



**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. 50/07

Date to Members: 14/12/07

Member's Deadline: 21/12/07

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: 14/12/07

SCHEDULE NO. 50/07

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

**Dates and Deadlines for Circulated Schedule
over the Christmas & New Year period 2007/2008**

Schedule Number	Date to Members 12 noon on	Members Deadline 12 noon on
51/07	Friday 21 December 2007	Thursday 3 January 2008
52/07	No Circulated Schedule production	*
01/08	Friday 4 January 2008	Friday 11 January 2008

Circulated Schedule 14 December 2007

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK07/2726/F	Approve with conditions	Wilson and Sons (Engineering) Ltd Morley Road Staple Hill South Gloucestershire BS16 4QT	Staple Hill	
2	PK07/2927/CLE	Refusal	Little Acre Dyers Lane Iron Acton South Gloucestershire BS37 9XT	Ladden Brook	Iron Acton Parish Council
3	PK07/2946/R3F	Deemed consent	Garage site on the junction of Orchard Vale and Grimsbury Road Kingswood South Gloucestershire BS15 9RZ	Woodstock	
4	PK07/3006/F	Refusal	Former Woodstock School Site Courtney Road Kingswood South Gloucestershire BS15 9RL	Woodstock	
5	PK07/3035/F	Approve with conditions	26 Sutherland Avenue Yate BRISTOL South Gloucestershire BS37 5UE	Yate North	Yate Town Council
6	PK07/3135/F	Refusal	111 Downend Road Downend South Gloucestershire BS16 5EF	Downend	Downend and Bromley Heath
7	PK07/3137/F	Approve with conditions	Puddle Cottage 2 Park Street Iron Acton South Gloucestershire BS37 9UJ	Frampton Cotterell	Iron Acton Parish Council
8	PK07/3146/LB	Approve with conditions	The Winding House Naishcombe House Golden Valley Wick South Gloucestershire BS30 5RE	Boyd Valley	Wick and Abson Parish Council
9	PK07/3262/F	Approve with conditions	21 St. James Street Mangotsfield South Gloucestershire BS16 9HD	Rodway	
10	PK07/3276/FDI	Approve	Diversion of a Public right of way Lintham Drive Kingswood South Gloucestershire BS15 9GB	Woodstock	
11	PK07/3280/F	Approve with conditions	66 Westbourne Road Downend South Gloucestershire BS16 6RH	Emersons Green	Mangotsfield Rural Parish Council
12	PK07/3319/F	Approve with conditions	8 Hicks Avenue Emersons Green South Gloucestershire BS16 7HA	Emersons Green	Mangotsfield Rural Parish Council
13	PK07/3321/F	Approve with conditions	70 Vayre Close Chipping Sodbury South Gloucestershire BS37 6NU	Chipping Sodbury	Sodbury Town Council
14	PK07/3418/F	Approve with conditions	50 Salisbury Road Downend South Gloucestershire BS16 5RJ	Downend	Downend and Bromley Heath
15	PT07/3298/F	Approve with conditions	23 Farley Close Little Stoke South Gloucestershire BS34 6HB	Stoke Gifford	Stoke Gifford Parish Council

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
16	PT07/3339/TRE	Approve with conditions	Hortham Village Hortham Lane Almondsbury South Gloucestershire BS32 4JH	Almondsbury	Almondsbury Parish Council
17	PT07/3348/F	Approve with conditions	742 Filton Avenue Filton South Gloucestershire BS34 7HE	Filton	Filton Town Council
18	PT07/3361/O	Refusal	Belmont House Gloucester Road Patchway South Gloucestershire BS34 5BQ	Patchway	Patchway Town Council
19	PT07/3404/F	Approve with conditions	53 Apseleys Mead Bradley Stoke South Gloucestershire BS32 0BE	Bradley Stoke North	Bradley Stoke Town Council
20	PT07/3415/CLE	Approve	The Cottage New Street Charfield WOTTON UNDER EDGE South Gloucestershire GL12 8ES	Charfield	Charfield Parish Council
21	PT07/3417/CLE	Refusal	Cosy Farm Swinhay Lane Charfield WOTTON UNDER EDGE South Gloucestershire GL12 8EZ	Charfield	Charfield Parish Council
22	PT07/3437/F	Approve with conditions	16 Grange Park Frenchay South Gloucestershire BS16 2SZ	Frenchay and Stoke Park	Winterbourne Parish Council

CIRCULATED SCHEDULE NO. 50/07 – 14 DECEMBER 2007

App No.: PK07/2726/F

Applicant: Newland Homes Ltd &

Site: Wilson and Sons (Engineering) Ltd
Morley Road Staple Hill BRISTOL South
Gloucestershire BS16 4QT

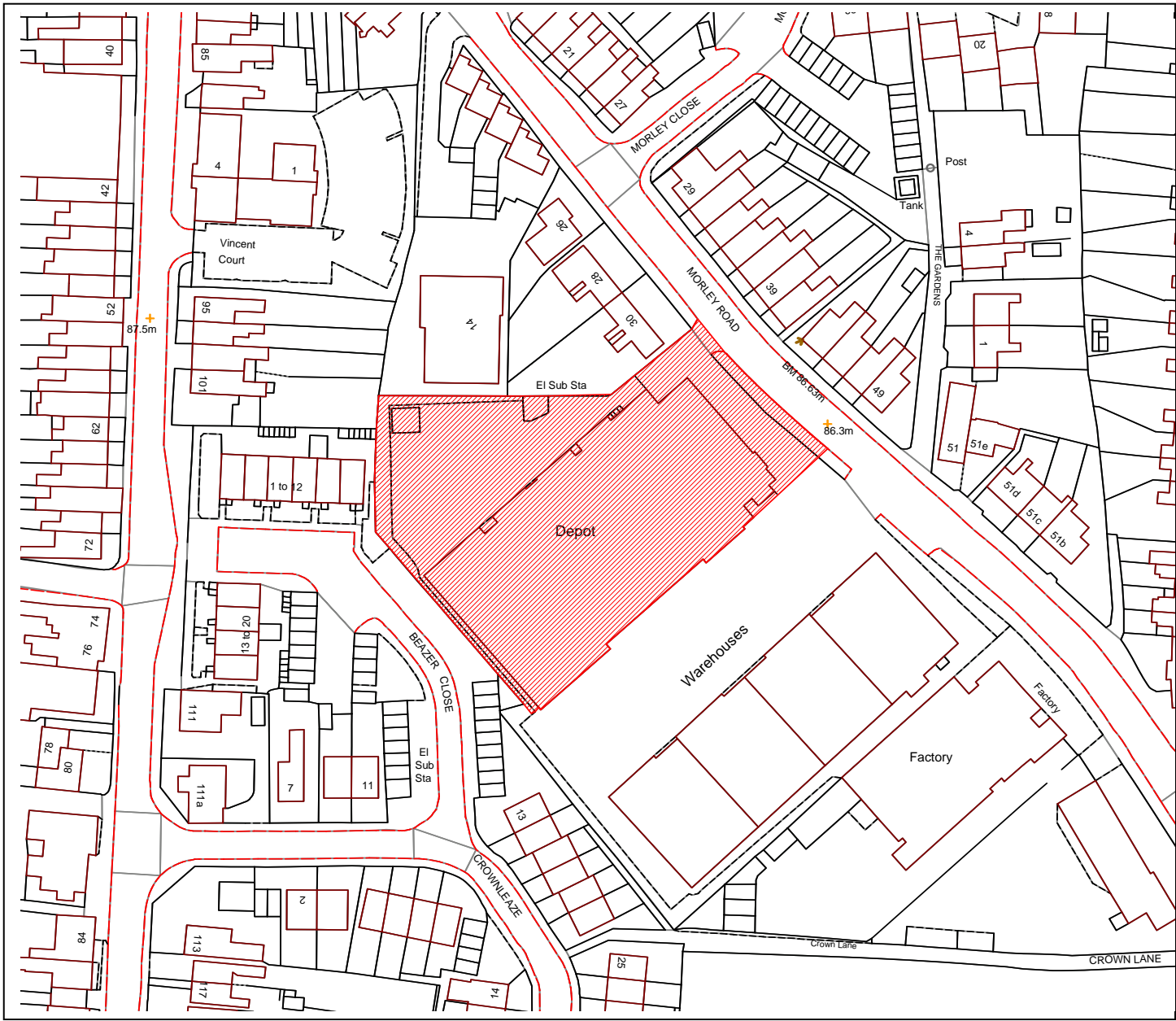
Date Reg: 6th September 2007

Proposal: Demolition of existing factory to facilitate
the erection of 43 no. dwellings with
parking and associated works.
Amendments to design and layout to
include 52 parking spaces, additional
amenity space/landscaping and changes
to the design of plots 10-20 and 21-31.

Parish:

Map Ref: 64914 75413

Ward: Staple Hill



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INTRODUCTION

This application is referred to the Circulated Schedule in accordance with procedure given that it is a “Major Application” and given that objections have been raised.

1. PROPOSAL

- 1.1 The applicant proposes the erection of 43 no. dwellings with parking and associated works. The development consists of 9 no. 3 bed houses, 15 no. 1 bed apartments and 19 no. 2 bed apartments. An access onto Morley Road would be located centrally on the frontage with the provision of 52 parking spaces located within the site. Cycle and refuse bin storage (for the flats) is provided. Some landscaping is to be provided in particular along the boundaries of the site and an acoustic barrier approximately 2.2 metres will be provided along the southern boundary (with the adjoining industrial/commercial units).
- 1.2 In terms of scale the development comprises two-storey dwellings (that have additional room within the roofspace), apartments of a similar scale and a block to the rear of the development three storeys in height with room within the roofspace. In terms of materials, across the site, walls are finished in reconstructed stone to match local stone, with some use of render. Terracotta colour roof tiles will be used. Deep sash style windows will be used. A natural stone “dwarf” wall to the front of the site along Morley Road will be provided.
- 1.3 The site comprises an engineering works on a 0.4 hectare site that at the time of this officer’s site visit was largely vacant, the company being in the process of relocating to Warmley. The site is generally level, with palisade fencing and some landscape screening (in particular at the north-west corner and along part of the northern boundary) providing the existing boundary treatments. There is a retaining wall at the south-west corner along the boundary with Beazer Close.
- 1.4 The site itself is not an allocated employment site within the South Gloucestershire Local Plan (Adopted January 2006). To the north, north-east, south and west of the site there are residential properties, with more modern properties to the rear and more traditional Victorian terraced properties along both sides of Morley Road. Immediately to the south-east there are 4 no. industrial units with a large associated parking area that lies immediately along this boundary of the site. It should be noted that beyond these units lies the “Power Electrics” site that has outline consent for 14 no. dwellings (PK05/1350/O). The site lies approximately 450 to 500 metres from shopping facilities in Staple Hill and there are bus stops along Morley Road and nearby Soundwell Road giving access to wider areas including Bristol City Centre and Kingswood High Street.
- 1.5 In support of the application, the applicant has indicated a willingness, (subject to advice from the Council on the extent), to provide towards mitigating the effects of the development through contributions towards Community Services, Education and Schools, Transportation and has offered 14 Affordable Homes. These issues will be discussed in detail below. The applicant has submitted a design and access statement including a sustainability appraisal, concept plan and security assessment.
- 1.6 It should be noted that since the initial receipt of the application, negotiations have taken place to amend the layout/design of the proposal (and a re-consultation process was undertaken in accordance with procedure). The amendments are outlined in detail in the report below, but in summary include an increase in parking spaces from 49 to 52, additional amenity space and landscaping, the inclusion of undercroft parking within flats to the rear (with an increase in height of Plot 21 to 31).

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	Landscape Protection and Enhancement
L18	The Water Environment
EP1	Environmental Pollution
EP6	Contaminated Land
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy
H2	Proposals for Residential Development within the Existing Urban Areas
H6	Affordable Housing
LC1	Provision for Built Sport, Leisure and Community Facilities (Site Allocations and Developer Contributions)
LC2	Provision for Education Facilities (Site Allocations and Developer Contributions)
LC8	Open Space and Children's Play in Conjunction with New Residential Development

Supplementary Guidance

The South Gloucestershire Design Checklist (Adopted August 2007)

3. RELEVANT PLANNING HISTORY

3.1 All previous history relates to the commercial use of the premises

4. CONSULTATION RESPONSES

Parish Council

4.1 This area is unparished

Other Consultees

Wessex Water have stated that the development is located within a sewered area, with foul and surface water sewers.

4.3 Affordable Housing Requirements

33% affordable housing to be provided on site in line with Local Plan Policy H6 and the findings from the JHA Housing Needs Survey 2004. It is proposed the applicants make an offer to the Council for the mix of 14 units of affordable housing having regard to identified housing need and in accord with Council criteria.

4.4 Sustainable Transport

The proposal is to demolish the existing factory to facilitate the erection of 43 no. dwellings on site. As an existing brown field site therefore, there is no highway objections to the principal of residential development on the site. The site is located off Morley Road which accessed off the A4017 Soundwell Road some 550m south of Staple Hill High Street with a comprehensive local shopping precinct. The site is also within easy walking distance to number of schools, college and it is also within easy reach of the Bristol and Bath cycle path. In respect of traffic movement to and from the site, it is expected that there would be some increase in traffic in the area as the result of the new development however; the existing highway is capable of accommodating the additional traffic. It is also valid to state that removal of the existing business from the site would result in reducing the commercial traffic in the area. In respect of access, it is proposed to close off the existing vehicular access at the edge of the site and create a new vehicular /pedestrian access at centre of site frontage onto Morley Road. The new site access would have acceptable visibility splays on both sides onto Morley Road. The new access road shall be constructed to adoptable standard.

The proposal includes parking provision for all units to an average of at least one parking space per unit but some units would have access to two parking spaces. Overall 52 no. parking spaces are proposed for the development which complies with the Council's maximum parking standards. It will be necessary to secure some financial contribution to mitigate the impact of the development traffic and this will be used towards improved pedestrian and cycle facilities plus implementation of traffic management schemes as well as improved access for the disabled in the area. The scheme of highway works would be subject to public consultation and the final scheme dependent on matters arising from these consultations.

In view of all the above therefore, there are no highway objections to the scheme subject to the applicant first entering into an appropriate legal to provide; Financial contribution of a) £1,000 per dwelling towards traffic management /road safety scheme in the area and, b) Additional sum of £15,000 is provided towards bus service improvement in the area including improvement to access for the disabled.

