737/F

Applicant: Pantheon Land Holdings Limited

Site: The Former Crossroads Service Station, 35 Badminton Road, Downend, Bristol, South Gloucestershire, BS16 6BB

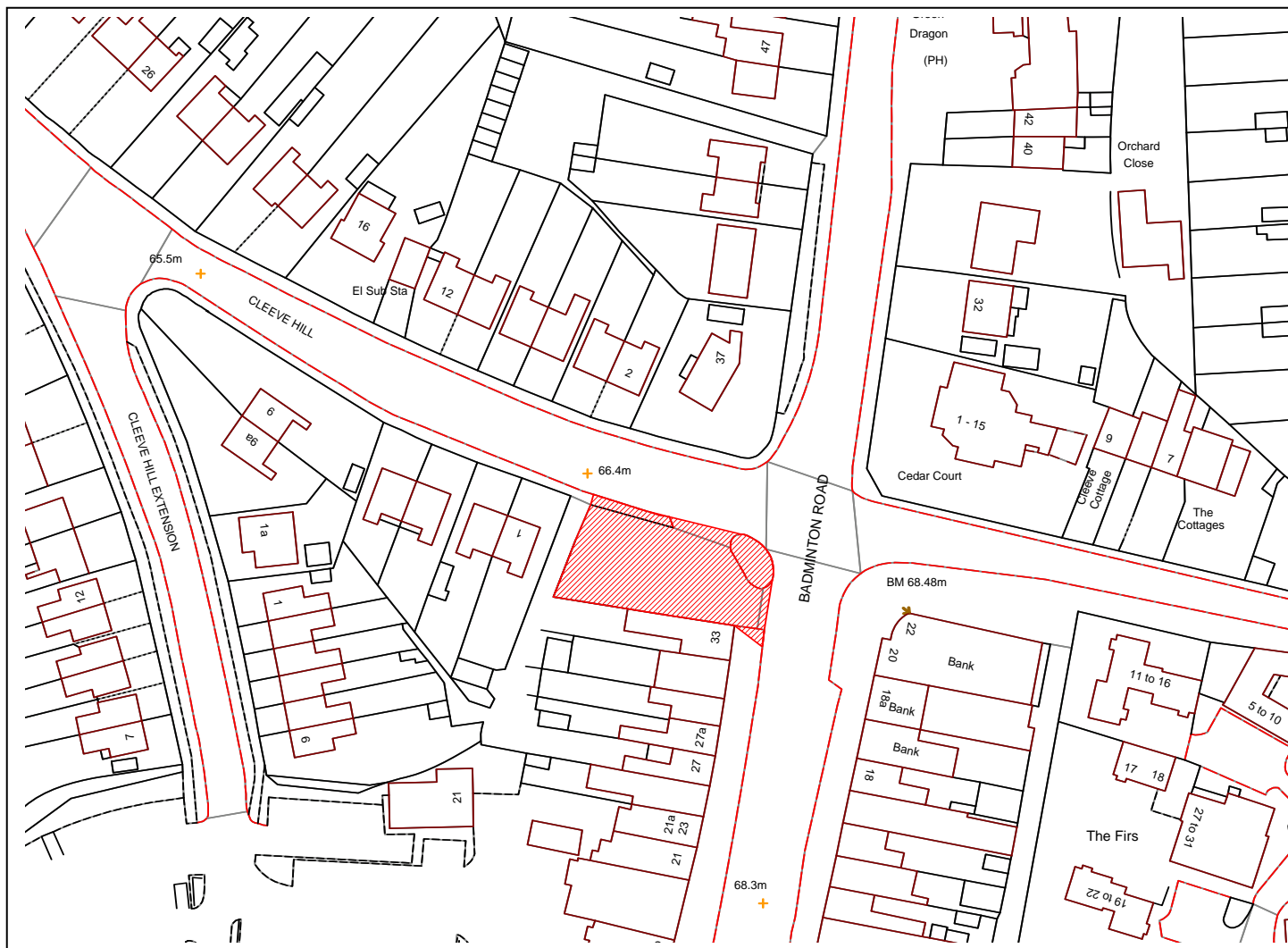
Date Reg: 5th June 2007

Proposal: Demolition of former service station to facilitate the erection of 14no. flats, 7no. car parking spaces and associated works. Highway improvements to widen pavement. (Amendment to previously approved scheme PK06/0113/F to include amendments to roof, location of bin and bike stores and repositioning of windows on west elevation).

Parish: Downend and Bromley Heath

Map Ref: 65141 76837

Ward: Downend



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100023410, 2007.

DC0901MW

This application appears on the Circulated Schedule because it is a Major Application and also concerns have been raised by a local resident. Members will recall that an application (PK06/0113/F) for a very similar scheme previously appeared on Circulated Schedule no.27/06. The application was subsequently approved subject to a S106 agreement, which was duly signed on the 21st December 2006. The development has since proceeded and is now in an advanced state of completion. The applicant has however proposed some relatively small amendments to the originally approved scheme. Since these amendments cannot be addressed as minor amendments, a new application is therefore required in order to address the situation. The main body of this report is therefore almost identical to that which previously appeared on Circulated Schedule 27/06.

1. THE PROPOSAL

- 1.1 The application relates to the former Crossroads Service Station located on a prominent corner plot at the junction of Cleeve Hill and Badminton Road, Downend. It was originally proposed to demolish the petrol station building and erect 14no. one bedroom flats with associated parking areas. The development would also include enabling works to close the existing accesses and provide land for footpath widening. Under the original planning permission, works have already started. The former petrol station building has been demolished and the block of flats is nearing completion.
- 1.2 The former Service Station was a triangular shaped building comprising a filling station with a shop, office and ancillary accommodation on the ground floor and office floorspace on the first floor. The site adjoins the main Downend shopping area on Badminton Road. To the west of the site is an existing service access lane, which separates the application site from the semi-detached houses along Cleeve Hill.
- 1.3 The service station closed some 3.5 years ago and the site has lain dormant ever since. The petrol station building was in a parlous state and the site had become overgrown, creating an eyesore in this most prominent of locations to the detriment of the viability and vitality of the Primary Shopping Area in the centre of Downend.
- 1.4 The scheme as now amended is not considered to be substantially different from that previously approved. The amendments relate to:-
 - Change from aluminium to Softwood timber framed windows, in order to achieve the highest possible BREAAAM Ecohomes rating by using sustainable materials. Windows on the west elevation have been re-positioned.
 - The area of flat roof has been reduced thus increasing the pitched roofing area.
 - The bin and bike stores have been re-configured.

2. POLICY CONTEXT

- 2.1 National Guidance
 - PPS1 - Delivering Sustainable Development
 - PPS3 - Housing
 - PPS6 - Planning for Town Centres
 - PPG13 - Transport

- 2.2 Development Plans

Joint Replacement Structure Plan

- Policy 1 - Sustainable development objectives.
- Policy 2 - Location of development.
- Policy 33 - Housing provision and distribution.
- Policy 34 - Re-use of previously developed land.
- Policy 38 - Town Centre Hierarchy
- Policy 41 - Safeguarding Local Shopping

South Gloucestershire Local Plan (Adopted) January 2006

- D1 - Design
- L1 - Landscape Protection and Enhancement
- EP1 - Environmental Pollution
- EP2 - Flood Risk and Development
- EP4 - Noise-sensitive development
- T7 - Cycle Parking
- T8 - Parking Standards
- T12 - Transportation Development Control Policy for New Development
- H2 - Proposals for Residential Development, Including Residential Institutions and Special Needs Accommodation, and Applications to Renew Permissions for Residential development, within the Existing Urban Area and Defined Settlement Boundaries.
- LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions).
- RT9 - Changes of Use of Retail Premises within Primary and Secondary Shopping Frontages in Town Centres.

- 2.3 Supplementary Planning Guidance
Advice Note 2 - House Extensions

3. RELEVANT PLANNING HISTORY

There have been numerous planning applications relating to the former petrol station use, the most recent of which are as follows:

- 3.1 P89/4092 - Demolition of showroom for parking. Improvements to filling station shop. Use of 1st floor for office area.
Refused 3rd July 1989
- 3.2 P89/4768 - Demolition of showroom. New parking area, tanks & pumps. Improvements to filling station shop. Use of 1st floor as office.
Approved 29th January 1990
- 3.3 P98/4237 - Installation of cash machine
Approved 9th June 1998
- 3.4 PK06/0113/F - Demolition of former service station to facilitate the erection of 14no. flats 7 no. car parking spaces and associated works. Highway improvements to widen pavement.
Approved – S106 Signed 21st December 2006.

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council

No objection.

4.2 Other Consultees

4.3 Wessex Water

No objections raised. The development is located within a sewered area, with foul and surface water sewers.

4.4 Avon & Somerset Police Crime Reduction Officer

No comment

4.5 Environment Agency

No objection subject to appropriate informatives. The agency is satisfied that the appropriate site investigation and risk assessment has been undertaken at the site.

4.6 Sustainable Transport

No objection subject a S106 legal agreement to secure developer works to stop up existing vehicular accesses and extend the footway on Cleeve Hill and Badminton Road to include a strip of land, which is proposed for adoption.

4.7 South Gloucestershire Council Conservation & Design Advisory Panel

Liked the original scheme but suggested some minor revisions at roof level. (These are now proposed in the amended scheme).

Other Representations

4.8 Local Residents

One item of correspondence was received from the occupier of no.25 Badminton Road. The following is a summary of the concerns raised about the proposed scheme:

- Planning permission should have been given before work commenced.
- The ground floor should be shops.
- Inadequate sewerage infrastructure.

4.9 Internal Consultees

4.10 Education

All of the dwellings are one bedroom. No contributions towards education provision are required.

4.11 Affordable Housing

No requirement, 14no. units is below council threshold (15) for affordable housing provision.

4.12 Community Services

A total contribution of £15,568.56p is required.

4.13 Applicant's Supporting Information.

A Design Statement was submitted in support of the original application. The key points in support of the application are summarised as follows:

- The application site is located within a mixed-use area close to schools, shops, banks, post office etc.

- Residential properties in the immediate area comprise semi-detached properties and blocks of flats.
- The site is unusual in its form and location.
- The site is in an extremely sustainable location.
- The proposal would make more efficient use of the site and would provide a development of high quality design.
- There would be improvements to pedestrian facilities and vehicular access.
- The site is previously developed and within the urban area with high levels of accessibility to a wide range of local services, thereby reducing car dependence.
- The scheme would improve and enhance the appearance of this prominent site and add interest to the high street.
- Highway access will be improved and pedestrian links enhanced.
- The proposal, being high quality, high density, residential development in a sustainable location, accords with national, regional and local policy.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The Crossroads Service Station, No. 35 Badminton Road, despite being shown on the Local Plan Proposals Map (to be updated) as being within the Downend Primary Shopping Frontage, is not in fact listed in figure 9.2 of Policy RT9 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, as being within the Primary or Secondary Shopping Frontage. Policy RT9 is not therefore applicable in this case. The existing authorised use of the site is Sui Generis and is not an A1 retail use anyway. The site lies within the Urban Area and is previously developed land and can therefore be assessed as a brownfield windfall site. There is therefore no in-principle objection to the re-development of the site for residential use, indeed this has already been established with the grant of planning permission PK06/0113/F.

5.2 Having regard to the adopted Joint Replacement Structure Plan, Policy 34 states that in making allocations for housing provision, Councils should give priority to the re-use of previously developed land. Similarly, Policy 33 states that priority will be given to the re-use of previously developed sites *within the urban area*. Furthermore, Policy 2 of the JRSP, the locational strategy, aims to concentrate development for jobs, housing and facilities within the main urban areas, in order to maintain and develop their vitality and quality as regional and sub regional centres. JRSP 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 (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.

5.4 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. The supporting text to Policy H2 sets out the Council's expectation that higher densities (in excess of 50 dwellings per hectare) will be achieved in and around existing town centres and at locations well served by public transport.

- 5.5 The South Gloucestershire Local Plan (Adopted) 6th January 2006 also seeks to ensure, in achieving higher densities for new development, that *“local planning authorities and developers think imaginatively about designs and layouts which make more efficient use of land without compromising the quality of the environment”*.

- 5.6 There would be 14 units on the 0.053ha site, which equates to a density of 264.1 units per hectare. The high density figure merely reflects the fact that the development would comprise of 14 x 1 bedroom flats as opposed to individual dwelling houses. Having regard to the size and unusual configuration of the plot and the scale of the building proposed, officers consider that the proposed density would make the most efficient use of the site in this urban location. A larger building than that proposed is not considered appropriate due to the proximity of two-storey commercial buildings and residential dwellings and the character of the street scene. The site is in a highly sustainable location being in the heart of Downend within easy walking distance of the shopping and community facilities and main bus routes. The density is therefore acceptable.

5.7 Scale and Design

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.

- 5.8 The design rationale is for the erection of a 3-storey building broken down into a series of articulated blocks, thus reducing the scale and perceived mass of the building. This is further achieved by the use of a limited palette of construction materials and layering the building via setback to produce component parts. The materials have been selected for their sustainable and environmental qualities and the building will be tested for EcoHomes rating (minimum good). The façade and elevations would be surfaced with through colour render; the colours would be selected to highlight the contemporary nature of the build and to heighten the breaking down of massing. The differing roof levels sloping back from the street on a low raking angle, minimise the impact on the neighbouring residential houses and allow for the most efficient use of the site by reducing the overall mass of the building. In the amended scheme the flat roof elements are much reduced and replaced by low pitched elements which officers

consider enhance the appearance of the building. All of these features create an elevational rhythm to the street scene.

- 5.9 All of the flats would be accessed from a single secure point of entry at street level. Being set back from the footways there is a sense of defensible space between the building and the public realm, the spaces being enclosed by low-level brick wall and steel post and rail fencing, the appearance of which would be softened by planted landscaping.
- 5.10 Within the development and to the rear would be an open landscaped amenity area. There would also be a cycle store and bin store, with car parking restricted to the western end of the site adjacent to the access lane.
- 5.11 PPS1 (para. 38) in addressing design issues states that:
“Local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness particularly where this is supported by clear plan policies or supplementary planning documents on design.”
- 5.12 Officers have considered the proposal in the context of the local architectural vernacular. The centre of Downend is not noted for its aesthetic quality, being suburban in character and exhibiting no strong local distinctiveness supported by any supplementary planning documents. Most of the buildings are two storey brick and render with tiled pitched roofs. Exceptions to this style include the former service station building, which had a flat roof, the Lloyds bank building opposite, which has flat roofed elements and Cedar Court on the opposite side of the crossroads, which is a 4 storey block of flats.
- 5.13 The proposed building would not be significantly higher than the existing Service Station building and would remain lower than the buildings within the Shopping Frontage. Furthermore the proposed building would be similar in height to the nearest residential dwellings on Cleeve Hill. The massing and footprint of the individual blocks proposed is similar to that of the adjacent properties. Officers are therefore satisfied that having regard to the scale of the nearest buildings and the innovative design of the proposed building, that the scale and massing would be sufficiently in-keeping with the locality.
- 5.14 The modern contemporary appearance of the building would be radically different from that of the buildings within the locality. Furthermore it is noted that the three-storey nature of the building does not match up in any way with the adjoining shopping frontage. This does however allow the building to be viewed in isolation as an individual landmark building, clearly defining the end of the shopping frontage and the start of the residential realm. Furthermore the proposal must be assessed in the light of the particular circumstances of this site, which is considered to be a material consideration of significant weight. The original service station building bore no relation in terms of design to the surrounding buildings so in this respect the scheme is like for like. The proposed building is a high quality, architect designed, modern, innovative and original design, which would be in complete contrast to the original old rundown eyesore, which was the service station building. In this respect the scheme is considered to be an enhancement to the character, distinctiveness and amenity of the locality. The constraints on the site would mean that if this application were refused, there is little likelihood of another developer taking on the site in

the immediate future, which would be to the detriment of the viability and vitality of the local centre; the Parish Council raised specific concerns about this very issue. The Council's Design Advisory Panel liked the scheme and their suggested amendments have been incorporated into the revised plan. Officers are therefore satisfied that the design is acceptable.

5.15 Impact Upon Residential Amenities

Officers consider that whilst it is perfectly normal for buildings to be in close proximity to each other in densely populated urban locations (such as this), careful consideration still needs to be given to the impact of the development on the residential amenities of neighbours and future occupiers alike.

5.16 For prospective occupiers of the proposed flats, a small amenity area would be provided within the site. The site is however within easy reach of community facilities within the area e.g King George V Playing Fields, Downend School and Downend Cricket and Tennis Clubs. Bin storage and a cycle store would be provided within the complex. The boundary walls and fences, which are to be retained or erected, would be high enough to provide adequate screening and privacy for future occupiers. There would be no sources nearby of excessive levels of noise, smell, dust or pollution.

5.17 Moving to the impact of the scheme on neighbouring occupiers; there would be little additional impact on the adjoining commercial property to the south, over and above that which already exists. The stopping up of the existing vehicular access from Badminton Road would be an enhancement.

5.18 The development would not be constructed close enough to have any detrimental impact on first floor habitable room windows in the rear of the flats over the existing shops. Officers have noted that there are no habitable room windows at first floor level in the facing side elevation of no.1 Cleeve Hill, whilst at ground floor level there is only a secondary kitchen window. The amended window positions on the west elevation would not result in a significant loss of privacy for the occupiers of no.1. The existing access lane lies between the site and no.1 and is already utilised by vehicles on a regular basis, servicing the rear of the shopping frontage. There would only be limited additional disturbance to result from cars accessing the proposed parking spaces opposite this window. Furthermore the proposed building would be set back some 16m from the front garden of no.1 and the requisite 21m from the side elevation of no.1. There would therefore be no significant loss of light or overbearing impact that would justify refusal of planning permission. Any overlooking of the rear garden of no.1 would be from an acceptable distance and from an oblique angle. The rear garden is to some extent already overlooked by the flats above the neighbouring shops and some overlooking is only to be expected in a densely populated suburban area such as Downend. There would also be more than 21m to the properties on the opposite side of Cleeve Hill.

5.19 Whilst there would inevitably be some disturbance during the development phase, this would be on a temporary basis only; furthermore disturbance during the development phase could in some way be mitigated for by the imposition of a condition to control the hours of working. Any access of neighbouring land, required to demolish the existing buildings or erect the flats, is not controlled through the planning system. The work would also be the subject of the normal Environmental Health legislation.

5.20 The flats would be sold on the open market and would provide a valuable contribution to the low cost open market housing stock, which is increasingly in demand by single people or first time buyers. On balance therefore, officers are satisfied that the impact of the proposed development upon neighbouring residential amenity, would be acceptable.

5.21 Transportation Issues

The proposed development includes the provision of 7 off-street car parking spaces as well as secure cycle parking facilities. Provision of these facilities are in accordance with the Council's adopted maximum car parking policy T8 and cycle parking policy T7. An appropriate planning condition would be imposed to secure these facilities and make the car parking spaces allocated as no more than one space per flat. On street parking is controlled in the vicinity of the site and there is a large public car park within easy walking distance. The site is also on a bus route with a bus stop in very close proximity. The site is also within a very sustainable location.

5.22 The site has frontage to both Badminton Road and Cleeve Hill with existing vehicular accesses both of which are located in close proximity to the stop line at the traffic signal junction. At these entrances, priorities are with vehicles and hence the existing footway is discontinuous across these accesses. The applicant will stop up these accesses as part of the development and carry out works to extend the footway on Cleeve Hill and Badminton Road. Part of the site will be handed over for highways adoption allowing the footway to be widened and improved in this location; these matters would be secured by a S106 Agreement. Whilst it would be desirable to re-locate the stop lines and traffic lights on Cleeve Hill and Badminton Road, the burden of cost could not be reasonably imposed on the applicants, as it would not be directly related to the development and would not meet the tests of Circular 05/2005.

5.23 The applicant has right of access over the service lane to the west of the site and this will be utilised by vehicles and delivery lorries/vans accessing the proposed flats. Officers are satisfied that this access is acceptable in highway safety terms for the amount and size of traffic likely to be generated by the scheme.

5.24 In the light of the limited off-street car parking provision within the scheme, officers considered whether or not further contributions towards subsidised bus services was justified. Following protracted negotiations and having regard to a number of unique factors, mainly that part of the site had already been given over for adoption, the likely cost to the developer of footway improvements, the highly sustainable location of the site and the pressing need to develop the site in the interests of the viability and vitality of Downend village centre, it was concluded that further contributions may prejudice the viability of the scheme and should in this case be waived.

5.25 Regarding the amended bin store that is now proposed, the applicant has confirmed that the store has been designed to accommodate:

2no. 660ltr bins for general rubbish (1370 x 810 x 1220mm)
4no. 360 ltr bins for recycling – bottles, cans, paper, other (textile, foil, etc) (880 x 600 x 1100mm) with a further 2 or 3 no. 360 ltr bins for garden waste & cardboard (located in the garden). A lockable and raisable/droppable bollard will be installed at the front of car park space 1 to ensure access to the bin store on refuse collection days (see revised plan 03094-22 Rev E).

5.26 Landscape Issues

Policy L1 seeks to conserve and enhance the character, distinctiveness, quality and amenity of the landscape. There is no vegetation of note on the existing site. Some minor planting is proposed, otherwise the scheme is considered to be a sensitive one having little impact on the landscape. There are therefore no landscape objections to the proposal.

5.27 Drainage

PPG25 and Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 require that proposed development ensures that foul and surface water disposal arrangements are acceptable and incorporate sustainable drainage principles. In addition, development will not be permitted where it could increase the risk of flooding. The Council's Drainage Engineer has raised no objections to the principle of the development, which would also be the subject of Building Control.

5.28 Environmental Issues

Policy EP1 does not permit development that would unacceptably harm the environment, or the health, safety and amenity of users of the site or surrounding land, as a result of pollution to water, air or soil, or through noise, vibration, light, heat or radiation. Neither The Environment Agency or the Council's Environmental Health Officer, have raised any objections to the proposal. Having regard however to the past uses of the site a condition to secure site investigation for the presence of contamination and suitable remediation if required, should be imposed.

5.29 Education

Since the apartments are one bedroom only, contributions towards Education facilities are not required.

5.30 Affordable Housing

The proposal for 14 flats falls below the Council's threshold (15) for affordable housing provision.

5.31 Community Services

The following contributions are required:

£231.84 towards the enhancement of local library facilities to be spent within 5 years of receipt.

£8,096.76 towards enhancement of public open space, to be spent on improving facilities at King George V playing fields to cater for the increased usage as a result of this development and to be spent within a period of 10 years of receipt, or return of any unspent moneys.

£7,239.96 towards the maintenance of the enhanced open space with no claw back clause.

These contributions to be paid not later than the first occupation of 5 of the 14 flats.

5.32 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 (Consultation Draft).

5.33 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, having regard to the above advice, the highway improvements and community service contributions 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 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 (1) That authority be delegated to the Director of Planning, Transportation & 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 & Country Planning Act 1990 (as amended) to secure the following:
- (i) Works to stop up the existing vehicular accesses and extend the footway on Cleeve Hill and Badminton Road, to include that strip of land, which is proposed for adoption. The works to be carried out by the developer.
 - (ii) A contribution of £231.84 towards the enhancement of local library facilities to be spent within 5 years of receipt.
 - (iii) A contribution of £8,096.76 towards enhancement of public open space, to be spent on improving the drainage and playing field surface at King George V playing fields, to cater for the increased usage as a result of this development and to be spent within a period of 5 years of receipt, or return of any unspent moneys.

- (iv) A contribution of £7,239.96 towards the maintenance of the enhanced open space with no claw back clause.

These contributions to be paid not later than the first occupation of 5 of the 14 flats.

The reasons for this Agreement are:

- (i) To improve highway infrastructure having regard to Policy T12(A) of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
- (ii) To ensure the adequate provision of Library facilities within the vicinity of the development having regard to the increased population generated by the development, in accordance with Policy LC1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
- (iii) To ensure the adequate provision of Public Open Space facilities within the vicinity of the development having regard to the increased population generated by the development, in accordance with Policy LC1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
- (iv) To ensure the maintenance of the Public Open Space facilities provided in (iii) within the vicinity of the development having regard to the increased population generated by the development, in accordance with Policy LC1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

Background Papers PK07/1737/F

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason:

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

2. Development shall not begin until drainage details incorporating best management practices and the hydrological context of the development have been submitted to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details.

Reason:

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

3. The drainage scheme approved, incorporating best management practices, shall be implemented in accordance with the approved details before the development is occupied.

Reason:

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

4. The off-street car parking and manoeuvring facilities, and cycle parking facilities, shown on the plan hereby approved shall be provided before the buildings are first occupied, and thereafter retained as such and used only in conjunction with the occupation of the buildings purpose.

Reason:

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

5. The 7 no. car parking spaces shown on the approved `Ground Floor Plan numbered 03094 22 Rev E, shall be allocated on the basis of no more than one space per flat (whichever they may be) and maintained as such unless the Local Planning Authority gives written consent to any variation.

Reason:

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

6. Building operations shall not be commenced until details of the roofing and external facing materials proposed to be used have been submitted to and approved by the Council and all such materials used in construction of the buildings hereby authorised shall conform to the details so approved.

Reason:

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

7. Before the development hereby authorised is commenced, sample panels of the render indicating colour and texture, shall be erected on site and approved in writing by the Local Planning Authority. The approved sample panels shall be kept on site for reference until the development is complete.

Reason:

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

8. No windows other than those shown on the plans hereby approved shall be inserted at any time in the west elevation of the building hereby approved, unless the Local Planning Authority gives consent in writing to any variation.

Reason:

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

9. The hours of working on the site for the period of demolition and construction of the development hereby approved, shall be restricted to 07.30 to 18.00 Monday to Friday and 07.30 to 13.00 Saturday 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. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. Prior to the commencement of the development a Waste Management Audit shall be submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:
- (a) The volume and nature of the waste which will be generated through the demolition and/or excavation process.
 - (b) The volume of that waste which will be utilised within the site in establishing pre-construction levels, landscaping features, noise attenuation mounds etc.
 - (c) Proposals for recycling/recovering materials of value from the waste not used in schemes identified in (b), including as appropriate proposals for the production of secondary aggregates on the site using mobile screen plant.
 - (d) The volume of additional fill material which may be required to achieve, for example, permitted ground contours or the surcharging of land prior to construction.
 - (e) The probable destination of that waste which needs to be removed from the site and the steps that have been taken to identify a productive use for it as an alternative to landfill.
11. The approved works shall subsequently be carried out in accordance with the agreed details.

Reason:

To accord with the Council's adopted Waste Management Strategy, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. Prior to the commencement of the development hereby authorised, details of the location of any construction compound to be provided on the site shall be submitted to and agreed in writing with the Local Planning Authority and the works shall subsequently be carried out in accordance with the agreed details.

Reason:

To safeguard the amenities of the locality, and to accord with Policy H2 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

13. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; boundary treatments and areas of hardsurfacing.

Reason:

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

14. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out during the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Council gives written consent to any variation.

Reason:

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

15. The landscape scheme to be submitted to the Local Planning Authority for approval, shall include a management plan for all areas to be managed by a management company. Such details as approved shall be permanently implemented.

Reason:

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

16. The development hereby permitted shall not commence until the developer has submitted to the Local Planning Authority for its prior written approval, the following information detailing any potential land contamination and a proposed scheme of works:

1. A preliminary investigation including a desk top study report detailing the history of the site and identifying risks to human health and the environment.
2. A main investigation including a site investigation report documenting the types, nature and extent of contamination present, risks to receptors and potential for mitigation within and beyond the site boundary as identified in the preliminary investigation. The investigations and assessments shall be in accordance with current Government and Environment Agency guidance.
3. A detailed remediation scheme including a method statement and measures to be taken to avoid risk to human health and the environment, as identified by the desk study and site investigation, from contaminants or gases.

The construction of the buildings shall not commence until the investigator has provided a validation report, which shall include confirmation that all remediation measures have been carried out fully in accordance with the scheme. The report shall also include results of the verification programme of post-remediation sampling and monitoring in order to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report. Persons undertaking validation of remedial works shall also provide a validation certificate.

Contaminated land investigations shall be undertaken by suitably qualified persons with demonstrable experience and qualifications associated with this type of work, and the level of investigation and reporting as detailed above.

Evidence of the proper decommissioning and removal of underground storage tanks must be provided.

Reason:

To ensure that development can be constructed having regard to local ground conditions, and to accord with Policies EP1 and EP6 of the South Gloucestershire Local Plan (Adopted) January 2006.

17. Prior to the first occupation of the building hereby approved, evidence that the building has been EcoHomes tested and achieved a minimum standard of GOOD shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of sustainable development and to accord with Policy D1 (G) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

CIRCULATED SCHEDULE NO. 31/07 – 03 AUGUST 2007

App No.: PK07/1800/F
Site: 29 Cadbury Heath Road Cadbury Heath
 BRISTOL South Gloucestershire BS30
 8BX

Applicant: Miss S Bowers
Date Reg: 8th June 2007

Proposal: Conversion of 1no. dwelling to 2no. flats
 with allocated parking and associated
 works.

Parish: Oldland Parish
 Council

Map Ref: 66752 72493

Ward: Parkwall



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N.T.S

PK07/1800/F

INTRODUCTION

This application appears on the circulated schedule due to the receipt of one letter of objection from the Parish Council and two letters of objection from local residents.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the conversion of one existing dwelling into two one bedroomed flats. The application would also involve the conversion of the existing car port to living space and also some alterations to the existing parking arrangements.
- 1.2 The property is a two-storey end-terraced dwelling and is located within a residential area of Cadbury Heath. The property was extended with a two-storey side extension and garage in the 1990's.
- 1.3 The site was originally occupied by one four bedroomed dwelling. In 2007 planning permission was granted to convert the one dwelling into two dwellings (Ref PK06/3609/F)- the garden was also split equally between the two dwellings. This has now been completed so two houses now exist where there was previously one. This application relates to one of these newly created houses only. The other house on the site will remain untouched by the application.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG3	Housing

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Delivering Sustainable Development
T8	Parking standards
T12	Transportation Development Control Policy for New Development
H5	Residential Conversions

3. RELEVANT PLANNING HISTORY

- 3.1 PK06/3609/F Conversion of existing dwelling to form 2 No. dwellings
Approved January 2007
- 3.1 P94/4205 Erection of two storey side extension and garage: Approved
27/06/1994

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council

Object to the application on the basis of overdevelopment and inadequate provision for off-street car parking.

Other Representations

4.2 Local Residents

Two letters of objection have been received from local residents. A summary of the points of concern is as follows;

- Overdevelopment of small site
- House is 29a
- Parking and manoeuvring spaces are inadequate
- All sewerage will come through the neighbours garden
- The application could be mistaken as a replacement for PK06/3609/F
- The flats are too small and inadequate for practical living
- Visibility is already poor and any extra vehicles will add to an already dangerous situation.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006 allows proposals for conversion of existing residential properties into smaller units of self contained residential accommodation subject to a number of criteria including satisfactory parking facilities and not prejudicing the character of the surrounding area and residential amenity.

5.2 Visual Amenity

The application seeks to convert an existing dwelling into two self contained flats - the majority of the works are internal with very little external alteration. When viewed from the front elevation, the only visual external change would be the infilling of the front of the existing car port to facilitate its conversion to additional living space. There is to be no increase in size of the existing building or extension too it. Indeed, other than the alterations to the existing car port, all windows and doors are to remain the same with no new openings created.

The parking and turning areas to the front of the building are already largely in existence and thus it is not considered that the development will result in the loss of any vegetation or greenery that contributes positively towards the character of the area.

In general, there are no significant external alterations that would be considered to be unacceptable. To users of the surrounding public space, the conversion would not be noticeable. As such, the design and visual amenity of the proposal is considered to be acceptable.

5.3 Residential amenity

A number of internal alterations are proposed – including the installation of and alteration to stud walls. Externally, the only alteration is the addition of patio doors on the rear elevation at ground floor level.

With regard to potential noise nuisance, there is always the possibility of transmission, which could affect residential amenity. However, the conversion works will need to conform to the recent changes in Building Regulations, which require high standards for the reduction of transmitted noise. Subject to the necessary building regulations approval being granted, it is not considered that there are likely to be any issues of noise transmission sufficient to warrant the refusal of the application.

The ground floor flat will be afforded ample private amenity space – well above levels one would normally expect for a one bedroomed flat. The first floor flat will not have any amenity space. However, given that the flat is to have one bedroom only, it is considered highly unlikely that it will be occupied by children. It is not therefore considered that it is necessary to provide garden space for the first floor flat. Cycle and Bin stores have however been provided for both flats and subject to the attachment of conditions to ensure details of these stores are submitted, it is considered that each flat is afforded ample amenity.