Other planning conditions shall be that, all highway works shall be carried out to full and final satisfaction of the Council, the new access road shall be constructed to adoptable standards, the limit of adopted highway shall be decided by the Council but it would not include any part of communal parking areas on site. In addition the developer shall set up a management company (all details to be approved by the Council) to maintain private areas of the access and the existing vehicular access shall be stopped up and the footway surfacing along the site frontage shall be made good to full satisfaction of the Council.

4.5 Community Services

It is calculated that this development of 43 dwellings would generate an average population increase of 73.05 people. If this development is implemented it would create a need for extra community facilities. In order to

offset this increased demand on community facilities we would request contributions towards the following:

Guidelines from the National Playing Field Association recommends a minimum of 24m² of public open space per person and Policy LC8 of South Gloucestershire Local Plan (Adopted) January 2006 requires provision for informal open space, we consider 5m² per person to be reasonable to improve the quality of the environment in this area. Therefore the total public open space required from this development equates to: 1948.95sq.m. The total contribution towards off-site enhancements of public open space would be £47,003.97. The developer would be required to contribute towards future maintenance of the enhancements, which equates to £42,023.16 a total requirement of £89,027.13. In accord with Policy LC1 of the South Gloucestershire Local Plan (Adopted) January 2006, a contribution of £4,385.92 towards new stock, IT equipment and towards the Library Building is required. The contributions will be spent at Staple Hill Library and a contribution towards of £542.64 towards the cost of the provision and maintenance of Dog Bins and £529.44 towards the cost of provision and maintenance of Litter Bins is required.

With respect to Public Art, a contribution to the Fountain Square regeneration project is requested on the developer. In accordance with Policy LC13 of the South Gloucestershire Local Plan (Adopted January 2006) a contribution of 1% of the development costs is sought.

4.6 Education Services

There is a projected surplus of places at primary schools in the local area. No contribution is required for additional primary provision. Current DfES cost calculators give a figure of £13,860.30 per additional secondary school pupil place. A secondary level there are insufficient projected surplus places in the local area. The proposed mix of 43 dwellings will generate an additional two secondary school pupils based on the pupil number calculator. A contribution of £27,720.60 is required for additional secondary school provision.

Other Representations

4.7 Local Residents

As has been indicated in paragraph 1.6 above amendments to the design and layout of the proposal have been negotiated by Officers. As a result of this, those consulted originally have been re-consulted on two occasions.

In response to the original public consultation, 2 letters of objections received, the grounds of objection can be summarised as follows:

- The development does not follow the building line of the street thus creating a claustrophobic aspect and poor living environment
- There is insufficient parking provided
- The development will result in increased traffic onto the road
- The proposed access is not adequate
- The development will exacerbate a drainage/flooding problem in the vicinity

- Construction work, before during and after completion will result in noise and disturbance to adjoining occupiers
- The waste and recycling provision has not been made clear

One letter has been received, raising no objection but indicating that the development should have no adverse impact upon the working of the adjoining business and indicating that permission would be required to gain access to adjoining land not within the ownership of the developer.

There have been no objections raised following the public re-consultation.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H2 allows for residential development within existing urban areas, subject to certain criteria, including environmental and transportation effects, effects on residential amenity, the maximum density is achieved for the site's location, with a minimum density of 30 dwellings per hectare, and provision for education, leisure, recreation and other community facilities is adequate to meet the needs arising from the proposals.

5.2 The proposed density on site is 107 dwellings per hectare, which is over the minimum density level set out in Policy H2 and PPS3, this is nevertheless considered appropriate given the sustainable nature of the location, close to local services and public transport routes.

5.3 The principle of development is therefore acceptable, subject to the following detailed assessment.

5.4 Residential Amenity

Policy H2 of the South Gloucestershire Local Plan (Adopted January 2006) states that the residential amenity of existing occupiers is to be assessed when determining applications for new residential development. Amenity is assessed in terms of whether the development would appear oppressive or overbearing when viewed from that property and also includes whether overlooking/loss of privacy would result. The residential amenity of future occupiers of the development in terms of amenity space provision is discussed in the design section below.

Given the scale and location of the proposed development in relation to the existing residential properties it is considered that any potential impact will be from the elements along the northern side of the site, namely the terraces of 3 no. dwellings at the north-west corner (Plots 32-34) and on the northern boundary facing onto Morley Road (Plots 41 to 43) and the flats in between (Plots 35 to 40). It is considered that other proposed dwellings are sited such that they would not have any significant impact upon the amenity of adjoining occupiers.

With respect to the Units along the Morley Road frontage (Units 41-43), given their location in relation to No.30 Morley Road such that there is a gap of 4 metres to the flank wall of that property it is not considered that any significant loss of amenity to occupiers of that property would result. It should also be noted that the part of the existing commercial premises of greater depth than the proposed new dwellings is situated in this location.

Having regard to the flats (Units 35 to 40), while it would be possible to view part of the rear gardens of No.26-30 Morley Road, any view of the rear elevations of these properties, would be at a very acute angle and would be largely obscured at ground floor level by the landscaping proposals.

With respect to the units at the north-western corner of the site known as No.32 to 34, again with a gap of approximately 10 metres to the boundary, landscaping provision and a very acute angle from the proposed units to the rear elevation 1-12 Beazer Close, it is not considered that any impact upon residential amenity would be so significant to justify the refusal of the application.

In summary it is not considered that the proposed development would result in significant loss of amenity to adjoining occupiers. It is also considered that a residential use would in itself have less impact in terms of general noise and disturbance than a fully operational commercial operation on the site. A condition is recommended to restrict construction hours, given the close proximity of adjoining properties.

5.5 Design

Policy D1 of the South Gloucestershire Local Plan (Adopted January 2006) seeks to achieve good design in all new development. Policy H2 considers the environmental impact of new development, the density of the development and the extent to which the development takes into the account the amenity of future and neighbouring occupiers.

PPS1 and PPS3 emphasise the need for development to be in the right location to reduce the need to travel. The site is approximately 500 metres from facilities in Staple Hill but is located close to bus routes to this and wider areas. A density of 107 dwellings per hectare is considered high however PPS3 makes clear that such densities can be considered and welcomed in so far as the efficient use of land is made but that this must not be at the cost of the environment. Innovative design can ensure that high densities can be achieved.

The principle concern with the initial proposal was that the starting point appeared to be the provision of parking, turning and access with this informing the layout and amount of private/shared amenity space. Negotiations have taken place that have ensured through the provision of undercroft parking within Blocks 10-20 and 21-31 that the amount of space given over to parking within the remainder of the site has been reduced throughout the site. Parking provision (on-street) has been most significantly reduced to the front of Block 4-9 (from 8 to 3) and to the rear of the site from 20 to 14. This has enabled landscaping and amenity space areas to be enhanced. To the rear of the site the previous extensively hard surfaced area adjoining the boundary with Beazer Close has been altered to accommodate some additional landscaping. The garden space for Plots 1 to 3 and 41 to 43 has also been enhanced. A condition is recommended requiring full details of the surfacing material.

It is considered that these alterations have ensured that the emphasis has moved away from the layout being completely informed by the motor car needs. The alterations made although small in places are considered to reduce the cramped nature of the development through enhanced landscaping and by

ensuring that parked vehicles will be integrated into the street scene rather than dominating it.

The impact of the development upon existing occupiers is considered acceptable. It should be noted that should the adjoining industrial site located to the south-east be developed or a residential use, careful consideration would have to be made with regard to the amenity of occupiers of Block 4 to 9 given the location of windows in this block. This is not considered a reason to object to the current proposal.

With respect to the form and scale of the proposed buildings, it is considered that the siting of the more modest units to the front of the site on either side of the entrance is appropriate and in keeping with the residential form of development upon Morley Road. The natural stone wall across the front boundary will also ensure that the development integrates successfully with its surroundings. The layout of the site/position of the buildings will ensure a well lit development with good surveillance of all areas and will therefore provide an acceptable level of security for future occupiers. Bin storage is provided, however a condition will be attached to the decision notice requiring full details of this storage to ensure that the proposal is in accord with Policy D1 (H) of the South Gloucestershire Local Plan (Adopted January 2006).

The larger buildings towards the rear of the site are appropriately designed with a more contemporary style with a glazed staircase screen and bolder overall design reflecting their prominence, however the use of deep sash windows ensures a traditional element. The variety in the built form across the site is considered to add visual interest. The proposed materials are considered appropriate, the use of reconstructed stone to match existing stone is to be welcomed while the use of render is considered to compliment the stone elements (as indicated within the Design and Access Statement). The use of terracotta tiles will also integrate well with surrounding properties.

With respect to Policy D1 G which indicates that proposals will be expected to demonstrate that the design, density, orientation and location of the buildings and associated landscape proposals incorporate measures to achieve energy conservation and the protection of environmental resources. The applicant has set out the measures to be taken that include, the re-use of materials from the existing building, the use of landscaping and amenity space (an improvement upon the existing site), highly insulated properties in accordance with the latest standards, energy efficient boilers and air pressure tested houses to prevent heat loss. In addition, all timber used will be from sustainable sources, the use of Sustainable Urban Drainage returning storm water to the water table, the provision of water butts to all houses and a storage area for recycling and composting for each house. The applicant has specified the local suppliers of materials and also indicates that contractors are also sourced locally to each project.

The applicant has indicated that the scheme will comply with Eco Homes standard level one, but that they are unable to achieve Code Level 3 of the Sustainable Homes Code. It is important to note that while the Draft Regional Spatial Strategy and Design checklist indicate that Code Level 3 is an objective at present there is no specific adopted policy that supports this position. It is Officer's view however that the proposal, given the above measures, is in accord with Policy D1G of the South Gloucestershire Local Plan (Adopted January 2006).

In summary it is considered that the design of the proposed development is acceptable and in accord with Policy D1 and H2 of the South Gloucestershire Local Plan (Adopted January 2006).

5.6 Landscaping

Policies D1 and L1 seek to conserve those aspects of the landscape that make a significant contribution to the character of the landscape and where possible to conserve these elements. Landscaping should be integral to the entire scheme.

A detailed landscape scheme has not been submitted with the application, however indicative plans indicate planting around the boundary of the site and some element within communal areas within the site itself. Careful consideration will be given to planting along the northern boundary and north-west corner of the site given the proximity of adjoining properties.

It is not considered that there are any significant trees on the site in terms of the visual amenity of the locality. The Council Landscape Officers consider that a landscape condition should be attached to the decision notice to allow assessment of landscape proposals and in addition a condition relating to hard landscaping will be attached.

5.7 Contamination

Given the former use of the site as a factory, it is considered that there is potential for land contamination. In accord with Policy EP6 a condition will be attached to the decision notice requiring a preliminary site investigation including a desk study report for any land contamination. The condition will set out the process and measures to be taken should contamination be discovered at this stage.

5.8 Transportation

Policies T7 and T8 of the South Gloucestershire Local Plan (Adopted January 2006) consider standards for both cycle and car parking respectively. Policy T12 indicates that new development will be permitted provided that the new development makes adequate, safe and appropriate provision for the transportation demands that it will create with the paramount aim of preserving highway safety and minimising the impact of motorised traffic.

As an existing brown field site therefore, there is no highway objection to the principal of residential development on the site. The site is located off Morley Road which accessed off the A4017 Soundwell Road some 550m south of Staple Hill High Street where there is a local shopping precinct. The site is also within easy walking distance to number of schools, college and it is also within easy reach of the Bristol to Bath cycle path.

Officers consider that in terms of traffic movement to and from the site, it is expected that there would be some increase in traffic in the area as the result of the new development however, the existing highway is capable of accommodating the additional traffic. It is also considered that the removal of the existing business known as Wilson's Engineering site

would result in the reduction of commercial traffic in the area.

In terms of access, the scheme proposes the closure of the existing vehicular access at the edge of the site, and the creation of a new central vehicular /pedestrian access on the Morley Road frontage. This access is considered to have acceptable visibility splays on both sides onto Morley Road. The new access road shall be constructed to adoptable standard.

The proposal includes parking provision for all units to an average of at least one parking space per unit but some units would have access to two parking spaces. Overall 52 no. parking spaces are proposed for the development which complies with the Council maximum parking standards (alterations to the layout including the provision of “undercroft” parking at the two blocks along the western boundary have resulted in an increase from 49 spaces to 52 spaces)

It is considered that it will be necessary to secure a financial contribution towards mitigating the impact of the development traffic and this money will be used towards improving pedestrian and cycle facilities as well as the implementation of traffic management schemes to include improved access for the disabled in the area. This scheme of highway works would be subject to public consultation and the final scheme dependent on matters arising from these consultations.

In view of all the above therefore, there are no highway objections to the scheme subject to the applicant first entering into an appropriate legal agreement to provide a Financial contribution of £1,000 per dwelling towards a traffic management/road safety scheme in the area and an additional sum of £15,000 being provided towards bus service improvements to include an improvement to access for disabled. The applicant has agreed to the above contributions.

Other recommended conditions include that all highway works shall be carried out to full and final satisfaction of the Council, the new access road shall be constructed to adoptable standards, (the limit of adopted highway shall be decided by the Council but it would not include any part of communal parking areas on site). In addition the developer shall set up a management company (all details to be approved by the Council) to maintain private areas. A final condition is recommended to ensure that the existing vehicular access is stopped up and the footway surfacing along the site frontage is made good to full satisfaction of the Council.

In summary, subject to the above conditions and agreement, the proposed development is considered to be in accord with the aims and objectives of Policy T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.9 Drainage

There is no objection to the proposed development subject to the use of best drainage practice to include the use of Sustainable Urban Drainage systems (Suds). A condition is recommended to secure this. In addition given the location of the site within a former mining area, a condition will be attached to the decision

notice requiring a mining report to be submitted to and approved in writing by the Council prior to the commencement of works on site.

5.10 Community Services

Policy LC8 of the South Gloucestershire Local Plan (Adopted January 2006) considers provision towards open space and Children's Play Space in relation to new residential development. The Policy indicates that where local provision is inadequate to meet the projected needs arising from the future occupiers of proposals for new residential development, the Council will negotiate with developers to secure provision to meet these needs. In addition Policy LC1 indicates that where local provision for leisure, recreation and other community facilities is inadequate to meet the projected needs arising from the future occupiers of proposals for new residential development, the Council will negotiate with developers to secure provision in scale and kind, (to accord with the tests set out in Circular 05/05), to meet these needs. This may include contributions towards the enhancement of existing provision within the vicinity where on-site provision is not possible.