It is noted that a neighbour is concerned the flats are too small. It is not however considered by your officer that this is the case. The ground floor flat has an ample footprint with separate lounge, bedroom, kitchen and bathroom. The first floor flat is smaller than the ground floor flat but still has separate bedroom, living space and bathroom. The flats are sufficiently sized for modern living standards and this is not a concern.

There are to be no new or additional windows at first floor in the rear of the property and thus it is not considered that there will be any additional levels of overlooking or loss of privacy of neighbour's gardens.

No details of bin stores have been provided with the application yet the plans indicate there is space for them to be sited. A condition will be attached to any consent granted requiring full details of the proposed bin and cycle stores are submitted to the Council.

Subject to the attachment of relevant conditions, it is not considered that the proposal would have any detrimental effect on existing levels of residential amenity.

5.4 Transportation Issues

It is accepted that local residents are concerned about the impact of the proposal on highway safety and parking in the vicinity of the site. However, following detailed assessment by both planning and highway officers, no highway objection is raised to the proposed scheme. The application clearly shows how 3 off street parking spaces will be provided to the front of the site – one space for each of the proposed flats and one for the existing neighbouring dwelling. Policy T8 of the South Gloucestershire Local Plan (Adopted) advised of maximum parking standards. The policy states that the maximum number of off street parking spaces that can be provided for a one bed dwelling is one space and 1.5 spaces for a 2 bed dwelling. In total therefore, the maximum parking provision for the entire site is 3.5 spaces. Given that 3 spaces are being provided, there is no objection to the loss of half a parking space. The application thus complies with the requirements of Policy T8.

With regards to impact on highway safety, the authorised use of the land must be taken into consideration. The site and existing access has consent to be used by 2 two bedroomed dwellings. It is not considered that the proposed use of the site will result in any noticeable intensification of traffic movements too and from the site that could have an impact on existing levels of highway safety.

Subject to the attachment of conditions to ensure that the car and cycle parking is provided, there is no highways objection to the proposed scheme.

5.5 Design and Access Statement

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

5.6 Section 106 Requirements

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

6. CONCLUSION

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

The 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 planning permission be granted subject to the following conditions;

Background Papers **PK07/1800/F**

Contact Officer: **Marie Bath**
Tel. No. **01454 864769**

CONDITIONS

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

Reason:

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

2. No development shall take place until details of provision of storage for refuse bins and boxes as been submitted to and agreed in writing by the Local Planning Authority. The residential units hereby approved shall not be occupied until the storage areas have been provided in accordance with the agreed details.

Reason:

To ensure a satisfactory standard of external appearance and to accord with Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The off-street parking facilities 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 Policy T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the commencement of development, detailed plans showing the provision of cycle parking facilities in accordance with the standards set out in Policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006 shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; and thereafter retained for that purpose.

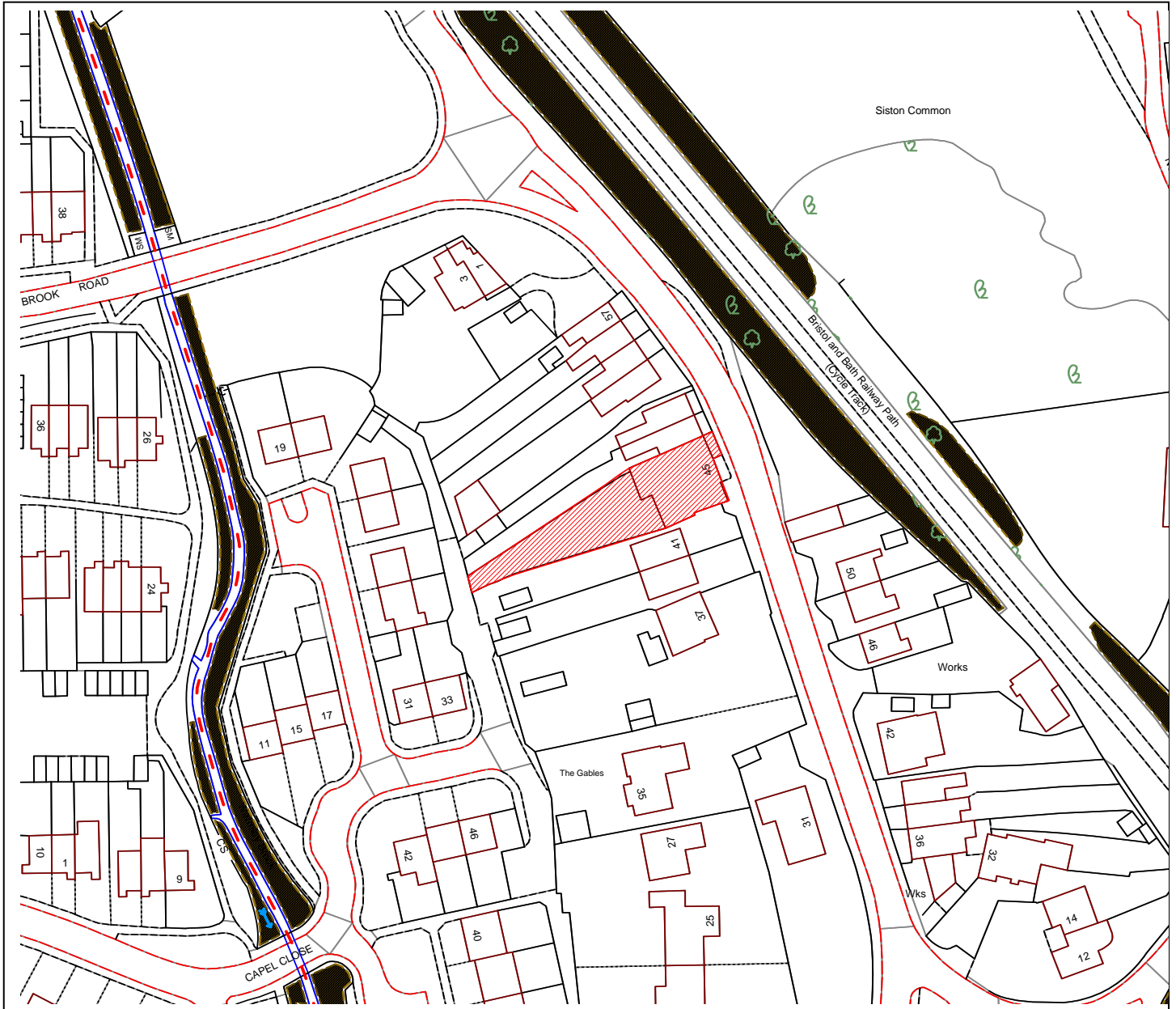
Reason:

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 Policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 31/07 – 03 AUGUST 2007

App No.: PK07/1883/F
Site: 45 Stanley Road Warmley BRISTOL
 South Gloucestershire BS15 4NX
Proposal: Erection of replacement single storey
 side extension to form integral garage
 and store.
Map Ref: 66819 73853

Applicant: Mr A Rees
Date Reg: 21st June 2007
Parish: Siston Parish
 Council
Ward: Siston



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N.T.S

PK07/1883/F

INTRODUCTION

This planning application has been referred to the Council's Circulated Schedule procedure as a result of concerns raised by a local resident regarding the proposed development.

1. THE PROPOSAL

- 1.1 This planning application seeks planning permission for the erection of a single storey side extension.
- 1.2 The application site relates to a two storey end terraced dwelling within the established residential area of Warmley.

2. POLICY CONTEXT

2.1 National Guidance
PPS1

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

H4 Extensions

2.3 Supplementary Planning Guidance
South Gloucestershire advice Note no.2 Extensions

3. RELEVANT PLANNING HISTORY

- 3.1 The following planning history relates to the application site:
- 3.2 P94/4308 Change of use of ground floor room from retail to residential
Approved August 1994

4. CONSULTATION RESPONSES

4.1 Siston Parish Council
No response

Other Representations

4.2 Local Residents
One letter has been received from a local resident asking the following:
-Where will the drainage from the roof be ?
-Extension adjoins driveway and my permission will be required "Party Wall Act"

5. ANALYSIS OF PROPOSAL

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

5.2 Visual Amenity

The application site relates to a two storey end terraced Victorian style dwelling with stone facing. This application proposes to a replace an existing garage and store on the southern elevation of the property with a similar sized extension. Although the proposed roof design i.e. hipped will not mirror that of the existing dwelling, it is considered however that by reason of its traditional appearance it will not detract from the character of the existing dwelling or immediate surrounding area.

5.3 Residential Amenity

The proposed extension will be sited along the adjoining boundary with no. 41. As the extension is similar in scale to that existing, it is considered that it will have no greater impact on the existing residential amenities of no.41 in terms of loss of privacy or overbearing impact.

5.4 Other issues

The neighbour has advised that their permission will be required as the extension forms the property boundary. Should planning permission be granted an informative will be imposed advising the applicant that this permission does not give permission to carry out works on or over land not within the applicant's ownership. The application will have to have regard for the Party Wall Act which is a civil matter.

5.5 With regards drainage from the roof, the agent has confirmed that it will be as existing. If there is an issue of overhanging guttering onto the neighbour's land this is a civil issue between the applicant and neighbour.

5.6 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers PK07/1883/F

Contact Officer: Tracey Price
Tel. No. 01454 863424

CONDITIONS

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

Reason:

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

2. No windows other than those shown on the plans hereby approved shall be inserted at any time in the side elevation of the property.

Reason:

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

3. The tiles to be used in the development hereby permitted shall match those of the existing building in colour, texture and profile.

Reason:

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

CIRCULATED SCHEDULE NO. 31/07 – 03 AUGUST 2007

App No.: PK07/1940/ADV

Applicant: CWS Retail
Financial Services

Site: Co-Op Pharmacy 3 High Street Warmley
BRISTOL South Gloucestershire BS15
4ND

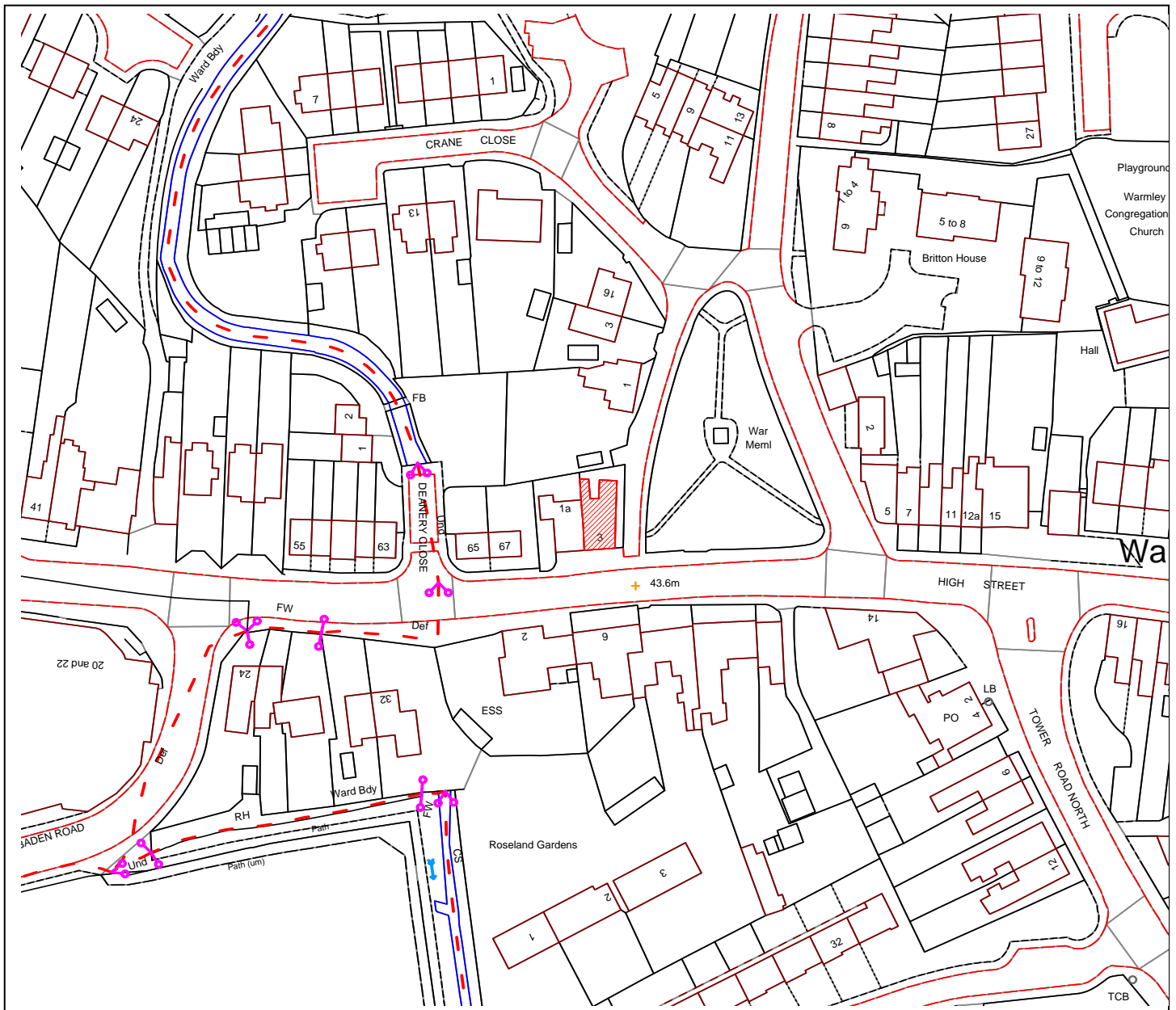
Date Reg: 26th June 2007

Proposal: Display of 1no. internally illuminated
fascia sign and 1no. internally
illuminated projecting sign.

Parish: Siston Parish
Council

Map Ref: 66825 73582

Ward: Siston



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INTRODUCTION

This application appears on the Circulated Schedule as a result of a consultation response received.

1. THE PROPOSAL

- 1.1 The applicant seeks consent for the erection/display of fascia signs on the Co-Op Pharmacy located on the High Street in Warmley.

1internally illuminated fascia sign is proposed and a single internally illuminated projecting sign. The projecting sign would carry the logo of the pharmacy green cross whilst the fascia sign would carry the name of the pharmacy. This would effectively replace existing similar signs bearing the current details of the pharmacy. The details and dimensions are as follows:

Projecting sign: 675 mm by 600mm
Facia sign: 5920mm by 690 mm

2. POLICY CONTEXT

National Guidance

PPS1 Delivering Sustainable Development
PPG19 Outdoor Advertisement Control

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design in New Development
L19 Display of Advertisements

3. RELEVANT PLANNING HISTORY

P88/ 5008 – Alterations to shop front to accommodate sub-division of shop. Approved 8 May 1989

P89/4013 – Internally illuminated facia sign and wall sign. Approved 8 May 1989

4. CONSULTATION RESPONSES

(a) Statutory Consultees

Siston Parish Council
No response received

Other Consultees

Sustainable Transport – No objection received

Local Residents

One letter has been received raising concern that the signs the subject of this application should be time limited to reasonable hours of operation.

5. ANALYSIS OF PROPOSAL

Principle of Development

In assessing applications for advertisements, Policy L19 of the South Gloucestershire Local Plan (Adopted) January 2006 following guidance in PPG19 sets the criteria for acceptable development. Advertisements are only normally permitted where they are not visually obtrusive and would not prejudice highway safety.

Scale and Design

It is considered that the scale, design, detailing and internal illumination of the proposed signage would not adversely affect the visual amenity of the area. These are of the form and style that would be expected within the context of a pharmacy and are replacements of similar existing signs bearing different pharmacy names. Whilst not a recognised or designated 'Primary Shopping Frontage' as identified in the Local Plan the site is an established retail location located on the High Street frontage.

Local Amenity

The signs would be illuminated during opening hours only and this is considered to reflect the existing situation and would be acceptable in terms of any impact of the illumination of the lights upon local amenity.

Transportation

There is no transportation objection to the proposal and the proposal would not result in any detriment to highway safety.

As such the proposal complies with advice contained within PPG19 and Policy L19 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. CONCLUSION

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

7. RECOMMENDATION

Advertisement consent is granted.

Background Papers **PK07/1940/ADV**

Contact Officer: **Simon Ford**
Tel. No. **01454 863714**

CONDITIONS

1. The illumination of the signs hereby approved shall occur during the opening hours of the business premises only and as such shall be switched off during closing time.

Reason:

In the interests of local amenity and in accordance with Policy D1 South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

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

CIRCULATED SCHEDULE NO. 31/07 – 03 August 2007

App No.:	PK07/1971/F	Applicant:	Mr N Carr
Site:	20 Westfield Close Hanham BRISTOL South Gloucestershire BS15 3SB	Date Reg:	28th June 2007
Proposal:	Sub-division of existing house into 2no. self contained flats with parking, access and associated works. Erection of a bike store to the front of the property.	Parish:	Hanham Parish Council
Map Ref:	64862 72085	Ward:	Hanham



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N.T.S

PK07/1971/F

INTRODUCTION

This application is reported on the Circulated Schedule due to the receipt of objections from the Parish Council and a neighbour.

1. THE PROPOSAL

1.1 This application seeks planning permission for the conversion of a dwelling into two flats by horizontal subdivision. The site is a terraced property in a cul-de-sac. The site is unusual in that, in common with some other properties in the street, has two doors in the front elevation, accessed up a few steps. There is existing off street parking provided in the front curtilage, which is at present bare of vegetation.

1.2 The proposal is for two self-contained two bedroom flats, utilising the existing front doors. Due to the terraced location precluding side access, the deep rear garden could only be accessed from the ground floor flat.

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

D1	Design
T7	Cycle Parking Standards
T8	Parking Standards
T12	Transportation
H2	New Housing
H5	Residential Conversions

3. RELEVANT PLANNING HISTORY

3.1 None

4. CONSULTATION RESPONSES

4.1 Hanham Parish Council

Off street parking facilities would be inadequate to serve two flats, leading to more on-street parking. The Parish also recorded concern over the number of flat conversions within the parish.

Other Representations

4.2 Local Residents

One reply was received, stating broad agreement with the proposal, with the exception of the proposed bicycle storage shed at the front of the property, which would be better located to the rear.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site is located within the existing built up area. The application needs to be assessed in the light of two key Policies from the South Gloucestershire Local Plan. Policy H5 identifies the circumstances where it is appropriate to convert

one dwelling into smaller dwelling units. Policy T8 sets maximum parking standards to be applied to residential development.

5.2 Impact upon residential and environmental amenity

Sufficient amenity space is considered to be provided in the area to the rear of the existing dwelling to accommodate the requirements for private amenity space under this proposal. Indeed, the amenity space is the same as for the existing house. There is no practical way that access to the rear garden could be provided for the occupiers of the first floor flat and therefore this two bedroom flat would have no amenity space under this proposal. On balance, even though the flat would potentially provide family accommodation, this is considered to be acceptable in residential amenity terms for the future occupiers. With regard to the impact upon the residential amenity of surrounding occupiers, no extensions are proposed to the building to achieve the conversion and a condition has been appended to ensure that soundproofing is carried out to the latest standards. The proposal is therefore considered to be harmful to the residential amenity of the house next door and contrary to policy.

5.3 Design/Visual Amenity/ Character of Area

The proposal would not involve any alterations to the front of the property. The site already has two front doors and therefore there is considered to be no change to the character of the area, arising from this proposal. The proposal, in conjunction with the introduction of some landscaping of the front garden through the condition below, is considered to represent an enhancement to visual amenity. Cycle parking provision has been internalised on amended plans, showing the cycle storage building removed from the proposal. Overall, it is considered that the proposal would lead to an enhancement of the street scene and accord with policy.

5.4 Levels of noise disturbance, air pollution, smell, dust or contamination.

Due to the location of the site in a residential area, a condition would be attached to any consent granted to limit construction hours. Subject to compliance with this condition, it is considered that the proposed site would not result in any environmental disturbance.

5.5 Highways/Transportation Effects

The proposal is to convert the existing four-bed house into two two-bed flats. No extension to the existing footprint or increase in bed spaces are proposed as part of this development. The site currently has off-street parking for one vehicle. Two are proposed to the front of the site as part of this proposal. In light of the above, there is no transportation objection to this proposal. A condition below requires that the parking provision is made available prior to the first occupation of either flat and thereafter maintained.

5.6 Section 106 Requirements

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

6. CONCLUSION

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

The recommendation to approve permission has been taken having regard to the policies and proposals in the adopted South Gloucestershire Local Plan set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Background Papers **PK07/1971/F**

Contact Officer: **Chris Gosling**

Tel. No. **01454 863787**

CONDITIONS

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

Reason:

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

2. The off-street parking facilities for all vehicles, including cycles shown on the plan hereby approved shall be provided before either flat 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 Policy T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. No development shall take place until details of a scheme of noise protection and sound insulation has been submitted to and agreed in writing with the Local Planning Authority. The residential units hereby approved shall not be occupied until the noise protection and sound insulation measures have been provided in accordance with the agreed scheme.

Reason:

To ensure a satisfactory standard of noise protection for the residential units to accord with policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping for the front garden of the site, including proposed planting (and times of planting); boundary treatments and areas of hardsurfacing. Development shall be carried out in accordance with the agreed details.

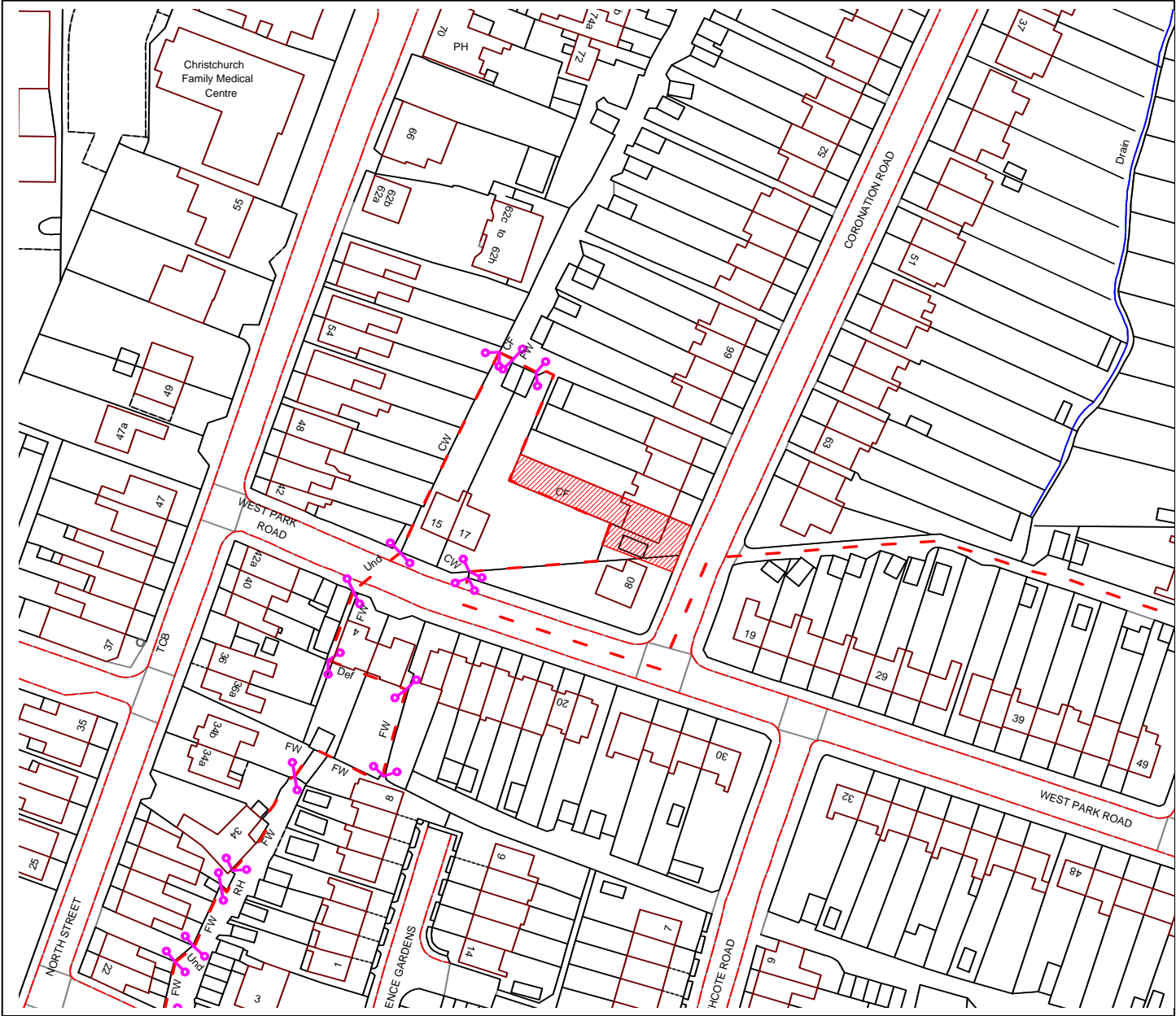
Reason:

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

CIRCULATED SCHEDULE NO. 31/07 – 03 August 2007

App No.: PK07/1979/F
Site: 78 Coronation Road Downend BRISTOL
 South Gloucestershire BS16 5SL
Proposal: Erection of two storey side extension
 and single storey rear extension to from
 additional living accommodation.
Map Ref: 65058 76309

Applicant: Mr & Mrs S Liebert
Date Reg: 29th June 2007
Parish: Downend and
 Bromley Heath
Ward: Downend



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N.T.S

PK07/1979/F

INTRODUCTION

This application appears on the Circulated Schedule because of one objection from a local resident, which relates to a restrictive legal covenant attached to the land.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the erection of a two storey side extension. This would involve the demolition of an existing detached garage.
- 1.2 The application property comprises of an inter war period end of terrace two-storey dwelling located on Coronation Road, Downend.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS 1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T8 Car Parking Standards
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Advice Note 2: House Extensions

3. RELEVANT PLANNING HISTORY

- 3.1 None.

4. CONSULTATION RESPONSES

- 4.1 Downend & Bromley Heath Parish Council
No objection.

Other Representations

- 4.2 Local Residents
Two letters of objection have been received from one local resident. Both letters assert to a restrictive legal covenant attached to the land.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006, allows for the principle of house extensions subject to considerations of design, residential amenity and highway safety.
- 5.2 Design/Visual Amenity
Planning permission is sought for the erection of a two storey side extension. In line with the Council's supplementary planning guidance 'Advice Note' the extension appears subservient and secondary to the host dwelling by virtue of

a lowered ridge height and a front elevation set back by approximately 0.5 metres from the existing front elevation. In addition, the chosen construction materials will match the palette of materials displayed in the host building. Accordingly, it is considered that the extension will enable the original form of the property to appear visually dominant and thus is an appropriate addition to the dwelling and the surrounding streetscene.

5.3 Overbearing Analysis

Because the extension is contained entirely to the side of the application property (it does not project beyond the front or rear building lines) it will not be visible from the neighbouring properties to the north of the application site. The closest properties to the front and rear are all located in excess of the 21 metre separation distance stipulated in the Council's supplementary planning guidance. Accordingly, it is considered only necessary to assess the impact on the neighbouring property to the south, No.80 Coronation Road.

This property is located 5 metres to the south. Its north elevation, facing towards the proposed extension, contains just three small windows. It is considered that because these are obscure glazed and serve non habitable rooms, combined with the fact that the property's main outlook is towards the west and east, an overbearing impact will not be experienced by occupiers of this property.

5.4 Privacy Analysis

As detailed under paragraph 5.3 above, it is considered only necessary to assess the impact on No. 80 Coronation Road.

The extension will not contain just one window at first floor level facing towards No. 80. As this is obscurely glazed it is considered that a loss of privacy will not be experienced by occupiers of No. 80.

5.5 Amenity Space

The property benefits from a large garden extending approximately 22 metres to the west. It covers approximately 110 square metres and is therefore considered to be sufficient in size to serve a family occupying the resultant four bedroom property.

5.6 Highway Safety Analysis

Policy T8 of the South Gloucestershire Local Plan states that for a four bedroom property a maximum of 3 spaces should be provided. Owing to the confines of the front of the site only two parking spaces could be provided. However, it is considered that because the parking standards relate to maximum and not minimum requirements, it is considered that, in this instance, two spaces are sufficient. Accordingly, in highway and parking terms, the application is considered to be acceptable.

5.7 Other matters arising – restrictive covenant

The objections received refer to a restrictive legal covenant attached to the land. As covenants are a legal matter, and not a planning matter, they are not considered to be material considerations in the determination of a planning application. Consequently, legal disputes should be settled privately between the parties concerned outside of the planning process.

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

7. RECOMMENDATION

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

Background Papers **PK07/1979/F**

Contact Officer: **Edward Purnell**
Tel. No. **01454 863056**

CONDITIONS

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

Reason:

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

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

Reason:

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

3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the south elevation of the extension, facing towards No. 80 Coronation Road.

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. 31/07 – 03 AUGUST 2007

App No.: PK07/2031/F	Applicant: Mr K Coffey
Site: 112 Littledean Yate BRISTOL South Gloucestershire BS37 8UH	Date Reg: 3rd July 2007
Proposal: Erection of single storey rear extension to form additional living accommodation.	Parish: Dodington Parish Council
Map Ref: 71481 81011	Ward: Dodington



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N.T.S

PK07/2031/F

INTRODUCTION

This application appears on the Circulated Schedule because of objections from two local residents.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the erection of a single storey rear extension measuring approximately 5.6 metres in width and projecting 3 metres into the rear garden.
- 1.2 The application property consists of a mid terrace two-storey dwelling located on a 'radburn layout' estate in an established residential area of Yate.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS 1 Delivering Sustainable Development
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T8 Car Parking Standards
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Advice Note 2: House Extensions

3. RELEVANT PLANNING HISTORY

- 3.1 None.

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
No objections.

Other Representations

- 4.2 Local Residents
Two letters of objection received from local residents expressing the following summarised objections and concerns:
 - loss of sunlight
 - claustrophobic and dominating effect on an already narrow garden area
 - negative outlook from rest and relaxation area within the garden
 - overbearing impact
 - reduce value of neighbouring properties.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development

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

5.2 Design/Visual Amenity

Planning permission is sought for the erection of a single storey rear extension measuring approximately 5.6 metres in width and projecting 3 metres into the rear garden. It would be finished with a lean to roof reaching a maximum height of 3.6 metres. As a result of these moderate dimensions; its location at the rear of the building; its simple design together with the chosen construction materials which match the palette of materials displayed in the host building, it is considered to be an appropriate addition to the dwelling and streetscene. It should also be noted that similar extensions have been erected in the immediate streetscene (Nos.105, 116 & 117) as well as elsewhere within the estate (No.29).

5.3 Residential Amenity

Overbearing Analysis

Concern was raised that the proposal would have an overbearing, claustrophobic impact on the gardens and internal amenity of the neighbouring properties.

This type of application stands to be assessed against the Council's adopted supplementary planning guidance 'Advice Note 2: House Extensions'. This states that

'The Council will normally seek to ensure that rear extensions to terraced or semi-detached units, where sited immediately adjoining residential property, will normally be limited to a maximum of 3 metres from the main original wall of the building. This is to allow for reasonable additions whilst preventing significant adverse effects on the amenities of adjoining properties. (This is known as "The 3 metre rule").'

Consequently, the application is in line with adopted planning policy and as a result it is considered a harmful overbearing impact will not occur.

5.4 Privacy Analysis

The side elevations facing the immediate adjoining neighbours will not contain windows ensuring a loss of privacy will not occur.

5.5 Amenity Space

Whilst the extension does project into the rear garden sufficient garden space will remain to serve occupiers of the property.

5.6 Highway Safety Analysis

The property benefits from a garage with a further parking space located directly in front. Consequently, in line with Policy T8 (Parking Standards) of the South Gloucestershire Local Plan, sufficient parking space will be available to serve the dwelling house. In addition, it is considered there will be no risk to highway safety as a result of the development being approved.

5.7 Other Matters Arising

Concern was raised by a neighbouring occupier that that they would suffer from a loss of light if the extension was erected. In reference to this it should be

noted that there is no right to light across land which a person does not control. Regardless of this fact, it is considered that the erection of lean to roof above the 1.8 metre boundary fence will not be so severe as to warrant refusal of the application.

The concerns raised in respect of property values are not considered to be material planning considerations in the determination of this application (they are non-planning related).