It is calculated that this development of 43 (comprising 9 houses, 19 no. 2 bed flats and 15 no. 1 bed flats) dwellings would generate an average population increase of 73.05 people. If this development is implemented it would create a need for extra community facilities. Guidelines from the National Playing Field Association recommends a minimum of 24m² of public open space per person and Policy LC8 of South Gloucestershire Local Plan (Adopted) January 2006 requires provision for informal open space, we consider 5m² per person to be reasonable to improve the quality of the environment in this area. Therefore the total public open space required from this development equates to: 1948.95 sq.m.

The total contribution towards off-site enhancements of public open space would be £47,003.97. The developer would be required to contribute towards future maintenance of the enhancements, which equates to £42,023.16 giving a total requirement of £89,027.13.

The three sites identified for potential contributions are Soundwell playing fields and play area, Lees Hill Playing field and Page Park. All these sites are within 2 kms of the site. The National Playing Fields Association Audit 2007 indicates that local provision of publicly accessible formal open space, children's play space is already inadequate to meet the needs of the present population. While it would not be reasonable to expect the applicant to rectify this shortfall, the projected needs of the occupiers of the site must be adequately met and this is the fundamental objective of Policy LC8.

In accord with Policy LC1 of the South Gloucestershire Local Plan (Adopted) January 2006, a contribution of £4,385.92 towards new stock, IT equipment and towards the Library Building is required. The contributions will be spent at Staple Hill Library. In addition a contribution towards of £542.64 towards the cost of the provision and maintenance of Dog Bins and £529.44 towards the cost of provision and maintenance of Litter Bins is required (a total of £1,072.08).

The applicant has agreed to pay these contributions through a Section 106 Agreement and as subject to the signing of this agreement the proposed development is in accord with Policy LC1 and LC8 of the South Gloucestershire Local Plan (Adopted January 2006).

Policy LC13 indicates that in determining applications for major new development the Council will seek the contribution of an agreed percentage of the total development costs for the provision or commissioning of publicly accessible art. This is usually up to 1% of the total cost of the development. This request has been put to the developer without a successful outcome. It should be noted however that para 10.98 of Policy LC13 states that such a contribution is voluntary and an application cannot be refused if the applicant does not contribute to the scheme.

5.11 Education Services

Policy LC2 indicates that where local education provision is inadequate to meet the projected need for places arising from the future occupiers of proposals for new residential development, the Council will negotiate with developers to secure provision in scale and kind, (to accord with the tests set out in Circular 05/05), to meet these needs via an appropriate agreement. Having regard to this policy, the Department for Children and Young People have indicated that there is a projected surplus of primary school places in the area and therefore no contribution is required in this respect.

With respect to secondary school education there are insufficient projected surplus places in the local area. It is considered that the number and mix of dwellings would generate an addition two secondary school pupils and based on this number the applicant has been requested to provide a contribution of £27,720.60. The applicant has agreed to make this contribution which shall be secured through a Section 106 Agreement.

5.12 Affordable Housing Requirements

Policy H6 of the South Gloucestershire Local Plan (Adopted January 2006) in line with guidance given in PPS3 states that the Council will seek an element of subsidised affordable housing without any public subsidy to meet local needs on all new housing development within the Urban Area of 15 dwellings or more (or where the site is 0.5 hectares or more). This proposal therefore falls within this category.

In line with the policy, Officers have negotiated with the applicant on the basis that the development will achieve 33.3% affordable housing to provide for those who cannot afford to rent or buy houses available on the open market. The requirement on this basis is for 14 units to be “affordable”.

Negotiations have taken place on the basis that there is a tenure split of 71.4% social rent and 28.6% intermediate affordable units to be delivered as shared ownership and on this basis the split would be 10 units and 4 units. Other requirements are that 100% of initial occupants will be nominated by South Gloucestershire Council, with 1 unit fully compliant for wheelchair users, agreed mix of units in a minimum of 2 clusters. Specifically to this development the unit types and sizes have been agreed, the affordable housing should achieve code level 3 of the Code for Sustainable Homes and Homes West Lifetime Homes standards with units to comply with minimum size standards. The development must also comply with the latest Housing Corporation Standards applicable at the time the S106 is drawn up or 6 months prior to start on site.

Delivery of the affordable homes is preferred through a partnering Registered Social Landlord(RSL), the affordable housing is built at the same time as the

rest of the housing and the completion time shall be agreed and be included within the final Section 106 agreement, social rents to be set at target rent. The annual rent on the equity retained by the RSL shall be no more than 1% of the unsold equity with no more than 40% of the market value shall be payable by the purchasers so that the units are affordable to those in need of intermediate housing. All affordable housing delivered to be in line with the definitions contained in PPS3. As far as possible the affordable housing shall be retained in perpetuity. Any capital receipts on intermediate housing to be recycled as capital expenditure on approved affordable housing schemes in South Gloucestershire, on the basis that the subsidy increases by any capital appreciation on that subsidy.

The applicant has agreed to the above terms/criteria and has indicated this upon a submitted plan and in terms of the detail 14 units will be provided as follows:

Plots 32, 33, 34 will be a minimum size of 72sq.m 3 storey 4 person house for social rent;

Plots 4, 5, 6, 7, 8, 9 will be a minimum size of 46sq.m 1 bed 2 person flat for social rent;

Plot 22 will be a minimum size of 46sq.m 1 bed 2 person wheelchair compliant flat for social rent – a disabled parking space will be located to the front.

Plot 21 will be a minimum size of 46sq.m 1 bed 2 person flat for shared ownership

Plots 23, 24 will be a minimum size of 64sq.m 2 bed 3 person flat for shared ownership

Plot 25 size to meet minimum space standards for shared ownership currently offered as a 2 bed flat at 46sq.m

Subject to the signing of an appropriate agreement (Section 106), the proposed development is therefore considered in accord with Policy H6 of the South Gloucestershire Local Plan (Adopted January 2006) and PPS6.

5.13 Design and Access Statement

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

5.14 Section 106 Requirements

In this instance, having regard to the above advice, the transportation improvements, provision of affordable housing, public open space and community facilities 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 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

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

- £46,716.33 towards enhancement of existing open space in the vicinity of the site and £41,766.00 towards the future maintenance of these enhancements
- £4,295.86 towards the provision of book/IT/audio equipment to the nearest library to the site (Staple Hill)
- £542.64 towards the cost of the provision and maintenance of Dog Bins
- £529.44 towards the cost of provision and maintenance of Litter Bins
- £1,000 per dwelling, (£42,000 in total), towards a traffic management /road safety scheme in the area and an additional sum of £15,000 being provided towards bus service improvement in the area including improvement to access for the disabled.
- 33.3% at nil public subsidy on site and on this basis 14 units of Affordable Housing with a tenure split approximately to 71.4% Social Rented Accommodation and 28.6% Intermediate affordable units to be delivered as Shared Ownership and in accordance with details agreed with the applicant (see paragraph 5.12 above).
- £27,720.60 towards the cost of two additional Secondary school places

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

Background Papers PK07/2726/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 hours of working on site during the period of construction shall be restricted to 0730 hours to 1800 hours Monday to Friday and 0800 hours to 1300 hours 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.

Reason:

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

3. Prior to the commencement of development, details of the proposed hard landscaping surfaces to include details of the surfacing to the rear of Plots 10 to 21 and 22 to 30 shall be submitted to and approved in writing by the Local Planning Authority. All works shall proceed in accord 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.

4. Prior to the commencement of development, full details of the proposed bin storage on site shall be submitted to and approved in writing by the Local Planning Authority. All works shall proceed in accord with the approved details.

Reason:

To ensure adequate provision of refuse storage and to accord with Policy D1H of the South Gloucestershire Local Plan (Adopted).

5. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the buildings are 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.

6. All highways works shall be carried out to the full and final satisfaction of the Council with the access road constructed to adoptable standards (the limit of the adopted highway shall be decided by the Council but shall not include any part of the communal parkign areas on the site).

Reason:

To ensure the satisfactory provision of parking facilities, access 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.

7. Prior to the first occupation of the dwellings hereby permitted, the existing vehicular access shall be stopped up and the footway along the front of the site shall be made good to the full satisfaction of the Council.

Reason:

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

8. The residential units hereby approved shall not be occupied until a scheme for the management of the communal areas of the development (both internal and external) for the first 2 years of occupation 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 Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. 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 and L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

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

11. 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; 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 D1 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. 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 study report detailing the history of the site and identifying risks to human health and the environment.

If identified as being required a main 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.

2. If identified as being required 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.

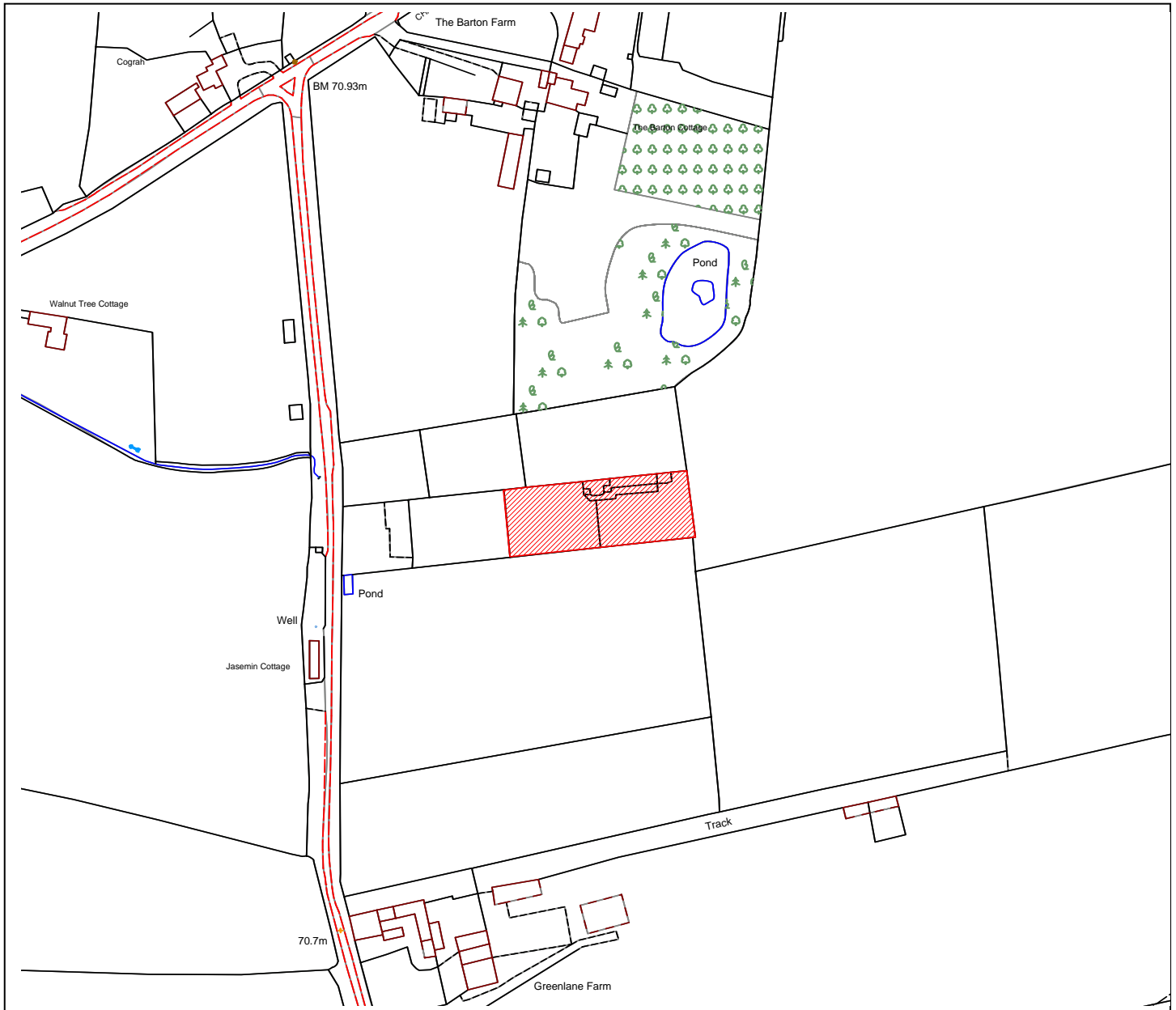
The construction of buildings shall not commence until the investigator has provided a validation report, which shall include confirmation that all remediation measures have been carried out fully in accordance with the scheme. The report shall also include results of the verification programme of post-remediation 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.

Reason:

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

CIRCULATED SCHEDULE NO. 50/07 – 14 DECEMBER 2007

App No.: PK07/2927/CLE	Applicant: Mr LW Janes
Site: Little Acre Dyers Lane Iron Acton BRISTOL South Gloucestershire BS37 9XT	Date Reg: 27th September 2007
Proposal: Application for Certificate of Lawfulness for an existing use of land for the stationing of a residential caravan and associated use of land as a garden.	Parish: Iron Acton Parish Council
Map Ref: 69182 84645	Ward: Ladden Brook



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N.T.S

PK07/2931/CLE

INTRODUCTION

This application is circulated on the Circulated Schedule in line with the scheme of delegation for the determination of Certificates of lawfulness.

1. THE PROPOSAL

- 1.1 This application for a certificate of lawfulness proposes that a site off Dyers Lane, Iron Acton has been used for the stationing of a residential caravan and land associated with it has been used as a garden for a period in excess of ten years. The land subject of this application is outlined on plan LWJ.1 accompanying this application – the land for the stationing of the residential caravan being marked in orange, the ‘garden’ land hashed black, and the residential store associated with the residential caravan marked in green. The application states that this is an existing use, which has occurred for the duration of a period in excess of ten years before the date of the application.
- 1.2 One piece of evidence has been submitted by the applicant in support of the application in the form of a Statutory Declaration. Five letters have also been submitted by other parties who have been involved in or have knowledge of the establishment of the site.
- 1.3 There is another application for a certificate of lawfulness on the site, which seeks to prove that another part of the site (land and buildings) has been used for the breeding, keeping, rearing and schooling of ponies for a period in excess of ten years. This however is discussed in a separate application (PK07/2931/CLE) and is not for discussion as part of this planning application.
- 1.4 There have been previous attempts to prove the use of the land. In 2006, two almost identical applications for certificates of lawfulness were submitted to the council - reference PK06/2388/CLE for the residential caravan and PK06/2387/F for the keeping of Horses. Prior to this, there was a combined certificate application reference PK06/0878/CLE. The statutory declaration submitted in support of this application is identical to the statutory declaration submitted in support of the previous application PK06/2388/CLE. This previous application was written up with a recommendation for refusal but was withdrawn by the agent before the refusal notice could be issued.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK07/2931/CLE Application for Certificate of Lawfulness for an existing use of buildings and land for the breeding and rearing of horses.
Current application to be determined in conjunction with this application.