5.8 Section 106 Requirements

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

6. CONCLUSION

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

7. RECOMMENDATION

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

Background Papers **PK07/2031/F**

Contact Officer: **Edward Purnell**

Tel. No. **01454 863056**

CONDITIONS

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

Reason:

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

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

Reason:

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

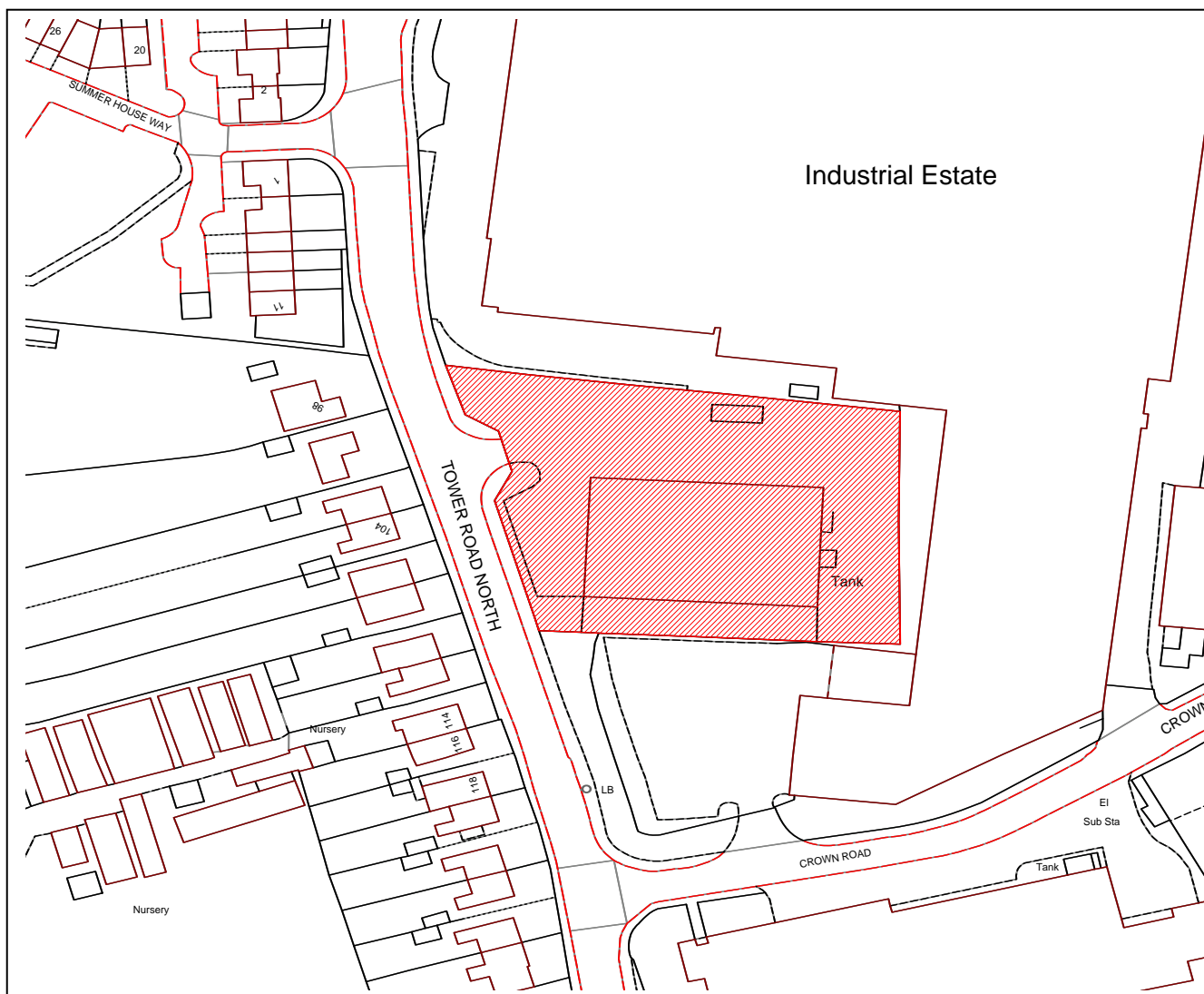
3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the side elevations of the extension facing towards No. 111 & 113 Litteldean.

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. 31/07 – 03 AUGUST 2007

App No.:	PK07/2035/F	Applicant:	Wilsons Engineering
Site:	Wilsons Engineering (on former Trumax site) Tower Road North Warmley BRISTOL South Gloucestershire BS30 8XP	Date Reg:	4th July 2007
Proposal:	Erection of front and side canopy and installation of disabled access ramp to front elevation. Cladding to front elevation. Erection of rear extension. Erection of 2metre high palisade security fence and gates. (Resubmission of PK07/1284/F).	Parish:	Siston Parish Council
Map Ref:	67050 73054	Ward:	Siston



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100023410, 2007.

DC0901MW

INTRODUCTION

This application is placed on the Circulated Schedule in accordance with procedure given that issues have been raised by members of the public.

1. THE PROPOSAL

- 1.1 The applicant seeks consent for the erection of a canopy on the front and side elevations with the installation of a disabled access ramp. The front elevation is to be re-clad. In addition an extension will be added to the rear of the building. A 2 metre high fence will be added.
- 1.2 The canopy on the front elevation would have a height of 4.5 metres over the entrance and part of the disabled ramp. On the side elevation a canopy with a height of 3.1 metres would be installed. With respect to the rear extension, this would be sited at the south eastern corner of the existing building on the site with a width of approximately 14 metres and depth of 10.8 metres and height to the apex of the roof of approximately 7.1 metres. The building will be clad to match the existing building. In terms of the fencing, this extends from the north elevation of the building to the site boundary incorporating a sliding gate. The fence will have a height of 2 metres and is set back from the access by approximately 21 metres. The fence is to be powder coated green.
- 1.3 The application site is situated on the eastern side of Tower Road North within a safeguarded employment site as set out in the South Gloucestershire Local Plan (Adopted) January 2006

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development
PPG4 Industrial and Commercial Development and Small Firms

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design in New Development
T12 Transportation Development Control Policy
E3 Criteria for assessing proposals for Employment Development within the Urban Area and Defined Settlement boundaries
E4 Safeguarded Employment Areas

3. RELEVANT PLANNING HISTORY

- 3.1 There have been a number of applications received associated with the use of the premises for commercial purposes

4. CONSULTATION RESPONSES

4.1 Siston Parish Council
No response received

4.2 Other Consultees

Environmental Health – Pollution Control

I can see no reason why the proposed canopy will create any additional noise issues and the extension at the rear is proposed to hold completed products ready for collection, not for engineering processes. Wilson Engineering have been operating in Staple Hill without any complaints to this department and the trumax building is a brick built building which should control a lot of the noise break out. Therefore I can't see that we would have any adverse comments to make.

Other Representations

4.3 Local Residents

Two letters have been received. The letters do not raise objections, but seek clarification on a number of points namely the use of the site and working hours, the noise levels and acoustic performance of the building and the visual impact of the fence.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The development site is situated within a safeguarded employment site. Policy E3 indicates that development is acceptable in principle within this context subject to there being no unacceptable environmental effect, no adverse highway impact, or impact upon residential amenity or the character of the area. Policy T12 considers the impact of development upon the surrounding highways network while Policy D1 seeks to ensure a high quality of design in all development.

Design/Visual Amenity

It is considered that the alterations are entirely appropriate in terms of form, scale and general appearance within the context of this industrial/commercial setting. The provision of a ramp for disabled access is supported in Policy D1d. No significant foliage would be affected by the proposal. The fence is to be powder coated green which will soften the impact; it should also be noted that this feature is set back into the site. It is considered that the proposal is acceptable in these terms.

Transportation

There is no transportation objection to the proposed development.

Other Issues

An enquiry has been made as to the use of the site, this would remain as per the existing consent namely an established B1, B2 and B8 use and would

permit the light engineering operation undertaken by the applicant. The use is long established and there are no operating restrictions at the site in respect of hours of operation. Any noise problems resulting from the lawful operation of the site would be dealt with through the Environmental Protection legislation.

It should be noted that the proposed extension is located to the rear of the existing building and at distance from residential properties. The Council Environmental Health (Pollution Control) Team do not consider that the proposal would give rise to any additional noise issues and consider the construction (brick built) would control any noise. It is also noted that the extension would be used for the storage of completed products rather than an engineering process and therefore would not result in any significant intensification of the use. No objection to the proposal is therefore raised.

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 (Consultation Draft).

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 Planning Permission be granted subject to the following conditions

Background Papers **PK07/2035/F**

Contact Officer: **David Stockdale**
Tel. No. **01454 863131**

CONDITIONS

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

Reason:

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

2. The palisade fencing shall be painted dark green in accordance with Drawing No. 07 280 07 received 2nd July 2007 unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

CIRCULATED SCHEDULE NO. 31/07 – 03 AUGUST 2007

App No.: PK07/2099/F	Applicant: Mr & Mrs M English
Site: 15 Windsor Court Downend BRISTOL South Gloucestershire BS16 6DR	Date Reg: 10th July 2007
Proposal: Installation of 1 no. side and 1 no. rear dormer windows to facilitate loft conversion.	Parish: Downend and Bromley Heath
Map Ref: 65199 77428	Ward: Downend



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N.T.S

PK07/2099/F

INTRODUCTION

This application is placed upon the Circulated Schedule in accordance with procedure given that an objection has been raised.

1. THE PROPOSAL

1.1 The applicant seeks consent for the erection of a dormer window on the side elevation and one to the rear. The side dormer would have a width of 2.5 metres, height of 2.2 metres (being set up from the eaves by approximately 0.4 metres and down from the existing main ridge of the roof by 0.4 metres). To the rear, smaller structure is proposed with a width of 1.8 metres and height of 1.7 metres (set up from the eaves and down from the roof by 1.1 and 0.2 metres respectfully). The structures will be finished with hanging tiles.

1.2 The application site comprises a semi-detached property situated on the northern side of Windsor Court.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering sustainable development

2.2 South Gloucestershire Local Plan (Adopted) January 2006
Policy D1 Achieving Good Quality Design in New Development
Policy H4 Development within Existing Curtilages, Including Extensions and New Dwellings

The South Gloucestershire Design Checklist (Draft for Consultation: September 2006)

3. RELEVANT PLANNING HISTORY

P80/4602 Erection of single storey rear extension (Approved)
P87/4434 Erection of garage, conservatory and front porch (Approved)

4. CONSULTATION RESPONSES

4.1 Downend and Bromley Heath Parish Council

No objection raised

4.2 Local Residents

One letter of objection has been received. The grounds of objection can be summarised as follows:

1) The proposed development will result in loss of privacy due to overlooking from the proposed rear dormer window

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 specifically relate to extensions and other development within residential curtilages. Policy H4 also specifically considers the impact of development upon residential amenity. The policies indicate that such domestic development is acceptable in principle subject to the following considerations.

5.2 **Design**

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 also considers the scale, proportions, materials in relation to the original building and the character of the street. Policy D1 seeks to ensure that a high level of design is achieved.

The proposed development represents a bulky addition to the side of the property, however it should be noted that it is set down from the main ridge and set up from the eaves and this gives it a degree of subservience. The dormer to the rear is smaller in scale and acceptable in design terms.

There are circumstances where the proposed side dormer would not be acceptable in design terms, however Policy D1 indicates that consideration must be made to the impact of a development upon the visual character of the area. It is important to note that this form of development is prevalent within the area and it is considered that it would be unreasonable to refuse the application on design grounds. A condition will be attached to the decision notice to require the use of matching materials to ensure that the extensions integrate successfully with the original property.

Subject to this condition the proposed development is considered acceptable in design terms and is therefore in accord with the aims and objectives of Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

Amenity

An objection has been raised by the occupier of a property to the rear, expressing concern that the proposed rear dormer window would result in loss of privacy. It is considered however given that there is a window to window distance of between 39 and 40 metres between these properties (accepted practice indicates that a distance of 21 metres is appropriate to preserve privacy), that any impact would not be significant such as would justify the refusal of the application. It is also considered given its location, that no loss of amenity to neighbouring occupiers would result from the side extension.

It is considered that the proposal would not result in significant loss of privacy to neighbouring occupiers and would therefore be in accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. **CONCLUSION**

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in

accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

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

7. RECOMMENDATION

7.1 Planning Permission be granted subject to the following conditions

Background Papers **PK07/2099/F**

Contact Officer: **David Stockdale**
Tel. No. **01454 863131**

CONDITIONS

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

Reason:

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

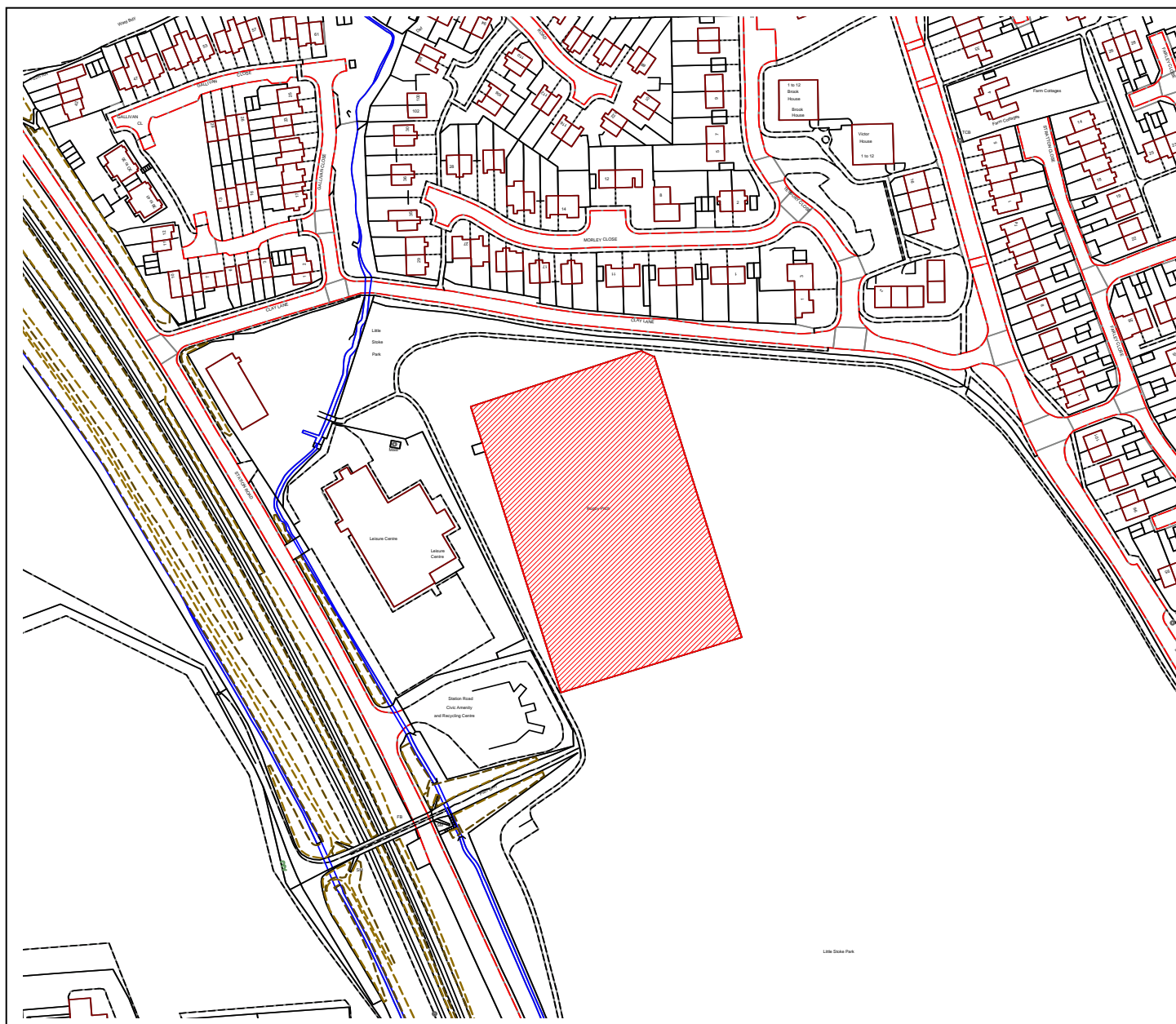
2. The materials to be used in the construction of the external surfaces of the roof extensions hereby permitted shall match those used in the existing building.

Reason:

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

CIRCULATED SCHEDULE NO. 31/07 – 3rd AUGUST 2007

App No.:	PT07/1747/F	Applicant:	Mr T Tovey
Site:	Aretians R F C Clubhouse Station Road Little Stoke BRISTOL South Gloucestershire BS34 6HW	Date Reg:	5th June 2007
Proposal:	Erection of 4 no. 18 columns with 2 no. luminaires to provide a floodlighting system for an existing rugby pitch (Resubmission of PT07/0305/F).	Parish:	Stoke Gifford Parish Council
Map Ref:	61073 81332	Ward:	Stoke Gifford



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N.T.S

PT07/1747/F

This application has been placed on the Circulated schedule as there has been an objection from a neighbouring property to the proposal.

1. THE PROPOSAL

1.1 The application seeks full planning permission to erect four 18 metre high floodlighting columns for an established Rugby pitch at Little Stoke Playing fields. The playing fields are located within the heart of the residential area of Little Stoke on the playing fields at present there are other smaller lighting columns in situ on the playing fields. These lights are required to enable a greater number of people participate in Rugby. The application is supported by the Rugby Football Union.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development
PPG17 Sport and Recreation

2.2 South Gloucestershire Local Plan

LC3 Proposals for Outdoor Sports and Recreation within Existing Urban Areas and Defined Settlement Boundaries
EP1 Environmental Pollution
D1 Achieving Good Quality Design in New Development

3. RELEVANT PLANNING HISTORY

3.1 PT02/1038/F Erection of 2 x 8m Lighting PolesApproved

3.2 PT07/0305/F Erection of Flood lights.....Approved

4. CONSULTATION RESPONSES

4.1 Stoke Gifford Parish Council:
Support the Proposal

4.2 Local Residents

One letter of objection has been received and it raises the following issues

- a) Loss of privacy
- b) Impact upon living conditions

5. ANALYSIS OF PROPOSAL

5.1 Principle of the Development

Policy LC3 of the South Gloucestershire Local Plan is considered the most relevant in the determination of this planning application. The policy states development will be considered favourably provided that, it does not impact upon the residential amenities in the area, the development would not have unacceptable environmental impact and the development would not impact upon the highway safety in the area.

The sports pitch subject to this application is well established and is located amongst a number of others. Thus the above policy in principle supports the erection of Floodlights on this site subject to the following considerations.

This development is further supported in principle by both policy EP1 and D1 of the South Gloucestershire Local Plan. Policy EP1 states that lighting that results in unacceptable levels of light pollution will not be permitted.

5.2 Impact upon Residential Amenity

It is considered that on balance the erection and use of the proposed floodlights will not have a detrimental impact upon the residential amenities of the surrounding properties. This is primarily due to three factors. Firstly the distance that exists between the lights and the nearest residential property. Secondly the design of the lights, which angles any light downwards and not outwards which would result in a loss of energy as areas not needed would be lit up. Thus there is no light spillage. The third factor is the imposition of conditions which would not only restrict the hours of usage, the wattage of the bulbs and the direction of any light deflectors. This advice is supported by the Councils Lighting engineer and environmental health officers who raise no objection to the proposal. The Lighting engineers goes as far as stating that the specific design proposed results in no upwards light spillage and the effect on neighbouring residential properties is minimal.

5.3 Impact upon the Environment

The environmental impact of the Lighting Columns and lighting is minimal given that the columns are to be located next to a sports pitch where you would expect to see features such as this. Consequently development of the type proposed is seen as been an integral part of the landscape around sports pitches such as this. It is also considered that the columns would only be lit for a small proportion of a week and for approximately 4 months a year they would not be required at all. Whilst tall in height the columns would be slender in profile, thereby minimising their impact on the landscape.

Smaller lighting columns have been suggested but these could lead to greater light spillage as well as resulting in lower quality floodlighting. Thus on balance larger columns are suggested as the best possible solution.

5.4 Transportation Concerns

It is considered that the development would not give rise to any transportation concerns, given the shrouds placed upon the lighting columns.

5.5 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 54A of the Town and Country Planning Act 1990 (as amended), Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

- 6.1 The decision to grant permission has been taken having regard to the policies and proposals in 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 approved subject to conditions.

Background Papers **PT07/1747/F**

Contact Officer: **Gareth John**
Tel. No. **01454 863438**

CONDITIONS

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

Reason(s):

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

2. The floodlights hereby approved shall not be used between the hours of 22:30 and 08:00 hours each day.

Reason(s):

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

CIRCULATED SCHEDULE NO. 31/07 – 3rd AUGUST 2007

App No.: PT07/1885/F
Site: 19 Braemar Avenue Filton BRISTOL
 South Gloucestershire BS7 0TA

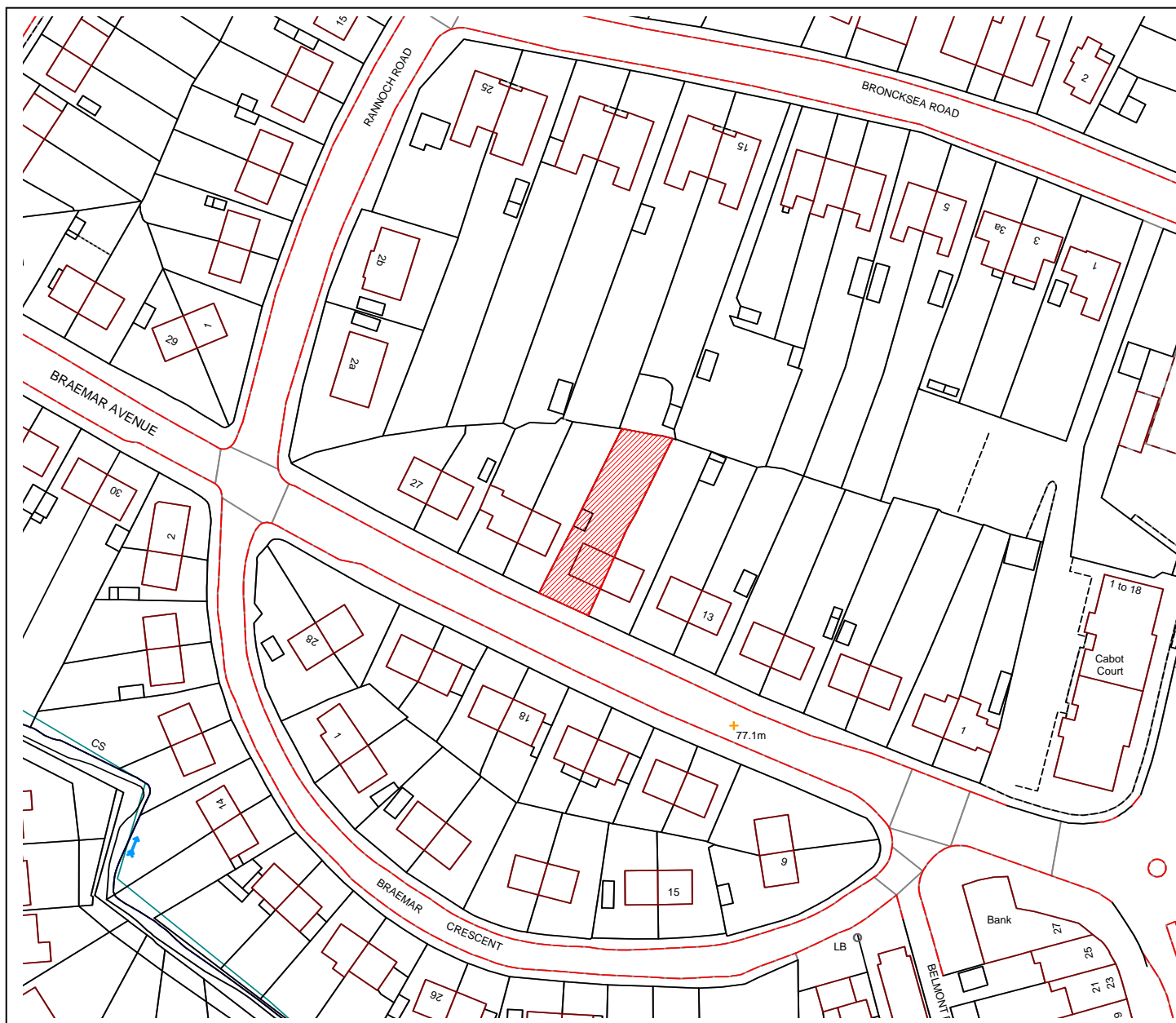
Applicant: Ms J Stewart
Date Reg: 21st June 2007

Proposal: Erection of two storey side and single storey rear extensions and rear conservatory to provide additional living accommodation.

Parish: Filton Town Council

Map Ref: 59765 78307

Ward: Filton



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N.T.S

PT07/1885/F

This application appears on the Circulated Schedule in view of the objection raised by Filton Town Council and the comments received from a neighbouring resident.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for a two-storey side and single-storey rear extension in addition to a rear conservatory.
- 1.2 The application site comprises a semi-detached two-storey dwelling on the north side of Braemar Avenue, Filton.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 House Extensions
T8 Parking Standards
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Advice Note 2: House Extensions

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
Objection: 'Concerns regarding the removal of parking provision by the demolition of garage. The original footprint of the property has been considerably enlarged. Recommend site visit.'
- 4.2 Other Consultees
No comments received
- 4.3 Summary of Local Residents Comments
One letter received expressing the following concerns:
 - a) The roof guttering and fascia boards overhang the adjoining property with only a small clearance between the walls- future maintenance would not therefore be possible;
 - b) The ground level is higher and thus the foundations will be higher; such might cause problems in the future;
 - c) With the above concerns property addressed, there is no objection to the proposal.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy H4 allows for the principle of house extensions subject to considerations of design, residential amenity and highway safety.

5.2 Design/ Visual Amenity

The application site forms a semi-detached two-storey dwelling on the north side of Braemar Crescent. In this regard it is noted that most properties along this stretch of the road appear of similar original design although many have been altered and extended. Extensions include similar examples to the works proposed.

5.3 The application seeks approval for a two-storey side addition to provide a study and enlarged kitchen on the ground floor with a further bedroom above. This would appear subservient to the dwelling (set back from the front elevation) whilst would extend to within close proximity of the side boundary. Further, the proposal would allow a single-storey rear extension behind that would project 2.9m in to the rear garden and extend across the rear of the aforementioned side addition and existing kitchen. Finally, it would allow a new conservatory to replace the existing adjacent to the east flank boundary.

5.4 In view of the above, and in view of the many examples of similar extensions within proximity of the application site, the proposal is considered acceptable and in keeping with the general character of the area.

5.5 Residential Amenity

The neighbouring unit to the west side of the application site already benefits from a similar two-storey addition which extends up to the shared boundary. A single-storey rear lean-to extension also stands behind with tree/ hedgerow screening along the boundary behind. Accordingly, and despite the slightly lower level of this neighbouring unit, it is not considered that any significant adverse impact in residential amenity would be caused.

5.6 Further to the above and in response to the comments received, the plans appear to show that the neighbouring extension crosses the boundary with the proposal slightly inset. Nonetheless, it is not considered that permission could be reasonably withheld on this basis whilst informatives attached to a planning approval advises applicants that such does not authorise any works that are on land beyond the application site. Issues related to the foundations of the build would be addressed at the building regulations stage of development.

5.7 Concerning the attached dwelling to the east side, the proposed conservatory would replace an existing conservatory on this shared boundary which, despite being slightly bigger, would be tapered. Nonetheless, having regard to the size of the conservatory proposed, this is considered to be acceptable and thus it is not considered that any significant adverse impact in residential amenity would be caused.

5.8 Highway Safety

The proposal would necessitate the demolition of the existing detached garage to the rear of the property whilst the side extension would occupy part of the existing driveway. In this regard, whilst the level of on site parking provision would be reduced, sufficient space would be retained at the front of the unit to provide for at least two parking spaces. As such, the proposal is considered to be acceptable from a highway safety viewpoint.

5.9 Design and Access Statement

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

5.10 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PT07/1885/F**

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

CONDITIONS

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

Reason(s):

To comply with the requirements of Section 91 of the Town and 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(s):

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

3. No windows shall be inserted at any time in the west elevation of the property.

Reason(s):

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

4. Prior to the commencement of development, detailed plans showing the provision of two car parking spaces in accordance with the standards set out in Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006 shall be submitted to and agreed in writing by the Local Planning Authority. These spaces shall be provided prior to the first occupation of the works hereby approved and thereafter retained (with a bound surface) for that purpose.

Reason(s):

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

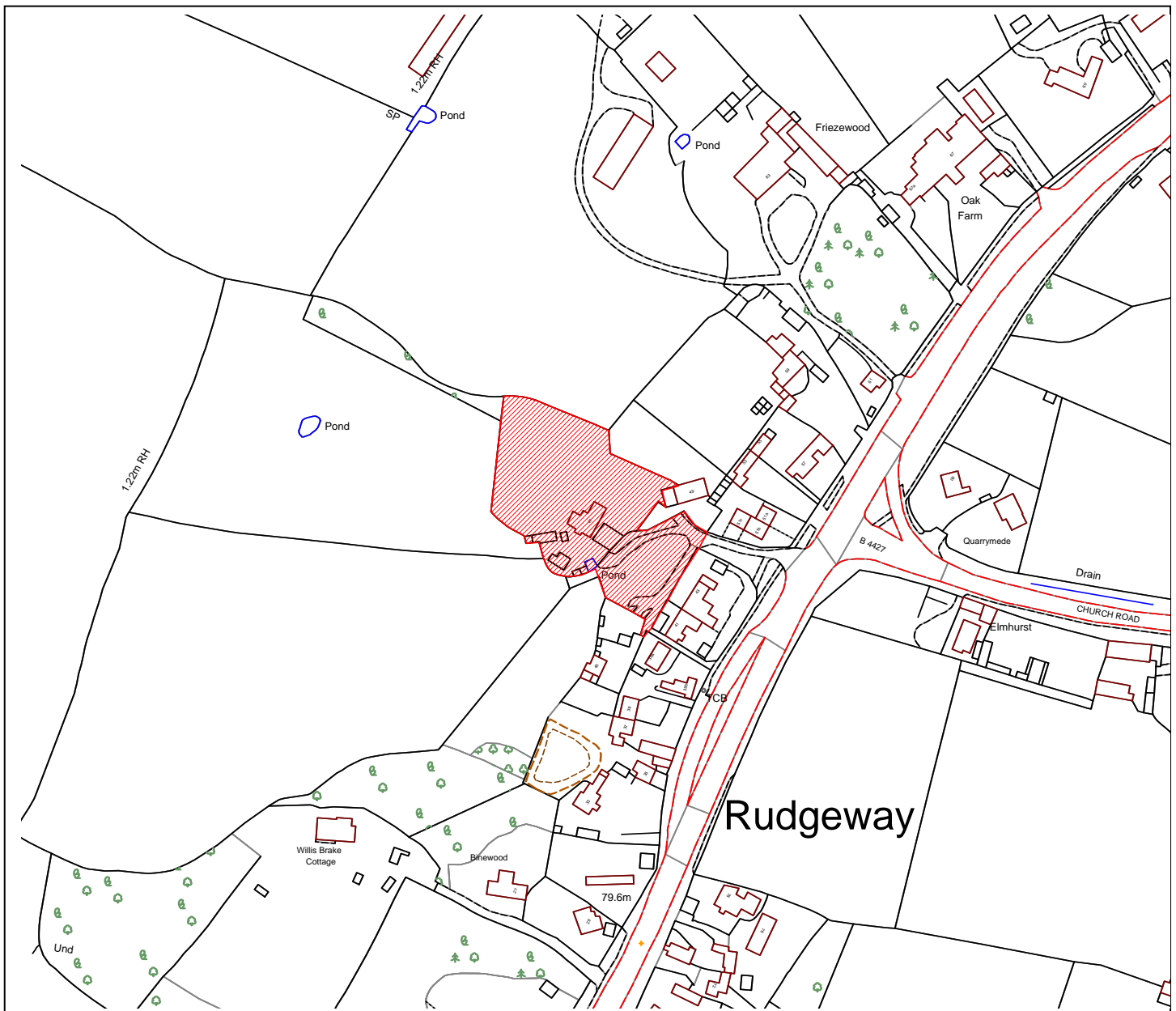
CIRCULATED SCHEDULE NO. 31/07 – 3rd AUGUST 2007

App No.: PT07/1915/CLE
Site: 47 Gloucester Road
 Rudgeway BRISTOL
 South Gloucestershire BS35 3SF
Proposal: Application for Certificate of Lawfulness
 for existing use of land as residential
 curtilage
Map Ref: 62570 86753

Applicant: R Hutchinson
Date Reg: 25th June 2007

Parish: Alveston Parish
 Council

Ward: Thornbury South
 and Alveston



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N.T.S

PT07/1915/CLE

This application is for a Certificate of Lawfulness, and as such, under the current scheme of delegation, falls to be considered under the circulated schedule procedure.