- 3.2 PK06/2388/CLE Application for Certificate of Lawfulness for existing use of site for stationing of residential caravan and use of land as a garden. Officer Recommendation for Refusal but was withdrawn before decision notice could be issued – December 2006.
- 3.3 PK06/2387/CLE Application for Certificate of Lawfulness for the existing use of buildings and land for the breeding and rearing of horses. Officer Recommendation for Refusal but was withdrawn before decision notice could be issued – December 2006.
- 3.4 PK06/0878/CLE Application for Certificate of Lawfulness for existing use of land for the stationing of a mobile home for residential purposes including gardening and the keeping of ponies and livestock. Withdrawn May 2006

4. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 4.1 The supporting evidence submitted with the application takes the form of a Statutory declaration signed by the applicant – Leslie William Janes.

Five letters have also been submitted in support of the application;

- One letter from Mark G. Astbury who is the veterinary surgeon used by Mr. And Mrs. Janes. Mr. Astbury states he has, since 1994, regularly attended their property at Little Acre to deal with any health issues associated with Mr. And Mrs. Janes' ponies. Mr. Astbury states '*that during his visits, there has always been a residential caravan stationed alongside the hedge on the north side of the land some fifteen metres from the gate. After dealing with Mr. And Mrs. Janes' ponies I would use the caravan to wash before going onto my next visit. It was clear the caravan was provided with a kitchen, toilet, living space and bedroom, and I (Mr. Astbury) have no doubt that Mr. And Mrs. Janes would have been able to stay in the caravan, particularly when there was a need for close supervision of one or more of their ponies. Finally, I (Mr. Astbury) was aware that opposite the caravan and on the other side of the access drive, there was a garden that had been laid out by Mrs. Janes and to the best of my recollections that area has the appearance of a domestic garden with flower borders, seats, ornamental shrubs and fencing.*'
- One letter from Robin Lock who states he delivered a caravan to the site in July 1999
- One letter from Jeff Hughes who states he has delivered limestone and scalping aggregates to the site as far back as 1989
- One letter from Mr. R. Lee who states that he helped Mr. L.W. Janes on a friendly basis to lay his garden and plant shrubs in 1991 – 1993 at the site.
- One letter from Miss. Vanessa Gregory who has visited Mr. and Mrs. Janes at the site on many occasions and has seen their residential caravan. She states she has admired and sat in the garden during the last few years. Since 1993 Miss. Gregory has been invited to help with the ponies.

None of the five letters mentioned above have been signed before a solicitor or commissioner of oaths.

5. SUMMARY OF CONTRADICTORY EVIDENCE

5.1 None received other than the comments from the Parish Council.

6. CONSULTATION RESPONSES

6.1 Iron Acton Parish Council

The Parish Council accepts that there has been a touring caravan on this site for a long time but does not accept that it has been used for residential purposes. Daytime visits to the site have been observed consistent with someone visiting the site but who lives elsewhere. The parish Council refer to point 9.1 of the previous case officers report for application PK06/2388/CLE.

Other Representations

6.2 Local Residents

None Received

7. EVALUATION

7.1 The application for a Certificate of Lawfulness is purely an evidential test irrespective of planning merit. The only issues which are relevant to the determination of an application for a Certificate of Lawfulness are whether, in this case, the use described has or has not been actively in use on site for a consistent period of not less than ten years and whether or not the use is in contravention of any Enforcement Notice which is in force.

7.2 The relevant test of the submitted evidence

The onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is “on the balance of probabilities”. Advice contained in Circular 10/97 states that a certificate should not be refused because an applicant has failed to discharge the stricter criminal burden of proof, i.e. “beyond reasonable doubt.” Furthermore, the applicant’s own evidence need not be corroborated by independent evidence in order to be accepted. If the Council has no evidence of their own, or from others, to contradict or otherwise make the applicant’s version of events less than probable, there is no good reason to refuse the application, provided the applicant’s evidence alone is sufficiently precise and unambiguous. The planning merits of the use are not relevant to the consideration of the purely legal issues that are involved in determining an application. Any contradictory evidence which makes the applicant’s version of events less than probable should be taken into account.

The application proposes that an area of land (marked orange on plan LWJ.1) has been used for the stationing of a residential caravan for a period in excess of ten years. The Statutory Declaration states that the first caravan was purchased in 1990 from Mendip Caravans, which was set on a bed of hard standing obtained from Jeff Hughes. Jeff Hughes submitted a supporting letter to confirm that he did indeed deliver scalping to the site as early as 1989 although does not state the purpose of the scalplings or to which part of the site they were tipped. The statutory declaration states that the ‘residential caravan was sited on the land in the position shown by yellow colour on plan no: LJW.1.’

Whilst photographs have not been submitted as part of this planning application, it is considered that the three photographs of the site submitted as

part of one of the previous applications PK06/0878/CLE cannot be ignored. These photographs show what can only be described as a small touring caravan. It is written on the back of one of the photographs that *'this is the caravan from Mendip Caravans which came 1990.'*

It is not disputed that there has been some form of caravan on the site for a period in excess of ten years. However, the applicant has failed to prove that firstly the caravan was used for residential purposes, and secondly that the caravan was on the site marked yellow on plan LWJ.1.

Whilst it is accepted that it is highly likely that there has been a caravan on the site for ten years, between 1990 to 2005, this caravan has been a small touring caravan. The existing caravan however is very large being considerably larger than that which has historically been on the land.

The yellow area marked on plan LWJ.1 shows the footprint of the existing mobile home – the one that has been present since March 2005. Previous to this, the evidence is that only a small touring type caravan was ever stationed on the site. It is therefore not correct to state that the area marked yellow has been used for the stationing of a residential caravan for a period in excess of ten years. Aerial photographs held at the Council of the site taken in 1999 clearly show that part of the yellow area marked on plan LWJ.1 was not occupied by a caravan. The footprint of the touring caravan is considerably smaller than the footprint of the existing mobile home and thus the yellow area marked on the plan should be reduced greatly in size to represent the area of the touring caravan only.

The second issue is that whilst some form of caravan may have been on the site – it is not considered that this caravan can be considered a 'residential caravan'. The supporting statement claims that the caravan as purchased in 1990 'provided a shower room, WC, bedroom and kitchen and was maintained for residential use in association with the keeping and breeding of livestock on the land'. It states that 'the caravan was used by my (Mr. Janes) wife and myself (Mr. Janes) and by other persons visiting the site as a place of shelter where food could be prepared and consumed and where washing facilities could be made available to vets and other persons visiting the site.' The supporting statement claims that the applicants would use the caravan for sleeping purposes whenever the need arose – such as times when the mares were foaling or when the ponies were sick. It is also claimed that the applicants sometimes stayed in the caravan when they worked late on the land during the summer rather than returning to their house in Yate.

Whilst it is not disputed and considered probable that Mr and Mrs Janes did stay overnight in the caravan on some occasions, it is considered that this was ancillary to the main use of the caravan as a shelter for food, storage, washing and rest whilst working on the site. It is not considered however that any information has been submitted to prove that any caravan on the site was used for residential purposes prior to March 2005. No precise, clear or unambiguous information has been submitted to identify the number of occasions in which the caravan was occupied overnight. The information submitted does not imply a residential use of the land – it implies that the caravan was slept in 'whenever the need arose'. It is not considered that the occasional sleeping in the caravan means there has been a material change in the use of the land from agricultural to residential. On balance, it is considered that insufficient evidence

has been submitted to prove that the caravan was in residential use prior to March 2005.

Mr Janes confirmed to the planning officer on the telephone that he has only been living on the site permanently since April 2005. This was confirmed in a letter from the agent dated 17th October 2006 (as part of the previous application on the site reference PK06/2388/CLE) which confirms that 'the caravan currently on the site has only been there since April 2005'. There is no dispute that the existing mobile home on the site is capable of residential accommodation and it is probable that Mr and Mrs Janes have been residing there since April 2005. This however, is an insufficient period to meet the ten-year test and thus the certificate of lawfulness of the use of the land for the stationing of a residential caravan cannot be granted.

The statutory declaration states that Mr. Janes and his wife formed a garden (hatched back on plan LWJ.1) between 1989 and 1993. A letter has also been received from a Mr. Lee stating that he helped Mr. Janes to lay his garden and plant shrubs in 1991 – 1993. Whilst some shrub planting and cultivation may have occurred on the site, no evidence has been submitted to identify why the area should be considered as a garden. Cultivation and planting is common place on agricultural land and no information or evidence has been submitted to identify why the land should be classed as an area of garden. The letter from Miss. Gregory states she has been able to sit and rest in the garden over the summers – especially during the last few years. No details or dates have been given to substantiate the 10 year claim.

It is the considered view therefore that on the balance of probability the applicants have not provided the evidence to support the claim that the application site has been used for the stationing of a residential caravan and use of land as a garden for a period in excess of ten years.

It is accepted that under section 193(4)(a) of the TCPA 1990, a certificate may be issued for part of the land specified in the application. The fact that the entire application site has not been used is not therefore necessarily fatal to the application because a certificate could be potentially issued for the smaller area occupied by the touring caravan only. However, in this instance the application is still going to be refused because the applicant has not proved that the caravans have been used for residential purposes for ten years, albeit they may have been present on the site for that period.

8. CONCLUSION

- 8.1 Officers conclude, that on the balance of probability and in the absence of any supporting information to the contrary, the activities seeking lawful use consent have not taken place for the last ten years.

9. RECOMMENDATION

- 9.1 A certificate of Existing Lawful Use be refused for the following reason:
On the balance of probability, the applicants have not provided the evidence to support the claim that the entire application site (marked yellow on plan LWJ.1) has been used for the stationing of a residential caravan and use of land (hatched black on plan LWJ.1) as a garden for a period in excess of ten years.

Background Papers PK07/2927/CLE

Contact Officer: Marie Bath
Tel. No. 01454 864769

INTRODUCTION

This application has been referred to the Council's Circulated Schedule procedure as the owner of the land is South Gloucestershire Council, and this is in line with the Council's procedures.

1. THE PROPOSAL

- 1.1 This planning application seeks full planning permission for the demolition of existing lock-up garages to facilitate the erection of 3no. dwellings and 6no. self contained flats with associated access, car parking and works.
- 1.2 The application site relates to 0.16 hectares of land, which is occupied by 17 lock up garages owned by South Gloucestershire Council. The site is located within the established residential area of Kingswood.

1(b) Information in support of application

This scheme is being carried out in partnership with the Council's Affordable Housing Team and Solon South West Housing Association to provide Affordable housing

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

2.2 Joint Replacement Structure Plan

2	Location of development
34	Reuse of previously developed land
35	Range of housing types
59	Transport issues – new development

2.3 South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	landscape Protection and Enhancement
H2	Residential Development
H6	Affordable Housing
T6	Cycle Parking Provision
T7	Parking Standards
T12	Development Control Transportation Policy
LC2	Provision of Education facilities
LC8	Open Space

2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD Adopted August 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history relates to the application site:

4. CONSULTATION RESPONSES

(a) Statutory Consultees

4.1 Town/Parish Council

The application site does not come under a Parish/Town Council

(b) Other Representations

4.2 Local Residents

2 letters have been received from local residents raising the following objections regarding the proposed development, which have been summarised as follows by the Planning Officer:

- Proposed flats are in fact 4 storey high
- Loss of light
- Loss of privacy
- Highway concerns regarding parking and congestion.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H2 of the South Gloucestershire Local Plan allows for residential development within the existing urban area. The application site is located within the established residential area of Kingswood and relates to land currently occupied by domestic garages and this is considered to be previously developed land. Therefore the principle of residential development is considered acceptable subject to the following being satisfied:

5.2 Design/Scale and Layout of Development

The application site and surrounding area is characterised as follows. The surrounding area is predominantly residential. Those properties immediately surrounding the site and along Grimbsury Road and Orchard Vale relate to two storey semi detached rendered finishing dwellings. On the other side of the road from the application site is a large scale modern 3 storey flat development with brick and render finish. Those properties along Hill Street leading of Grimbsury Road are predominantly stone faced two storey Victorian terraces.

5.3 The application site relates to a corner location plot currently occupied by 17 lock up garages. The site is also characterised by a large open frontage and is considered a prominent site. The proposed development would result in a density of 56 dwelling per hectare. It is considered that the submitted scheme has demonstrated that the site can be developed at this density as satisfactory levels of on site car parking, communal and private space can be satisfactorily accommodate on the site.

5.4 The scheme comprises of two parts; a terraced row of 3 no. two storey dwellings and a three storey high block of flats comprising of 6 flats. The proposed layout responds well to the corner location of the site. It has enclosed the off street car parking spaces behind the built form, which is considered an appropriate response to the site context. Bearing in mind the requirement to retain some of the existing parking spaces it is considered that the proposed layout represents good site planning.

5.5 It is considered that the introduction of a terraced row of two storey dwellings will be in keeping with character of the immediate surrounding area. It is also considered that given the expansive character of the street junction that the site can satisfactorily accommodate a three storey building without having an

overbearing impact on the visual amenities of the immediate street scene. The proposed materials have been chosen to respect sympathetically to the character of nearby dwellings in terms of roofing and facing materials. The original submitted plans had proposed the use of 4 different facing materials on the proposed flats i.e. brick, timber cladding, stone and render. An objection was raised by the Planning Officer on the grounds that this number of external finishes would appear overly fussy. The scheme has now omitted the use of brick and the elevations will predominantly have a timber and render finish at first and second floor level, it is considered that this will help soften the appearance of the housing. The scheme also proposes the introduction of stone on both buildings as this picks up on those properties sited along Hill Street. A condition will be imposed to ensure that all materials are of a high standard. The proposed flats has taken on a modern approach in its appearance, and it considered that this allows the development to have a more distinctive appearance rather than slavishly replicating the appearance of older buildings.

5.6 The scheme has also been designed to meet the following standards; the Housing Corporations; Scheme Development Standards, EcoHomes 'very Good', the Police initiative 'Secured by Design' and good housing Quality indicator scores encouraged by the Housing Corporation.

5.7 It is therefore considered the proposed residential development by reason of its density, layout, scale and appearance reflects and enhances the character and distinctiveness of both the site and the locality.

5.8 Residential Amenity of existing neighbouring Residents

The application site is bound by two storey residential properties on both sides i.e. northern and western boundary of the application site. The proposed three storey flats would be set back 21.0m from the side elevation of no.6. Orchard Vale and the proposed two storey houses in particular block C would be sited alongside the side elevation of no.1 Grimsbury Road. It is therefore considered that the proposed development by reason of its siting and scale would not have an adverse impact on those properties in terms of overbearing impact or loss of privacy.