1. THE PROPOSAL

- 1.1 The application is for a Certificate of Lawfulness to establish the extent of residential curtilage associated with the above dwelling.
- 1.2 The site consists of an area of predominantly turfed surrounding the dwelling. The site is enclosed by a mixture of walls, hedging and fencing. The land also includes an area of open land located to the East of the dwelling. This contains the access to the subject dwelling and others adjacent to the site.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT06/0148/F Demolition of existing extension and barn to facilitate erection of three storey and two storey side extension to form additional accommodation. Demolition of existing garage to facilitate erection of double carport.

Approved
- 3.2 PT00/0120/F Erection of single storey rear extension and conservatory. Conversion and enlargement of outbuilding and construction of linked corridor to provide annexed accommodation to main dwelling.

Approved

4. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 4.1 The applicant has submitted the approved site location plan submitted under planning application PT00/0120/F for development relating to a conservatory and conversion works to form annexed residential accommodation. This element of the dwelling has now been removed to make way for development approved under PT06/0148/F.

5. SUMMARY OF CONTRARY EVIDENCE

- 5.1 Three letters have been received during the consultation process associated with this application. Two of these letters originate from the same address. In these letters, local residents state that the land to the front of the dwelling is not residential and has always been open land and access relating to adjoining properties and the public right of way is allowed over it. Attention is drawn to the recent implementation of development that does not benefit from planning permission and the obstruction of private accesses and the public right of way.

6. OTHER REPRESENTATIONS RECEIVED

- 6.1 In addition to the above, local residents have confirmed in writing that the extent of residential curtilage on the area of land to the rear and side of the dwelling is consistent with that claimed.
- 6.2 Olveston Parish Council raise no objection to the application.

7. EVALUATION

- 7.1 The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such the applicant needs to prove precise and unambiguous evidence.
- 7.2 In this instance it must be proven that the land subject to this application has been utilised as domestic curtilage for a period in excess of 10 years. The applicant has submitted a sworn declaration supported with photographic and financial evidence.
- 7.3 The applicant has shown the area of land subject to this application measuring approximately 0.45 hectares. The dwelling is positioned centrally within this area of land. This includes land to the East which is open and contains the access to the subject dwelling, other adjacent properties and agricultural land.
- 7.4 It is noted that some development has occurred recently within the area of land subject to this certificate application. However, this application relates purely to the use of the subject land as residential curtilage and the introduction of recent development cannot be assessed as part of this application. It is also alleged that the Public Right of Way access though part of this site has been obstructed. This is not an issue that can be addressed through this Certificate Application as any obstruction of a Public Right of Way must be dealt with under the Highways Act. Similarly, any obstruction of a private right of way over this land is a civil matter, and can only be dealt with under civil legislation.
- 7.5 The evidence submitted with this application consists of a site location plan demonstrating the extent of land within the 'red-line' associated with a previously approved planning application submitted under PT00/0120/F. The effect of that approval is such that the land shown enclosed within the red-line was accepted as being under residential use. This certificate application provides a site location plan that is consistent with the previous approval.
- 7.6 Having regard to the above, it is considered that the evidence presented by the applicant proves that, on the balance of probability, the whole of the land subject to this application is residential curtilage.

8. RECOMMENDATION

- 8.1 A Certificate of Existing Lawful Use be granted for the use of the land as residential curtilage.

Background Papers **PT07/1915/CLE**
Contact Officer: **Simon Penketh**
Tel. No. **01454 863433**

CIRCULATED SCHEDULE NO. 31/07 – 3rd AUGUST 2007

App No.: PT07/1957/F
Site: Unit 12 Concorde Road Patchway
 BRISTOL South Gloucestershire BS34
 5TB

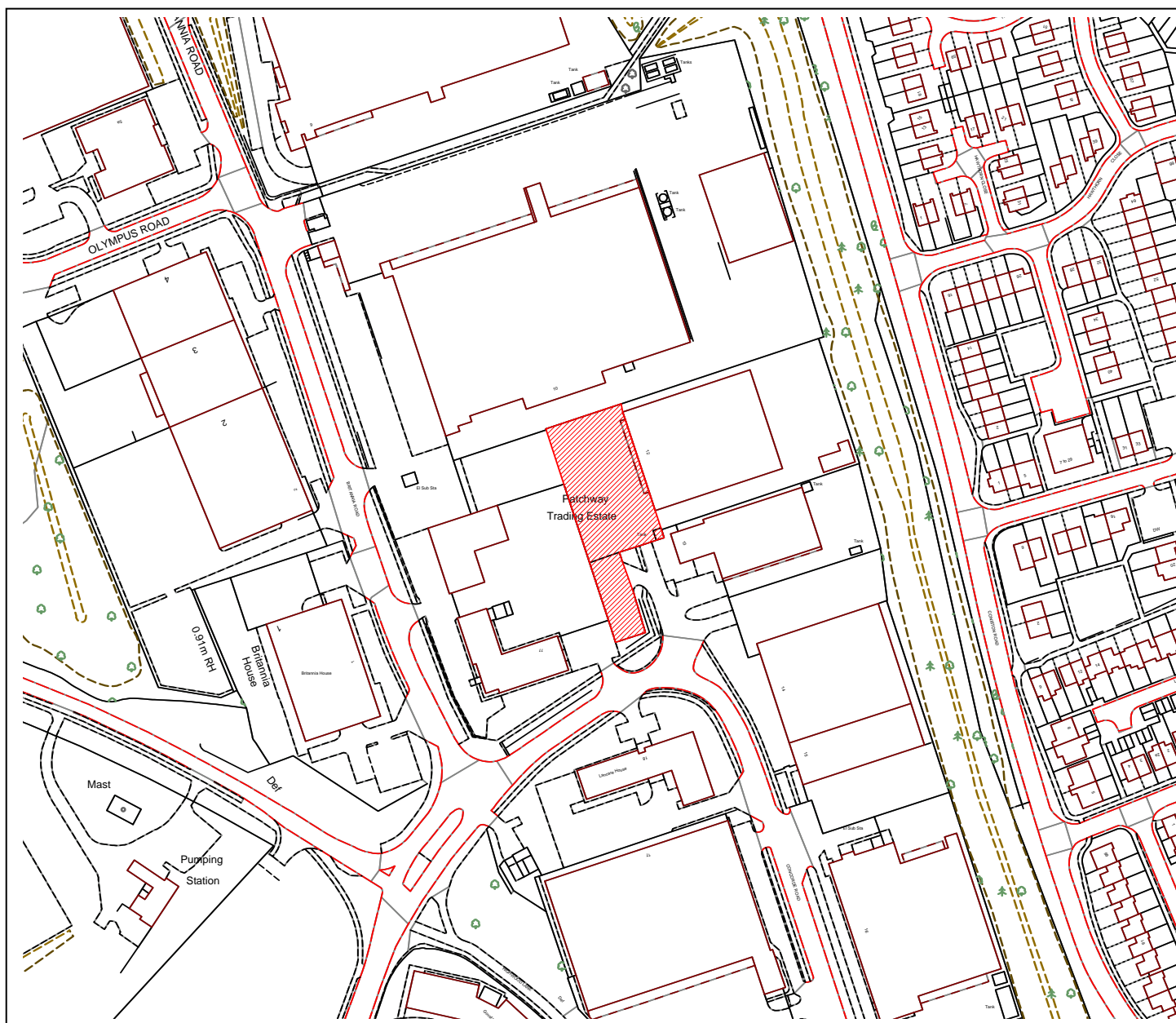
Applicant: Mr T Stead
Date Reg: 27th June 2007

Proposal: Erection of 2.1m high fence, 1 no. air
 condenser and alterations to front and
 rear elevations. Removal of diesel tank
 and bund.

Parish: Patchway Town
 Council

Map Ref: 59132 81335

Ward: Patchway



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N.T.S

PT07/1957/F

INTRODUCTION

This report has been placed upon the Circulated schedule as there has been an objection received from a neighbouring residential property.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a 2.1m high fence around part of the site, erection 1 no. air condensor, insertion of an access control barrier and alterations to front and rear elevations. The development also seeks to achieve the removal of diesel tank and bund.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Communities
PPG4 Industrial and Commercial Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
- 2.3 Supplementary Planning Document
Design Checklist (Draft)

3. RELEVANT PLANNING HISTORY

- 3.1 None which affects the determination of this application.

4. CONSULTATION RESPONSES

- 4.1 Patchway Town Parish Council: No response received
- 4.2 Local Residents: One letter of objection has been received and it raises the issue of noise generation from the proposed condenser unit.
- 4.3 Environmental Health:
Raise no objection to the proposal.
- 4.4 Transportation:
No objection to the proposal subject to the cycle store being undercover and secure.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 is considered to be the most relevant policy to compare the development proposed by this application against. The policy sets out criteria for achieving a high standard of design in development proposals. In particular proposals should be informed by and respect the character, distinctiveness and amenity of both the site and locality.

Given that the proposal amounts to a number of small elements it is proposed to address each individually in the report.

5.2 Fence and Barrier

It is considered that the erection of a 2.1 metres fence around the redesigned parking area at the front of the site is acceptable in terms of its design and visual appearance. The same can be said for the proposed car park barrier. This fence will improve the security of the site.

5.3 Air Condenser

It is considered the proposed location and design of the condenser unit is acceptable. The overall unit is in an industrial area where condenser units are common place. Hence it integrates well with its location. The condenser is located over 150 metres away from the nearest residential property so it will not impact upon their amenities. The Council's Environmental Health Officer, considers there to be no noise issue given the distances between the condenser units and the houses.

5.4 Other Development

The proposal also seeks consent for the removal of a small fuel tank and associated bund at the front of the site, this is something which is quite minor in nature and will not have an impact upon the overall appearance of the site.

The proposal will also involve the replacement of a number of doors and windows in the Southern side elevation. These are considered to fit in with the overall appearance of the site. These will also have no impact upon the privacy of the adjoining units.

The developer is also seeking to carry out minor alterations to the loading bays at the front of the building. These again will have no impact upon the overall appearance of the building.

As part of the overall development there is to be rationalisation of the parking on site. As a result of this there is to be the provision of a cycle parking area. No details have been submitted of this so a condition is suggested requiring further details to be submitted. The cycle parking should be secure and undercover. The Council's transportation section has no objection to the overall scheme subject to this condition

In light of the above it is considered that the development proposed is acceptable and complies with relevant local plan policy.#

5.5 Design and Access Statement

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

5.6 Section 106 Requirements

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

preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 Planning permission be granted with the following conditions.

Background Papers **PT07/1957/F**

Contact Officer: **Gareth John**
Tel. No. **01454 863438**

CONDITIONS:

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

Reason(s):

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

2. Prior to the occupation of the development, detailed plans showing the provision of cycle parking facilities in accordance with the standards set out in Policies (T7 and T8) of the South Gloucestershire Local Plan (Adopted) January 2006 shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with the agreed scheme, with the cycle parking facilities provided prior to the occupation of the building; and thereafter retained for that purpose. The cycle parking shall be secure and undercover.

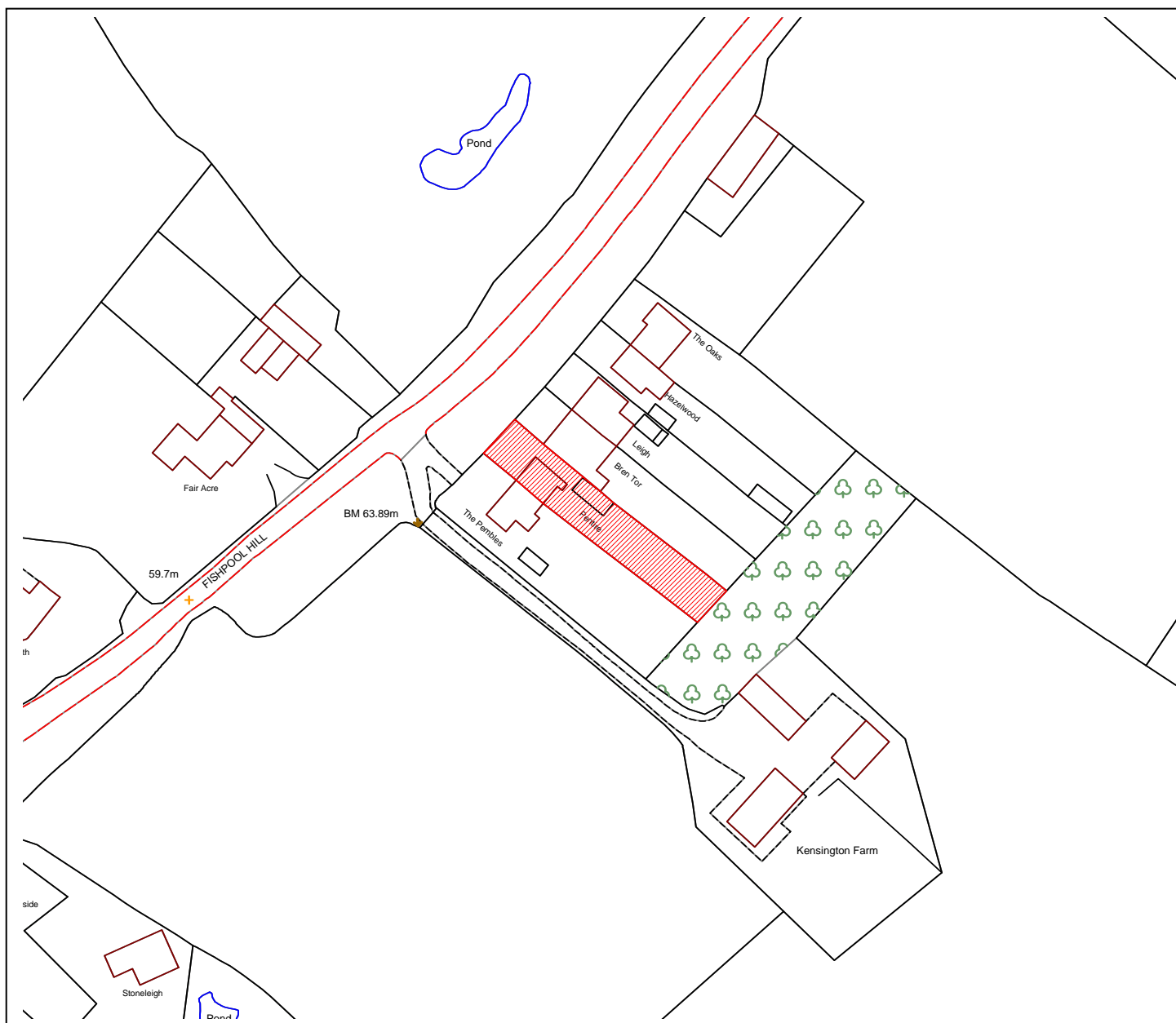
Reason(s):

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

CIRCULATED SCHEDULE NO. 31/07 – 3rd AUGUST 2007

App No.: PT07/1977/F
Site: Pentire Fishpool Hill Brentry BRISTOL
 South Gloucestershire BS10 6SW
Proposal: Erection of single storey rear extension.
Map Ref: 57907 79772

Applicant: Mr I Clark
Date Reg: 28th June 2007
Parish: Almondsbury Parish Council
Ward: Patchway



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N.T.S

PT07/1977/F

This application appears on the Circulated Schedule in view of a letter of objection received from the neighbouring resident.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a single-storey rear extension to provide a new kitchen and enlarged living room. This would also allow the creation of a new bathroom in lieu of the existing kitchen.
- 1.2 The application site comprises a semi-detached two-storey dwelling on the east side of Fishpool Hill, Brentry.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 House Extensions
- 2.3 Supplementary Planning Guidance
South Gloucestershire Advice Note 2: House Extensions

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
No comment/ objection
- 4.2 Other Consultees
No comments received
- 4.3 Summary of Local Residents Comments
One letter received expressing the following concerns:
a) The proposal will block light to the adjoining kitchen and study;
b) The roof design means that it will be very high adjacent to the boundary;
c) At the time of this neighbours extension, it was advised that an extension on the boundary would not be acceptable.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy H4 allows for the principle of house extensions subject to considerations of design, residential amenity and highway safety.
- 5.2 Design/ Visual Amenity
The application site forms a semi-detached two-storey dwelling on the south east side of Fishpool Hill, Brentry. The proposal seeks full planning permission for a single-storey rear extension to provide a new kitchen and enlarged dining room. It would also allow the creation of a new downstairs bathroom in lieu of the existing kitchen.