5.9 The scheme proposes to access the site via the existing vehicular access of Orchard Vale. In addition those existing lock up garages sited along the western boundary of the application site which also forms the adjoining boundary with no. 6 Orchard Vale's rear private garden will be demolished and replaced with on site car parking spaces. At present those existing lock up garage act as a buffer to the neighbours garden. In order to militate against the impact of the proposed parking spaces on no. 6 the scheme, proposes the erection of a 1.80m high boundary wall.

5.10 A number of objections have been received from local residents sited on the other side of the road Orchard Vale on the grounds that the proposed development would be overbearing and result in a loss of privacy. It is considered that as the block of flats will be set back at distance of approximately 27.0m, despite being three storey high it is considered that a development of this scale in this location would not have an overbearing impact on adversely affect existing levels of privacy.

5.11 Residential Amenity of future occupiers

The proposed development by reason of its layout provides satisfactory levels of on site private and communal amenity space in terms of layout and amount.

It is also considered that satisfactory on site bin storage and cycle parking facilities have been provided in terms of accessibility and amount.

5.12 Transportation Issues

The proposed development will result in the loss of all 17 lock up garages but will also provide on site car parking for a number of the current licensees. In support of this application the Council's Housing Department has confirmed the following with regard the proposed loss of the garages.

5.13 The Affordable Housing team have been in consultation with the local members of Kings Chase and Woodstock Wards. Garage licensees have been contacted on numerous occasions to check their current garage usage and to offer alternative garage provision in addition to ongoing consultation of all residents for their views and comments on the scheme. Based on the findings of the consultation exercise it has been identified that only 6 parking spaces are required.

5.14 Those to be provided with on site car parking spaces have also confirmed that they would prefer car parking spaces as opposed to the existing garages. Members are advised to consider that from a Highway perspective the replacement of the existing garages with parking spaces is considered a highway improvement as the original garages do not comply with current standards in terms of size and the parking spaces are more likely to be used for the parking of vehicles. The Council's Highway Officer has advised that in light of the applicant's supporting statement with regards the offer of alternative garaging facilities no objection is raised on highway grounds.

5.15 Objections have been raised by local residents regarding existing levels of parking and congestion. Members are advised to consider that in addition to those car parking spaces that are being provided on site for the future occupiers of the development which is in line with the Council's parking standards plus the 6 identified spaces for existing garage users 4 additional spaces are also being provided. Therefore no objection is raised on highway grounds.

5.16 Landscaping Issues

It is considered that there are no landscaping constraints on this site that would prevent this site from being developed. Should planning permission be granted a condition will be imposed requiring the submission of a detailed landscaping scheme of all new proposed landscaping.

5.17 Drainage Issues

The Council's Drainage Engineer has advised that in principle no objection is raised with regards the drainage aspects of the proposed development, and has advised that where appropriate the Council will require the use of soakaways for roofs or permeable surfaces for private drives and parking areas to satisfy ground water replenishment and surface water pollution in compliance with Sustainable Drainage System requirements.

5.18 Financial Contributions:

Education

Education has confirmed that as there is a projected surplus capacity at both primary and secondary schools with the area, and therefore there is no requirement for an education contribution.

Community Services

As the proposed level of development falls outside the Community services Criteria for Section 106 requirements, no contributions are therefore required.

5.19 Design and Access Statement

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

5.20 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK07/2946/R3F**

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 development shall take place until 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.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, 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 D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. 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 EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

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

6. Prior to the commencement of development a plan shall be submitted to and agreed in writing by the Local Planning Authority which shall identify those 6 car parking spaces which are to be allocated and retained for existing users of the site.

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.

CIRCULATED SCHEDULE NO. 50/07 – 14 DECEMBER 2007

App No.: PK07/3006/F

Applicant: Sovereign Housing
AssociationSite: Former Woodstock School Site Courtney
Road Kingswood BRISTOL South
Gloucestershire BS15 9RL

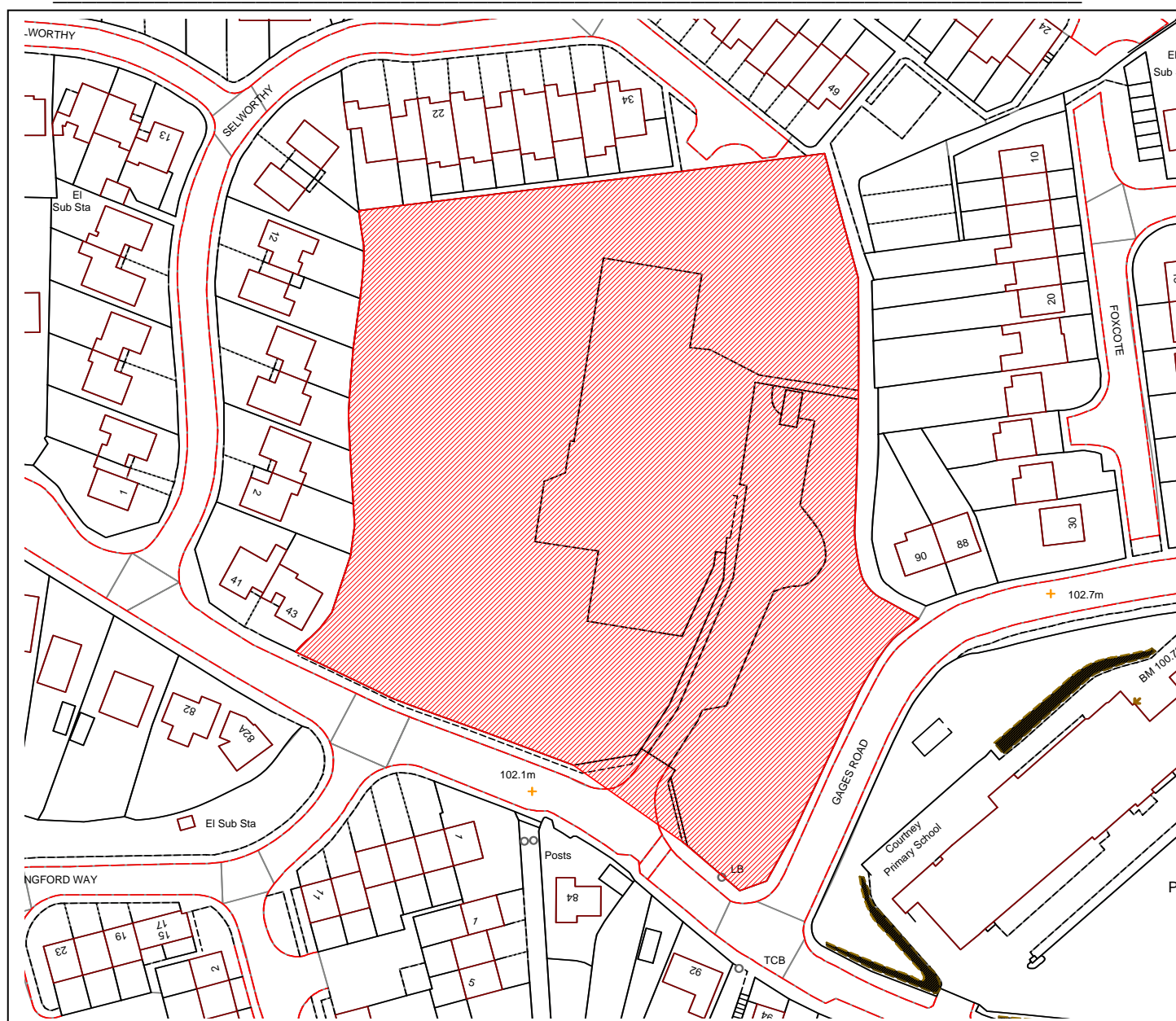
Date Reg: 8th October 2007

Proposal: Erection of 65no. residential units with
car parking, landscaping and associated
works. Construction of new vehicular
access from Courtney Road.

Parish:

Map Ref: 65424 73281

Ward: Woodstock



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N.T.S

PK07/3006/F

INTRODUCTION

This planning application has been referred to the Council's Circulated Schedule procedure as this is in line with the Council's procedure given this is a major planning application.

1. THE PROPOSAL

- 1.1 This planning application seeks full planning permission for the erection of 65 units with car parking, landscaping and associated works and construction of new vehicular access from Courtney Road.
- 1.2 Members attention is drawn to the fact that a Reserved Matters Application (PK07/3027/RM) relating to this site appeared on the previous schedule. Both current applications are practically identical with the exception of the level of affordable housing being provided. This full application proposes 33% affordable housing as opposed to the Reserved Matters application which proposed 65% affordable housing. It should also be noted that both applications are practically identical to an application that was refused on this site less than a year ago. Details of that application are discussed in more detail below.
- 1.3 The application site relates to a brownfield site occupying the former Woodstock School situated within the built up residential area of Kingswood.

1(b) Background Information relating to Application Site

Members may recall that a Reserved Matters Application (PK06/1868/RM) relating to this site was presented to the Development Control East meeting on the 21st December 2006 with recommendation for Reserved Matters Approval. A copy of that report is attached as an appendix. That application was subsequently overturned by Members and was refused for the following reasons:

1. *The proposed development and accompanying Design and Access Statement fail to satisfactorily incorporate the approved Concept Statement in the design and layout of the proposal. The proposal is therefore considered contrary to the provisions of PPS1 and Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.*
2. *By reason of the siting and layout of plots 1-6 (inclusive) which back onto Courtney Road, the proposed siting and layout of the proposal is considered poor. Moreover the proposed siting and layout is not informed by and does not enhance the character, distinctiveness and amenity of the site and the area. The proposal is therefore considered contrary to the provisions of PPS1, PPG3, PPS3 and Policy D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.*
3. *The level of on site public open space as required by the Section 106 Agreement associated with the Outline Consent PK04/0587/R30 has been achieved by including a number of smaller areas, some of which by reason of their layout and size fail to provide useable areas for the future occupiers of the development. This would be to the detriment of the residential amenity of the future occupants. The proposal is therefore considered contrary to the provisions of PPS1, PPG3, PPS3 and Policy*

4. *The proposed development by reason of its layout and proposed house types would have an overbearing impact on the future occupiers of plots 6,9 and 24, which would be to the detriment of their residential amenity and contrary to the provisions of PPS1, PPG3, PPS3 and Policy D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.*

1(c) Information Submitted in support of application.

-Sovereign Housing Group has over the past six months re-appraised the development strategy, and given the previous refusal is now submitting two separate submissions:

-A new full planning application for 65 units with the provision of 33% affordable housing (921 units made up of 16 for rent and five shared ownership) and the previous Section 106 obligations.

-Sovereign is an active partner of South Gloucestershire Housing partnership whose key property is to deliver successful affordable housing development within the Local Authority area. Sovereign's key objective is to secure planning approval for the site to enable the scheme to be developed and much needed housing to be provided. It is hoped that this approval can be delivered through the reserved matters application therefore providing an increased number of affordable homes.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

2.2 Joint Replacement Structure Plan

2	Location of development
34	Reuse of previously developed land
35	Range of housing types
59	Transport issues – new development

2.3 South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	landscape Protection and Enhancement
H1(A)	Proposed Sites for New Residential Development
H2	Residential Development
H6	Affordable Housing
T6	Cycle Parking Provision
T7	Parking Standards
T12	Development Control Transportation Policy
LC2	Provision of Education facilities
LC8	Open Space

2.4 Supplementary Planning Guidance

-Concept Statement for Former Woodstock School which has been approved by the Executive Member as an appropriate starting point for the design process.

-The South Gloucestershire Design Checklist SPD August 2007

3. RELEVANT PLANNING HISTORY

3.1 The following planning history relates to the application site:

3.2 PK03/0090/O Demolition of existing school building and redevelopment for residential use with new access on 1.26 hectares of land (outline)

Withdrawn to allow the concept plan process and consultation with local residents to be undertaken.

3.3 PK04/0587/R30 Erection of residential development with means of access to be determined (outline) all other matters reserved
Approved June 2006 with the following Section 106 Agreements:

(i) A contribution of £1,000 per dwellings towards traffic management measures and public transport facilities in the area.

(ii) A contribution of £93,267.32 towards maintenance of on site public open space and the provision of offsite enhancements and subsequent maintenance

(iii) A contribution of £2000 towards dog bin provision.

(iv) A contribution of £2,320 towards the improvements of Library facilities at Kingswood Library.

(v) The provision of 30% affordable housing

(vi) A contribution of £10,000 towards the provision of Public Art

3.4 PK06/1868/RM Erection of 65 units with siting, external appearance, Landscaping and associated works (Approval of Reserved matters to be read in conjunction with outline planning permission PK04/R30)

Refused December 2006. Refusal reasons discussed above.

4. CONSULTATION RESPONSES

(a) Statutory Consultees

4.1 Parish/Town Council

The application site does not fall within a Parish/Town Council

4.2 Environment Agency

The Agency has no objections to the proposed development.

4.3 Conservation & Design Advisory Panel

-The central spine road lacks appropriate enclosure by the buildings

-The central spine road is dominated by 'tarmac'

-There are a number of left over spaces throughout the site, which have the potential to become nuisance spaces

- The courtyards are not designed at human scale and are not enclosed by appropriate buildings. Rather the courtyards are designed to accommodate vehicular movement rather than pedestrian movement. The results are austere courtyards dominated by vehicular movement and car parks
- The proposal require an architectural language that ties the different types together and help create a distinctive place
- Home zone principles could be used to help design the courtyards at a human scale
- Overall the proposals do not represent an improvement of the approved concept statement.

(b) Other Representations

4.4 Local Residents

Two letters have been received from local residents raising the following objections regarding the proposed development, which have been summarised by the Planning Officer as follows;

- Drainage issues regarding current problems ie relating to existing sewerage pipes

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application site is located within the established residential area of Kingswood. The principle of residential development has already been established on this site through the granting of outline planning permission PK04/0587/R3O with means of access approved and all financial contributions agreed.

5.2 This application seeks full planning permission for the erection of 65 residential units with car parking, landscaping and associated works and construction of new vehicular access from Courtney Road.

5.3 As discussed under paragraph 1b of this report a previous Reserved Matters Application (PK06/1868/RM) relating to this site was refused by Member's at the Development Control (East) Committee meeting. That decision is now a strong material consideration in the determination of any future application on this site. Although this current application relates to a Full Planning Application, it is considered however that as the scheme is practically identical to that refused that the only issue for consideration as part of this current application is whether or not this full planning application overcomes those refusal reasons. It is also considered that is not necessary to re-visit or re-assess those planning issues where no objection was raised at the time of assessing PK06/1868/RM i.e. residential amenity, landscaping and transportation.

5.4 Reasons 01, 02 and 03

As part of this current application the agent has submitted a written justification in the form of a letter, a Design & Access Statement and an assessment of the application in relation to the South Gloucestershire Design Checklist (SPD) demonstrating how the scheme addresses those refusal reasons raised. However as no revised plans have been submitted with regards refusal reasons 01, 02 and 03 it is considered that those refusal reasons have not been addressed and therefore still stand.

5.5 It is also considered that there are no other material changes in circumstances since the previous refusal that would override the original decision made by members at the Development Control East Committee.

5.6 Reason 04

The proposed development by reason of its layout and proposed house types would have an overbearing impact on the future occupiers of plots 6,9 and 24, which would be to the detriment of their residential amenity and contrary to the provisions of PPS1, PPG3, PPS3 and Policy D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.7 The following revisions have been made to the layout as part of this new full planning application in order to overcome the above planning refusal reason:

-The terrace of units (plots 1-6) has been moved back by 0.50 metres to increase the distance between plot 6 and plot 7. The distance between the two plots is now 10 metres. It should be also be recognised that plot 7 is a 1 bed FOG which is only one and a half storeys in height which also improves the relationship between dwellings as well as increasing the oblique separation from the main habitable room window.

-Plot 9 has been amended to remove the front door access on the east elevation which was too close to plot 10. A new front door has been inserted in the northern elevation giving direct aspect into the street. Secondary windows have been added to the gable elevation to provided surveillance of the pedestrian pathway between plots 9 and 10.

5.8 Members are advised to consider that no revisions have been made with regards plot 24. The agent has advised the following.

“With regard to Plot 24, there is a 5 metres separation between the front elevation and the flank elevation of plot 25. However this is not unacceptable within a tight urban form and there is no harm created for the following reasons:

-There is only a front door within the elevation with an open angles aspect into the courtyard

-All the main habitable room windows are set to the north and east elevations with over 21 metres open aspect.

It is not considered therefore on balance that any further changes are needed to be made on those plots”

5.9 The Planning Officer is of the opinion that whilst the revised changes address the previous planning objections raised relating to Plots 6 & 9 that in absence of revised plans relating to plot 24 that the refusal reason as recommended by Members still stands.

5.10 It is also considered that there are no other material changes in circumstances since the previous refusal that would override the original decision made by members at the Development Control East Committee.

5.11 Other issues to be re-addressed:

Ecology

At the time of assessing the previous planning application it was found that there were no ecological constraints to developing this site. It is considered that

as over 12 months has lapsed since the previous ecological survey May 2006) that the site is re-surveyed for signs of use by badgers prior to work commencing and a report be submitted to the Council for comment. It is therefore considered that in the absence of an up to date Ecological Survey report that a planning objection is raised on the grounds that the Council is unable to fully assess the impact of the proposed development. Members are advised to consider that this objection was not raised with regards the recent Reserved matters application, as there is a condition attached to the outline planning permission requiring the submission of an Ecological Survey.

5.12 Drainage

Since the granting of the outline planning permission on this site there has been a change in regulation with regards flood risks assessments and due to these changes the application is required to submit a Flood Risk Assessment as the site is identified in Zone 1. The Environment Agency has confirmed that they have no objections to the proposed development.

5.13 Financial Contributions

As part of this full planning application the agent has confirmed that this application proposes to comply with the Section 106 contributions as agreed as part of the outline planning permission relating to this site and that the only difference being is that it will not deliver 65 % affordable housing but rather 33%. No objection is raised by the Council with regards the lower level of affordable housing as this is in line with the Council's Local Plan Policy.

5.14 Since the granting of the outline planning permission there has been a material change in circumstances. Historically Community Services only requested dog bins as they were linked to use of the public open spaces, but with increasing problems with litter, they now ask for a contribution to both dog and litter bins.

5.15 In the absence of financial contributions towards highways, public open space, dog bin provision, litter bins, library facilities, affordable housing and public art a planning objection is raised.

5.16 Affordable Housing

As discussed above no objection is raised with regards the levels of affordable housing that is being provided as it complies with the Council's Standards. Although there is some concern regarding the layout of the affordable housing in terms of how it has not been widely pepper potted throughout the site, it is considered that as this is a relatively small site that this would not be overly apparent. The proposed housing mix and tenure split are both considered acceptable.

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 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 refused for the following reasons.

Background Papers **PK07/3006/F**

Contact Officer: Tracey Price
Tel. No. 01454 863424

REFUSAL REASONS

1. The proposed development and accompanying Design and Access Statement fail to satisfactorily incorporate the approved Concept Statement in the design and layout of the proposal. The proposal is therefore considered contrary to the provisions of PPS1 and Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
2. By reason of the siting and layout of plots 1-6 (inclusive) which back onto Courtney Road, the proposed siting and layout of the proposal is considered poor. Moreover the proposed siting and layout is not informed by and does not enhance the character, distinctiveness and amenity of the site and the area. The proposal is therefore considered contrary to the provisions of PPS1, PPS3 and Policy D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.
3. The level of on site public open space as required by the Section 106 Agreement associated with the Outline Consent PK04/0587/R3O has been achieved by including a number of smaller areas, some of which by reason of their layout and size fail to provide useable areas for the future occupiers of the development. This would be to the detriment of the residential amenity of the future occupants. The proposal is therefore considered contrary to the provisions of PPS1, PPS3 and Policy D1, LC8 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006
4. The proposed development by reason of its layout and proposed house types would have an overbearing impact on the future occupiers of plot 24, which would be to the detriment of their residential amenity and contrary to the provisions of PPS1, PPS3 and Policy D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.
5. In the absence of an up to date Ecological Survey of the site the proposal fails to demonstrate that the proposal will not have any adverse effect on protected species. The proposal is therefore considered contrary to Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006
6. In the absence of a Section 106 Agreement or Unilateral Undertaking to secure contributions towards providing suitably enhanced public open space in the vicinity to meet the needs of the future occupants the proposal would be contrary to Policy LC8 of the adopted South Gloucestershire Local Plan.
7. In the absence of a Section 106 Agreement or Unilateral Undertaking to secure contributions towards mitigating against the increase in traffic generated by the proposal and to encourage other means of transport other than the private car the proposal would be contrary to Policy T12 of the adopted South Gloucestershire Local Plan.
8. In the absence of a Section 106 Agreement or Unilateral Undertaking to secure contributions towards providing suitably enhanced Library facilities in the vicinity to meet

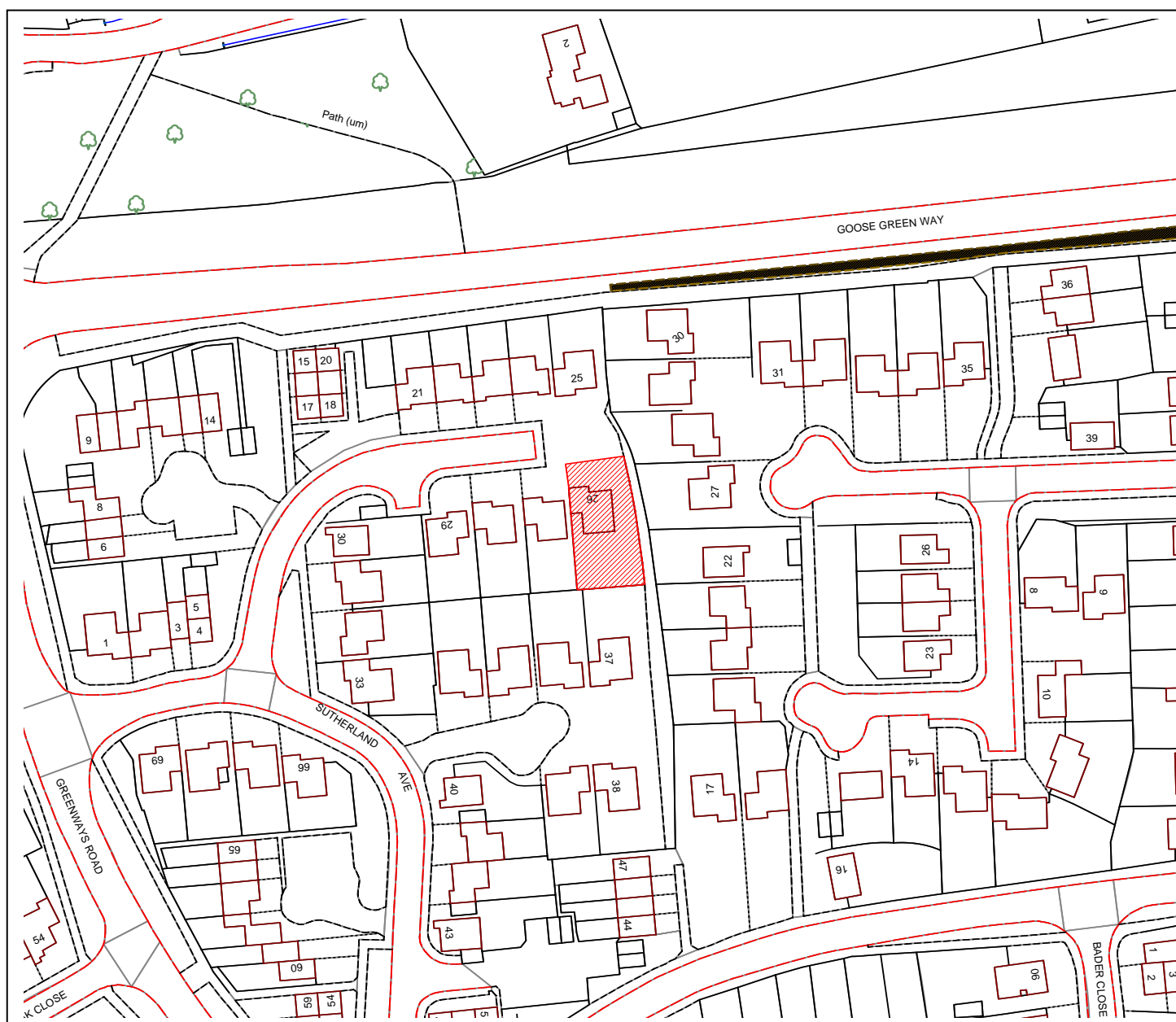
the needs of the future occupiers proposal would be contrary to Policy H2 of the adopted South Gloucestershire Local Plan.

9. In the absence of a Section 106 Agreement or Unilateral Undertaking to secure contributions towards the provision of Public Art in order to enhance the quality of the development the proposal would be contrary to Policy LC13 of the adopted South Gloucestershire Local Plan.
10. In the absence of a Section 106 Agreement or Unilateral Undertaking to secure the provision of affordable housing the proposal would be contrary to Policy H6 of the adopted South Gloucestershire Local Plan.

CIRCULATED SCHEDULE NO. 50/07 – 14 DECEMBER 2007

App No.: PK07/3035/F
Site: 26 Sutherland Avenue Yate BRISTOL
 South Gloucestershire BS37 5UE
Proposal: Erection of two storey side extension to
 form integral garage and additional living
 accommodation.
Map Ref: 70690 83609

Applicant: Mr & Mrs K Ellis
Date Reg: 11th October 2007
Parish: Yate Town Council
Ward: Yate North



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N.T.S

PK07/3035/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This planning application seeks planning permission for the erection of a two storey side extension to form integral garage and additional living accommodation.
- 1.2 The application site relates to a two storey detached semi detached dwelling sited within the residential area of Yate.

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 PK01/1525/F Erection of two storey side extension to form integral
Garage and living accommodation.
Approved July 2001

4. CONSULTATION RESPONSES

4.1 Yate Town Council
No response received

Other Representations

- 4.2 Local Residents
2 letters have been received from local residents raising the following objections regarding the proposed development which have been summarised as follows:
- Large extension
 - Overbearing
 - Proposed side door intrusion on privacy
 - Loss of light

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for extensions to existing dwellings subject there may be no adverse impact on existing visual and residential amenities.

5.2 Visual Amenity

The application site relates to a two storey detached modern dwelling with single storey side extension. This application proposes to erect a two storey side extension on the eastern elevation of the dwelling. Members are advised to consider that planning permission (Pk01/1525/F) was granted for a two storey side extension with integral garage in the same location. Although that permission has now lapsed it is however a material consideration in the determination of this application.

5.3 The previous application proposed a flush two storey side extension measuring 5.20m. This current application has improved on the previous scheme by reducing the width of the extension to that of 4.3m and by setting back the proposed extension from the existing front building line and by lowering the ridge height in order to create a subservient extension.

5.4 The proposed two storey side extension is considered to be of a design and scale in keeping with the character of the existing dwelling and the immediate surrounding area.

5.5 Residential Amenity

The proposed two storey side extension would be sited along the adjoining boundary with no.27 which also forms the rear boundary of no.27's garden. There would be a separation distance of 11.70m between the rear elevation of no. 27 and the side elevation of the proposed two storey side extension. An objection has been raised by the resident of no. 27 that an extension of this scale in this location would have an overbearing impact. As discussed above regard must be had for the fact that a two storey extension measuring 5.20m in width had already been approved in this location. Given that the extension will now be pulled back from the adjoining boundary by a further 0.90m, it is considered that this extension would have less of an impact than the previously approved scheme. It also considered that an extension of this scale in this location would not have such an overbearing impact on the existing amenities of no.27 or other nearby properties so as to warrant refusal of the application.

5.6 An objection has also been raised with regards the proposed side door on the side elevation and how it will impact on existing levels of privacy. As this door is to provide access to the proposed garage, it is considered that it would not have an adverse impact on existing levels of privacy.

5.7 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 & Compulsory Purchase Act 2004 Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

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

7. RECOMMENDATION

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

Background Papers PK06//2688/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 eastern (side) elevation of the property.