5.3 The proposal would comprise a lean-to structure that would project 3.5m into the rear garden and measure near the full width of the dwelling abutting the existing detached garage structure within the rear garden. There would be no side facing windows with openings restricted to a rear kitchen window and patio door. Materials would match those of the existing dwelling.

5.4 In view of the above, the proposal is considered acceptable and in keeping with the general character of the area.

5.5 Residential Amenity

The attached dwelling to the south benefits from a rear extension although this sits away from the boundary albeit with two side windows facing. In response to the concerns raised, it was suggested that the applicant consider reducing the depth of the proposal. However, the applicant has proved reluctant to do so whilst it is nonetheless noted that extensions of this depth on the boundary are regularly granted planning consent. As such, any refusal is unlikely to prove sustainable. On balance therefore, no objection is raised on this basis.

5.6 The neighbouring unit to the opposite side benefits from a two-storey side addition which extends up to the flank boundary whilst also benefits from a rear extension that adjoins the applicants detached garage. Further, there are no side facing windows within this property. Accordingly, it is not considered that any significant adverse impact in residential amenity would be caused.

5.7 Design and Access Statement

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

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

7. RECOMMENDATION

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

Background Papers **PT07/1977/F**

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

CONDITIONS

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

Reason(s):

To comply with the requirements of Section 91 of the Town and 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(s):

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

3. No windows shall be inserted at any time in the south west elevation of the property.

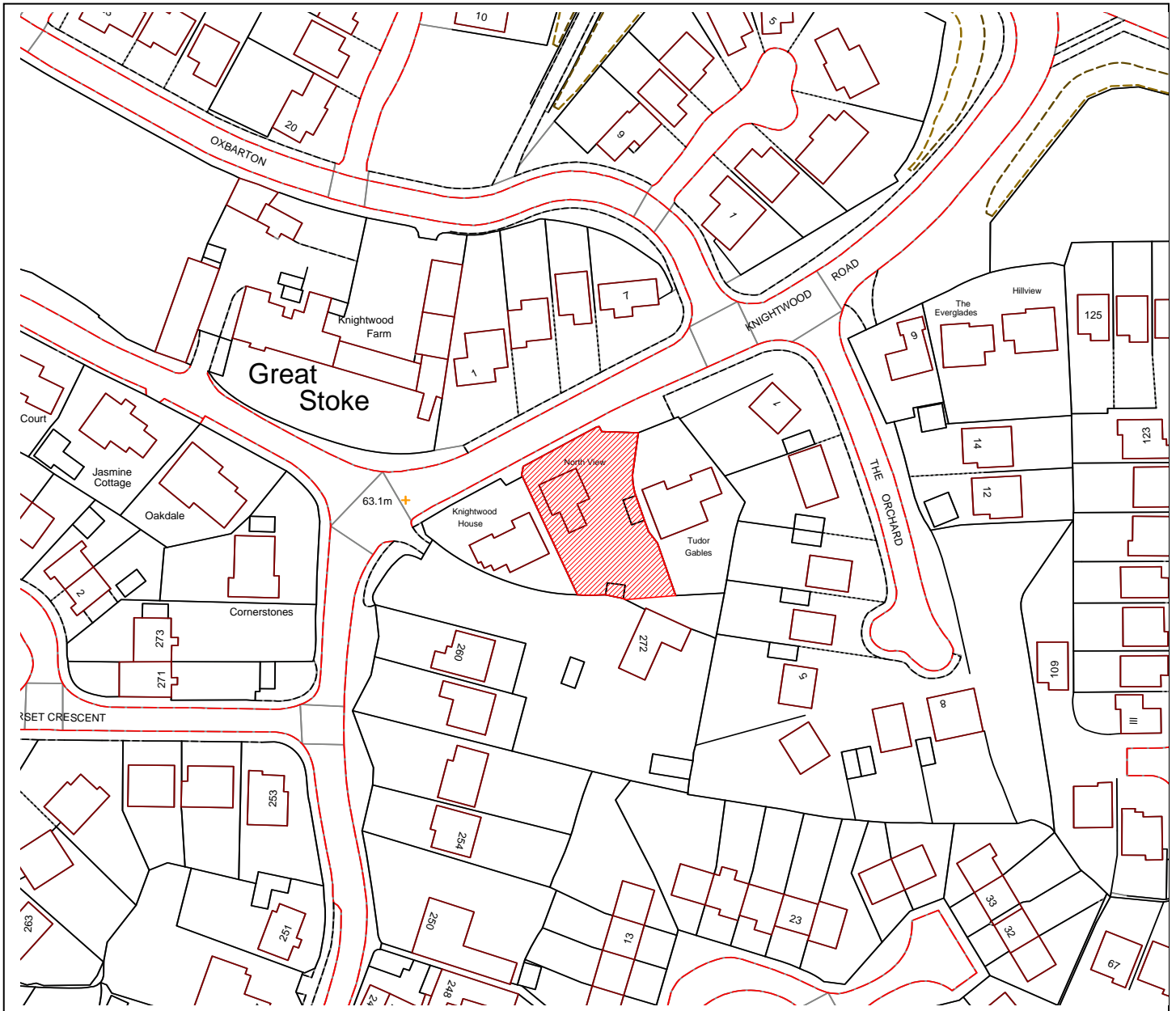
Reason(s):

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. 31/07 – 3rd AUGUST 2007

App No.: PT07/2002/F
Site: North View Knightwood Road
 Stoke Gifford BRISTOL
 South Gloucestershire BS34 8PR
Proposal: Erection of two storey rear and side extension and a front porch to provide additional living accommodation.
Map Ref: 62797 80365

Applicant: Mr K Cox
Date Reg: 2nd July 2007
Parish: Stoke Gifford Parish Council
Ward: Stoke Gifford



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N.T.S

PT07/2002/F

This application appears on the Circulated Schedule after the receipt of an objection from the Stoke Gifford Parish Council.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the erection of a front porch and two storey side & rear extension to form additional living accommodation.
- 1.2 The application site relates to a traditional stone built cottage located within a well established modern residential area of Stoke Gifford.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Development within Existing Residential Curtilages

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
Object on ground of over massing and remind enforcement about already constructed garage
(The garage does not form part of this application)
- 4.2 Local Residents
None

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.

Policy D1 of the Local Plan considers general design principles and ensures good quality design.

- 5.2 Residential Amenity
The dwelling is located within a spacious application site which is bounded by three properties, which are Tudor Gables, Knightwood House and No. 272 Knightwood Road. The proposed extension would extend no further than the existing rear building line of the adjacent dwelling (Knightwood House). The proposal would therefore not be considered to cause an overbearing impact on this neighbouring dwelling. Given the distance separating the proposal from the other neighbouring properties it is considered that there would be no overbearing impact on these properties either.

The proposed extension would include six rear windows. Given the location of these and their distance from the surrounding properties it is considered that they would not result in any direct views which would prejudice the privacy of any of the nearby neighbouring occupiers.

With regard to the above it is considered that the proposal would not adversely impact the residential amenity of any nearby neighbouring occupiers and would therefore accord to Policy H4 of the Local Plan.

5.3 Design and Visual Amenity

Prior to the submission of this application pre-application discussions have taken place with the applicant to agree upon an acceptable scheme.

The proposed side and rear extension would extend across the entire rear elevation and approximately 5 metres to the side. The rear part of the extension would consist of a gable to match the design, mass and proportions of the original cottage. The side element of the extension would be set back from the front of the dwelling and its ridge height would be lower in relation to both the existing dwelling and the proposed rear extension, allowing it to appear subservient to the original dwelling.

It is noted that this proposal would result in a large extension to the volume of original dwelling. However, it is considered that the proposed design solution would provide an extension which would appear to respect the appearance and proportions of the existing dwelling. Given the spacious application site and the context of the surrounding modern dwellings it is considered that the proposed large extension would not harm the appearance or character of the Street Scene.

The proposed porch would be sited in the centre of front elevation replacing the existing porch. Given the scale, design and proportions of the proposal it is considered that it would respect the existing appearance and character of the cottage and would therefore be acceptable in terms of design.

It is proposed to render the entire original dwelling and the extension in a through coloured render. The existing dwelling is finished in stone and preferably this would be maintained. However, given the context of the application site with the surrounding modern rendered properties, it is not considered that proposed would cause any harm to the appearance or character of the street scene in this instance.

It is proposed that Clay Plain tiles would be used on the extension and the existing roof would be re-laid to match. To ensure the materials are acceptable in context with the surrounding area. It is recommended that a condition is attached requesting samples of the proposed tiles to be submitted and approved in writing by the Local Planning Authority.

5.4 Section 106 Requirements

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

preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

7. RECOMMENDATION

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

Background Papers **PT07/2002/F**

Contact Officer: **Peter Rowe**
Tel. No. **01454 863538**

CONDITIONS

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

Reason(s):

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

2. No development shall take place until samples of the roofing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

To ensure a satisfactory standard of external appearance and to accord with Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 31/07 – 3rd AUGUST 2007

App No.: PT07/2038/LB
Site: Principals House Silverhill School
 Swan Lane Winterbourne BRISTOL
 South Gloucestershire BS36 1RL

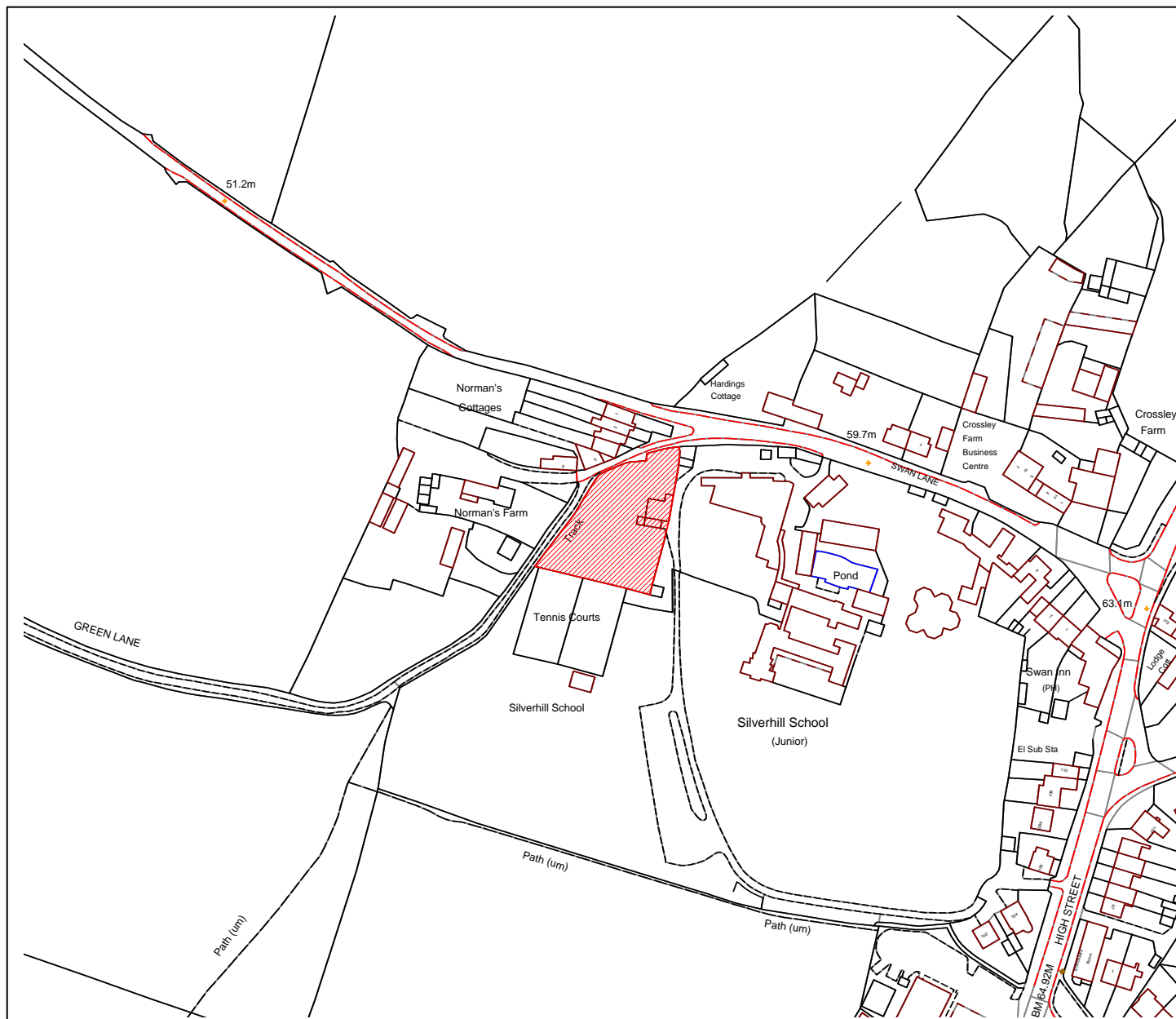
Applicant: Mr M Hems
Date Reg: 4th July 2007

Proposal: Demolition of existing boundary wall to facilitate erection of replacement wall and 2.5m high gates.

Parish: Winterbourne Parish Council

Map Ref: 64964 81345

Ward: Winterbourne



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N.T.S

PT07/2038/LB

1. **THE PROPOSAL**

- 1.1 This listed building application relates to the demolition of boundary wall to facilitate erection of replacement wall and 2.5m high gates at Principals House, Silverhill School, Swan Lane, Winterbourne.
- 1.2 The application site is a detached property located within the grounds of the former Silverhill School (listed as Winterbourne House), a Grade II listed building.
- 1.3 The site lies outside the settlement boundary of Winterbourne and is also within the Green Belt. It is enclosed by high stone walls and is only visible from the environs of Silverhill School.

2. **POLICY CONTEXT**

- 2.1 **National Guidance**
PPS1 Delivering Sustainable Development
PPG2 Green Belts
PPG15 Planning and the Historic Environment
- 2.2 **Joint Replacement Structure Plan**
Policy 16 Green Belts
- 2.3 **South Gloucestershire Local Plan (Adopted) January 2006**
D1 Achieving Good Quality Design in New Development
L13 Listed Buildings
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12 Transportation Development Control Policy for New Development
- 2.4 **Supplementary Planning Guidance**
Design Checklist (to be adopted)
Development Within the Green Belt (Adopted)

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT04/3411/LB Demolition, replacement and refurbishment of school buildings with associated landscaping and works.
Approved 9 February 2006

4. **CONSULTATION RESPONSES**

- 4.1 **Winterbourne Parish Council**
No objection.
- 4.2 **Local Residents**
1 letter has been received objecting to the proposal on the following grounds:-
 - a) driveway is shared with the school; any further increase in traffic can have serious consequences on the safety and viability of the vehicular flow;
 - b) present driveway has been the school's thoroughfare as a one-way system-proposal would cause highway safety concerns;
 - c) access should be taken off Green Lane.

The above objections relate to the erection of garage. This is not part of the current scheme which relates to erection of boundary wall and gates. A full planning application will be required for the erection of a garage and issue of access/highway safety will be considered under any full application.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Advice contained within PPG15 requires authorities to have ‘...*special regard to the desirability of preserving any listed building or its setting, or any features of special architectural or historic interest which it possesses...*’ Where the character of the building and its setting are likely to be materially affected by such works, such development will not be supported. This advice is reflected in Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 5.2 The main issue to consider is the effect of the proposal on the setting and character of this Grade II listed building. The demolition of the wall involves a section of modern wall which appears to date from the same period as the house (circa 1981). It is of no great merit and is only listed because it is attached to the curtilage listed historic garden wall. As such the application is acceptable, subject to a condition requiring large scale details of the cock and hen copings, gates and piers and a sample panel of stonework.

5.3 Design and Access Statement

A Design and Access Statement is not required.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The decision to grant listed building works 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 Listed Building Consent be granted.

Background Papers **PT07/2038/LB**

Contact Officer: **Vivian Butt**
Tel. No. **01454 863427**

CONDITIONS

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

Reason(s):

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. Prior to the commencement of the works hereby approved, large scale details of the following shall be submitted to the Council for approval:-
 - a) the cock and hen copings;
 - b) the gates and piers.

Once approval has been given by the Council for the submitted details, the copings, gates and gate piers shall be constructed exactly in accordance with the agreed details.

Reason(s):

To maintain and enhance the character and setting of the listed building, and to accord with Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the commencement of the works hereby approved a sample panel of stonework, including a section of cock and hen coping, shall be erected on site for approval by the Council. No work shall be undertaken until written approval has been given by the Council and the stonework shall be constructed exactly in accordance with the sample so approved.

Reason(s):

To maintain and enhance the character and setting of the listed building, and to accord with Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.