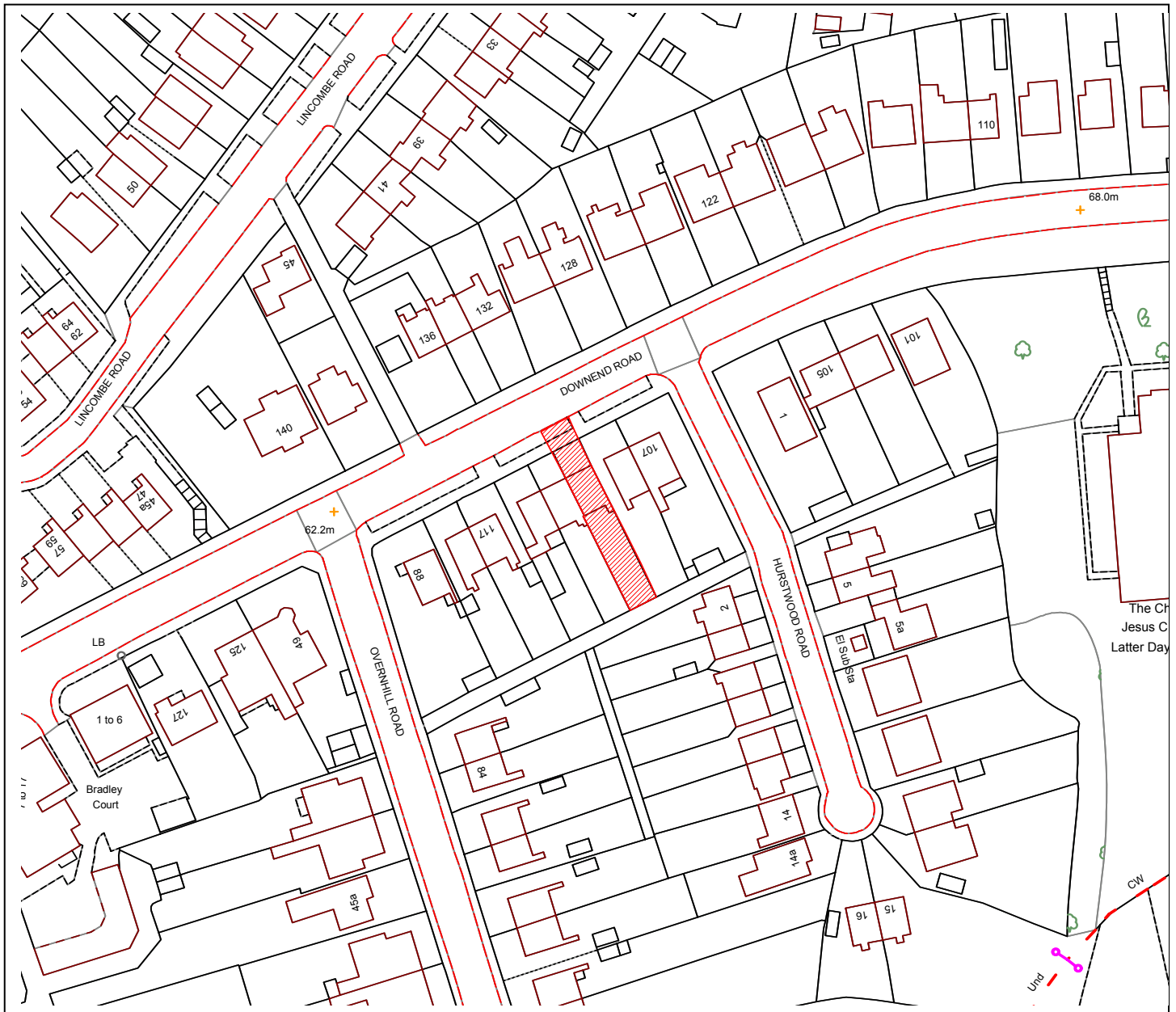
Reason:

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

CIRCULATED SCHEDULE NO. 50/07 – 14 DECEMBER 2007

App No.: PK07/3135/F
Site: 111 Downend Road Downend BRISTOL
 South Gloucestershire BS16 5EF
Proposal: Creation of new vehicular access.
Map Ref: 64529 76443

Applicant: Mrs C Bell
Date Reg: 23rd October 2007
Parish: Downend and Bromley Heath
Ward: Downend



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N.T.S

PK07/3135/F

INTRODUCTION

This application appears on the circulated schedule following receipt of one letter of support which is contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the creation of a new vehicular access onto Downend Road – a Class 1 highway. No turning facility has been proposed within the site boundary.
- 1.2 This application is a resubmission, minus any extensions to the dwelling, following a withdrawal in PK07/1386/F which was withdrawn following officers concerns over the visual harm of a proposed side dormer window and highway safety concerns about the creation of a new access without turning facilities onto a classified highway.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006
T8 Car Parking Standards
T12 Transportation Development Control Policy for New Development

3. RELEVANT PLANNING HISTORY

- 3.1 PK05/3420/F Construction of vehicular access.
Refusal: 10th January 2006
- 3.2 PK07/1386/F Erection of dormer to side extension to facilitate loft conversion. Erection of single storey rear extension with conservatory to provide additional living accommodation. Creation of front vehicular access.
Withdrawn: 12th July 2007

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
No objection as it would improve road safety near the bus stop.

Other Representations

- 4.2 Local Residents
One letter has been received during the consultation period associated with this planning application. The comments can be summarised as follows:
 - creation of off-road parking would improve highway safety

5. ANALYSIS OF PROPOSAL

- 5.1 Planning permission is sought for the creation of a new vehicular access onto Downend Road – a Class 1 highway.
- 5.2 Principle of Development
Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development would not have a detrimental impact upon highway safety and amenity in the locality. Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006 provides maximum parking standards.
- 5.3 The Council's Transportation Development Control Officer has met the applicant on site and concluded the following: the current submission again seeks to create a new vehicular access onto Downend Road, a principle classified highway. No turning facility has again been proposed within the site boundary. As mentioned in the previous transportation comments, off-street turning facilities are required for vehicular accesses onto Class 1 highways. Without adequate turning facilities, vehicles are likely to reverse onto or off the public highway. In light of the above, this proposal is recommended for refusal for the following reason:-
- 5.4 This development proposes a new vehicular access onto a principle classified road with no turning facilities. This proposal would lead to additional vehicles manoeuvring on the public highway thereby interrupting the safe and free flow of traffic on Downend Road. This is detrimental to highway safety and contrary to Policy T12 of the SGLP.

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 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 **REFUSED** for the following reasons:

Background Papers **PK07/3135/F**

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

REFUSAL REASONS

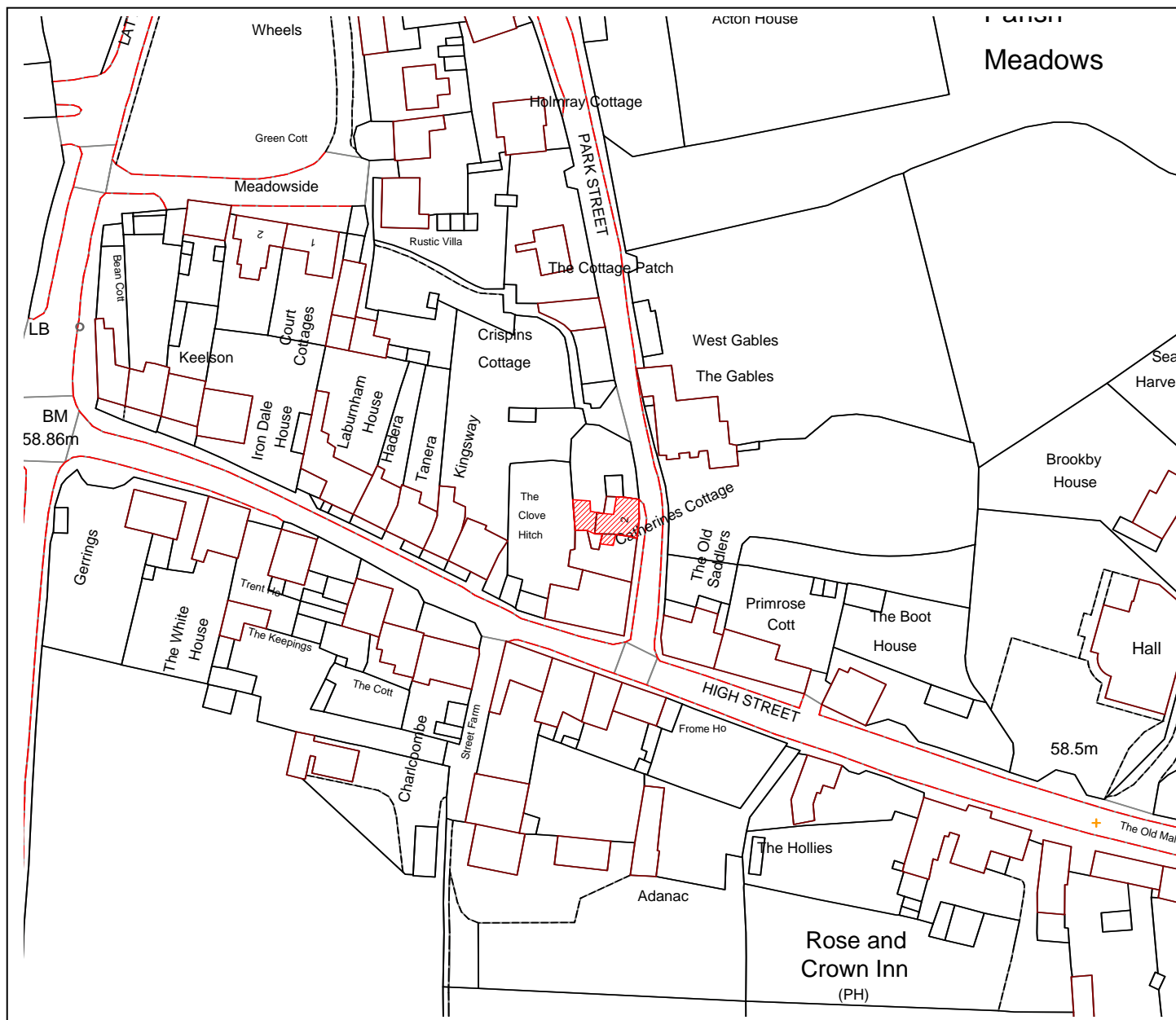
This development proposes a new vehicular access onto a principle classified road with no turning facilities. This proposal would lead to additional vehicles manoeuvring on the public

highway thereby interrupting the safe and free flow of traffic on Downend Road. This is detrimental to highway safety and contrary to Policy T12 of the SGLP.

CIRCULATED SCHEDULE NO. 50/07 – 14 DECEMBER 2007

App No.: PK07/3137/F
Site: Puddle Cottage 2 Park Street Iron Acton
 BRISTOL South Gloucestershire BS37
 9UJ
Proposal: Partial demolition of existing rear
 extension and erection of replacement
 single storey rear extension to form
 additional living accommodation.
Map Ref: 67784 83608

Applicant: Mr P Bennett
Date Reg: 23rd October 2007
Parish: Iron Acton Parish
 Council
Ward: Frampton Cotterell



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N.T.S

PK07/3137/F

INTRODUCTION

This application appears on the Circulated Schedule as a result of consultation responses received contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application seeks permission for the partial demolition of the existing rear extension and a replacement single storey rear extension to form additional living accommodation
- 1.2 The property itself is a mid-terrace cottage dwelling located within Iron Acton Conservation Area.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 – Delivering Sustainable Development
PPG15 – Planning and the Historic Environment
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1 – Achieving Good Quality Design in New Development
H4 – Development Within Existing Residential Curtilages
L12 – Conservation Areas
- 2.3 Supplementary Planning Guidance
South Gloucestershire Advice Note 2 – House Extensions

3. RELEVANT PLANNING HISTORY

- 3.1 P95/1315 – Erection of two storey side extension to provide living room with bedroom and bathroom above. Approved 23 June 1995.
- 3.2 P95/1316/C – Minor demolition work to facilitate erection of two storey extension. Demolition of boundary wall to facilitate hardstanding. Approved 23 June 1995.

4. CONSULTATION RESPONSES

- 4.1 Iron Acton Parish Council
The Parish have objected to the proposals on the grounds that it is felt that the development would be an invasion of privacy for neighbours and would represent an overdevelopment at this location and not be in keeping with the character of the existing buildings.
- 4.2 Other Consultees
No comments received

Other Representations

- 4.4 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposal for the development of a small single storey rear extension at this location is considered acceptable in principle and in accordance with the relevant policies of the Development Plan, as referred to in the Policy section above, this however also needs to be assessed in context with the sites Conservation Area location.

5.2 Residential Amenity

The proposal would essentially replace an existing rear part of the dwelling with a similar single storey extension that essentially covers the same footprint as the existing. The extension would therefore be of an acceptable scale for this location with no impact than at present. The main alteration from the existing set-up is the alteration to the roof slope and the insertion of high level windows and velux style roof windows. It is not considered that these elements would contribute to any significant increase in overlooking or loss of privacy. Windows to the rear of the proposed new kitchen area would look directly into the enclosed courtyard garden associated with the property. There is not considered to be any overbearing impact or issues of overlooking associated with any other neighbouring properties.

5.3 Design

There were initial concerns over the design of the proposal taking into account design principles of the sites Conservation Area status. This chiefly concerned the slope of the proposed roof and the roof tiles used in its construction. Amended details have been received to address these issues and as such, subject to inclusion of appropriate conditions there are no objections to the proposal on Conservation Area grounds. The design, scale and materials to be used are considered to be an acceptable form of development at this location and would be in keeping with the existing property. The proposed materials used would be matching those of the original dwelling.

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.

5.5 Design and Access Statement

A design and access statement has been submitted with the application and is considered acceptable.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That planning permission is granted.

Background Papers PK07/3137/F

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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

Reason:

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

2. Prior to the commencement of the development hereby approved, detailed drawings of the following items shall be submitted for the written approval of the Local Planning Authority. The design details shall be accompanied by elevations and and section drawings to a minimum scale of 1:5.
 - (i) New Windows (including cill and head details)
 - (ii) New Doors
 - (iii) Eaves
 - (iv) Rooflights

The scheme shall thereafter be implemented strictly in accordance with the approved details.

Reason:

To ensure that the development is of an appropriate quality and serves to preserve the character and appearance of the conservation area, in accordance with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the commencement of the development hereby approved a representative sample of roofing tile shall be submitted for the written approval of the Local Planning Authority and thereafter used in the construction of the development.

Reason:

To ensure that the development is of an appropriate quality and serves to preserve the character and appearance of the conservation area, in accordance with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. 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 that the development is of an appropriate quality and serves to preserve the character and appearance of the conservation area, in accordance with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 50/07 – 14 DECEMBER 2007

App No.: PK07/3146/LB

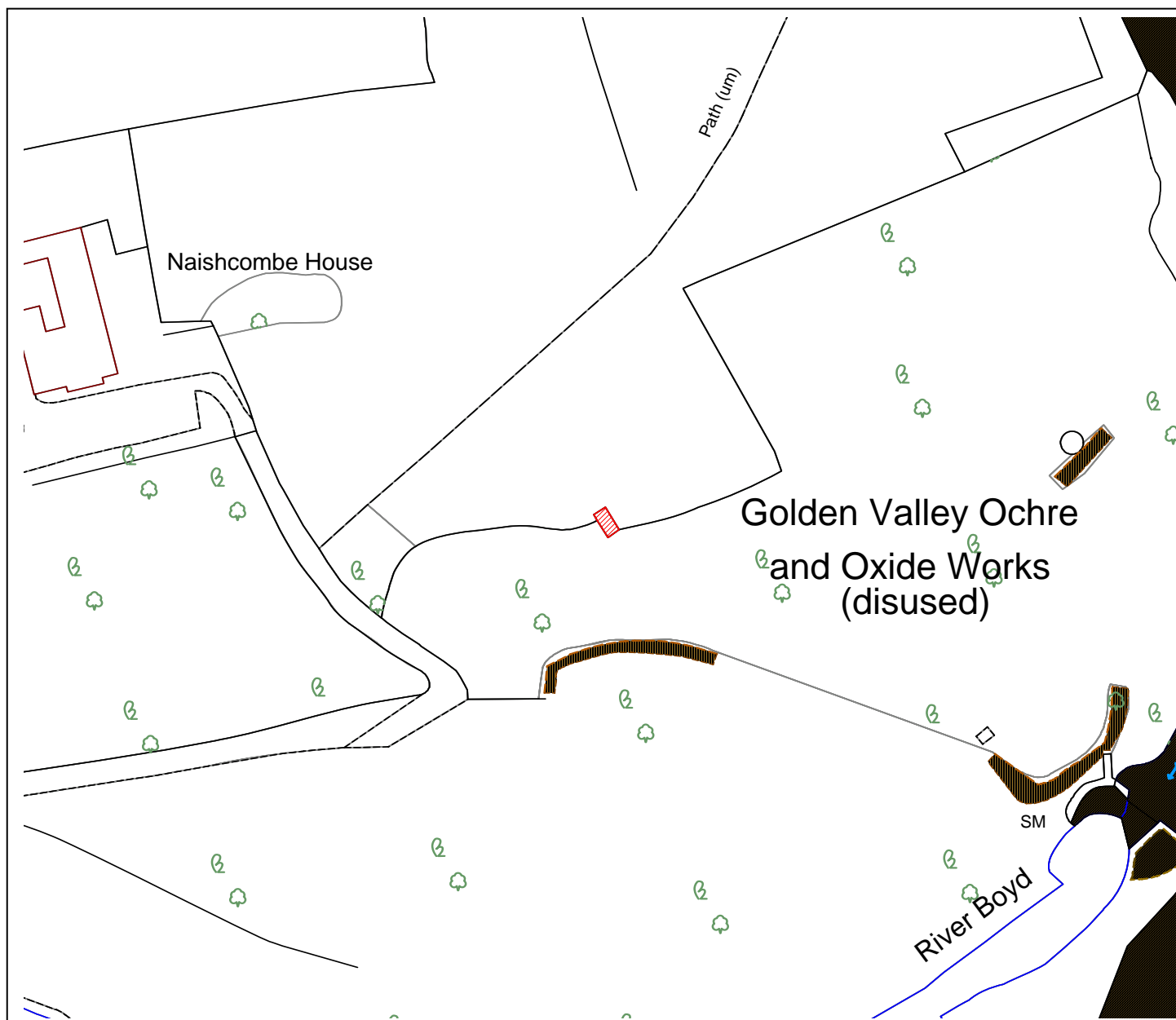
Applicant: Mr S Bardsley South
Gloucestershire
Council P&ESite: The Winding House Naishcombe House
Golden Valley Wick BRISTOL South
Gloucestershire BS30 5RE

Date Reg: 23rd October 2007

Proposal: Erection of new corrugated tin roof,
repointing and timber repairs.Parish: Wick and Abson
Parish Council

Map Ref: 70702 73223

Ward: Boyd Valley



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N.T.S

PK07/3146/LB

INTRODUCTION

This application appears on the circulated schedule because South Gloucestershire Council is the applicant.

1. THE PROPOSAL

- 1.1 The application seeks Listed Building consent for the erection of a new corrugated tin roof, repointing of the walls and timber repairs.
- 1.2 The building is located in the open countryside at the top of a steep wooded escarpment approximately 0.5km to the east of Wick. It was the original winding house for an historic ochre works on the site. The building is single storey, rubble stone with pitched roof and gable ends. It is believed to have been constructed around 1895. It is quite possible that the original roofing material was corrugated iron, as this was used on industrial buildings from the mid-nineteenth century. The side elevation walls are battered, and the north east wall serves as a retaining wall to the raised ground on this side. Internally the original winding drum, with brake, remains intact.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG15 Planning and the Historic Environment
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design
L13 Listed Buildings

3. RELEVANT PLANNING HISTORY

- 3.1 None.

4. CONSULTATION RESPONSES

- 4.1 Wick and Abson Parish Council
No objection.

Other Representations

- 4.2 Local Residents
No objection.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
PPG 15 states that when considering whether to grant listed building consent for development which affects a listed building or its setting, special regard should be had to the desirability of preserving the building, or its setting, or any features of architectural or historic interest which it possesses.
- 5.2 Policy L13 (Listed Buildings) of the South Gloucestershire Local Plan (Adopted) January 2006 indicates that proposals that affect Listed Buildings will only be allowed where the building and its setting is preserved; features of historical or

historic interest are to be retained; and the character, historic form and integrity of the building is retained.

- 5.3 The Council's Listed Building Officer has met the applicant on site and concluded the following:
- 5.4 The restoration of this building is to be congratulated. The specification of repair and renovation works submitted with the application outlines that the building will be sensitively restored and made sufficiently wind and weather tight so as to prevent further decay. The specification allows for conditions to be attached to any approval which would allow for monitoring of the method of repair and the materials to be used.
- 5.5 The stonework is in a fairly sound state or repair; however, there will need to be localised areas of repair and re-pointing. The roof is formed by two timber trusses forming each gable end, with purlins and wall plate spanning between. The truss at the north west gable end has suffered from water damage, however the south west end truss appears to be in a sound condition. There are small areas of timber which will need to be replaced (new timber spliced in), however much can be retained. Any repair works to the drum itself will need to be assessed via a schedule of repairs.
- 5.6 The proposed restoration of this building is welcomed, and, subject to the detailed schedule of repairs and materials, which can be controlled by conditions, will serve to preserve and enhance its special historic interest. Subject to a number of conditions to secure a written specification and schedule of works and prior commencement conditions, there is no objection to the proposal.

6. **CONCLUSION**

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

7. **RECOMMENDATION**

- 7.1 Listed Building consent be **GRANTED** subject to the following conditions:

Background Papers **PK07/3146/LB**

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

CONDITIONS

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

Reason:

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

2. Prior to commencement of development a comprehensive written specification for the repairs to the building, including the timber roof structure and stone walls, shall be submitted and approved in writing by the local planning authority Heritage section. The specification shall include details of the extent of proposed replacement of historic fabric. Development shall be carried out in accordance with the agreed specification.

Reason:

To safeguard the special architectural and historic character of the building, and to accord with Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to commencement of development samples of the proposed galvanised roof sheeting, ridge capping and fixings, and timber gable cladding shall be agreed in writing with the Local planning authority Heritage Section. Development shall be carried out in accordance with the agreed samples.

Reason:

To safeguard the special architectural and historic character of the building, and to accord with Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to commencement of development a representative sample of new stone for use in the repair of the walls of the building shall be submitted and approved in writing by the local planning authority Heritage section. Development shall be carried out strictly in accordance with the agreed samples

Reason:

To safeguard the special architectural and historic character of the building, and to accord with Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. A sample panel of re-pointing of one metre square, showing the colour and texture of mortar and the method of jointing, will be executed and approved in writing by the local planning authority Heritage section. Development shall be carried out in accordance with the agreed sample panel.

Reason:

To safeguard the special architectural and historic character of the building, and to accord with Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Prior to commencement of development full design details, including materials, finishes, and furniture and fittings, of the proposed new doors shall be submitted and agreed in writing by the local planning authority Heritage Section. Development shall be carried out in accordance with the agreed samples.

Reason:

To safeguard the special architectural and historic character of the building, and to accord with Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 50/07 – 14 DECEMBER 2007

App No.: PK07/3262/F
Site: 21 St. James Street Mangotsfield
 BRISTOL South Gloucestershire BS16
 9HD

Applicant: Mr A Pike
Date Reg: 2nd November 2007

Proposal: Erection of 3 no. garages with 2 no. studio flats above and associated re-surfacing of access lane. (Resubmission of PK07/0812/F).

Parish:

Map Ref: 66358 76233

Ward: Rodway



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N.T.S

PK07/3262/F

The application appears on the circulated schedule as representations have been received contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for erection of 3 no. garages with 2 no. studio flats above and associated re-surfacing of access lane. (Resubmission of PK07/0812/F).
- 1.2 The site consists of a row of flat roofed garages at the rear of a recently converted Victorian end of terrace property, with a rear access lane adjacent, within the urban area of Mangotsfield, close to Mangotsfield village, which is classed as a local centre in the Local Plan. To the rear of the site lies an area of open space, used as a playground.
- 1.3 The proposal seeks to rebuild the garages with two studio flats above, with a pitched roof with rooflights at the front and two dormer windows to the rear. The height of the proposed scheme is 6.3m, compared to 2.6m for the existing garages. Cycle storage and bin stores are proposed internally on the ground floor, accessed to the rear. The access lane has been included within the site area, and the applicant has served notice on all users of the lane.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development
PPS3 Housing

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design
T7 Cycle Parking
T8 Parking Standards
T12 Transportation Development Control Policy
H2 Proposals for Residential Development within the Existing Urban Area
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

3. RELEVANT PLANNING HISTORY

- 3.1 PK04/1466/F Change of use from shop units and bedsits to form 5 no. dwelling units with car parking, access and associated works. Approved with conditions 2004
- 3.2 PK07/0812/F Demolition of existing garages to facilitate the erection of 3 no. garages with 2 no. studio flats above. Withdrawn following officer's advice.
- 3.3 PK07/2306/F Erection of single storey rear extension to form additional living accommodation. Approved with conditions Sept 2007

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
No response

Other Representations

- 4.2 Local Residents

Three objections have been received to the proposal, objecting as follows:

- Concerns regarding parking for existing residents
- Concerns regarding access to rear lane whilst works being carried out
- Loss of sunlight to gardens
- Loss of privacy to garden
- Creating higher density of people in area
- Extra cars using the lane, this is the only access to the rear of properties on the whole rank
- Where are residents going to park?
- Tarmacing of access lane is just to make proposal appealing to the new tenants
- Lane only suitable for single traffic

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development

Policy H2 allows for residential development within the existing urban area, subject to certain criteria, including whether the maximum density compatible with the site, its location, its accessibility and its surroundings is achieved. This has been somewhat superseded by PPS3 Housing, which lessens the emphasis on pure density requirements, but states that a key objective is that development makes effective use of land by re-using land that has been previously developed.

- 5.2 The proposed development is high density, considering the implemented conversion to 5 flats, however, the site is considered to be a sustainable one, close to the local centre of Mangotsfield and close to shops, facilities and public transport routes. As such, it is considered that the proposed density is appropriate for this sustainable location, and the principle of development is acceptable.

- 5.3 Visual Amenity

The proposed scheme involves demolishing the existing garages and building 3 garages with two studio flats above on the same footprint.

- 5.4 The majority of the properties along this section of St James's Street have rear garages, so this is not an usual relationship in the local context. Some of the rear outbuildings are fairly substantial, and in this context, the increase in height of the building, overall massing and the installation of a pitched roof would not look out of character with the streetscape here. Within the local area there is such a range and diversity of styles and materials, that the design of the proposal is considered appropriate. There is therefore no objection to the scheme on visual amenity grounds.

- 5.5 Residential Amenity

The rooflights at the front of the proposed studio flats would be approx. 24m from the rear of the flats at no. 21. The external amenity space for the flats would be separated from the development by a parking area and would not be unduly overlooked. The dormers to the rear of the proposal would overlook the playground over the rear access lane.

5.6 Concerns have been raised by local residents relating to overlooking of adjacent gardens, however, given that only rooflights are proposed on the front elevation, it is highly unlikely that any direct overlooking would occur.

5.7 The proposal includes bin and cycle storage, accessed from the rear lane, but no external amenity space. However, given that the proposal is for studio flats, they will not be occupied by families and therefore lack of private external amenity space is considered acceptable.

5.8 Transportation

The Highway Officer has stated that the proposed resurfacing of the lane would be an improvement for the safety for pedestrians and other users of the lane. The rear courtyard would also be surfaced and would be maintained as a parking and turning space. Both these elements could be conditioned. With regard to the access lane, whilst the applicant does not own the lane, he has undertaken a land registry search, which has shown no-one owns the lane, and served notice on all those that use the lane for access. Given this, it is considered that there is a reasonable expectation that it can be carried out, and therefore the imposition of a condition requiring these works to be undertaken is considered valid in this case.

5.9 The Highway Officer has raised concerns regarding the width of the proposed garages, which fall below 3m in width. Whilst it is laudable that all garages are built to 3m in width, there is no policy basis on which to refuse the application on these grounds, and all three garages could adequately hold a small car. Separate space has been allocated on site for cycle storage in any case. As such, it is not considered that the application could be refused on this basis. Any alteration to the garage itself, such as a change to domestic living space, would require a further application for planning permission anyway, since flats do not have the benefit of permitted development rights. On balance, therefore, the proposals are considered acceptable in highway terms, subject to the imposition of certain conditions.

5.10 Design and Access Statement

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

5.11 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 That planning permission be GRANTED subject to the following conditions:

Background Papers PK07/3262/F

Contact Officer: Sarah Tucker
Tel. No. 01454 863780

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 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.

3. Prior to the occupation of any dwelling the turning area shown on the plan shall be maintained at all times for the turning of vehicles only and maintained thereafter as such.

Reason:

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

4. Prior to the occupation of any dwelling the turning area shown on the plan shall be surfaced with suitable bound surfaced material and maintained satisfactorily thereafter.

Reason:

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

5. Prior to the commencement of development, the access lane shall be surfaced with suitable bound surfaced material and maintained thereafter as such.

Reason:

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

6. There shall be no gate or fence of any kind between the lane and the parking courtyard on site at any time.

Reason:

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

CIRCULATED SCHEDULE NO. 50/07 – 14 DECEMBER 2007

App No.: PK07/3276/FDI

Applicant: David Wilson
Homes

Site: Diversion of a Public right of way
Lintham Drive Kingswood BRISTOL
South Gloucestershire BS15 9GB

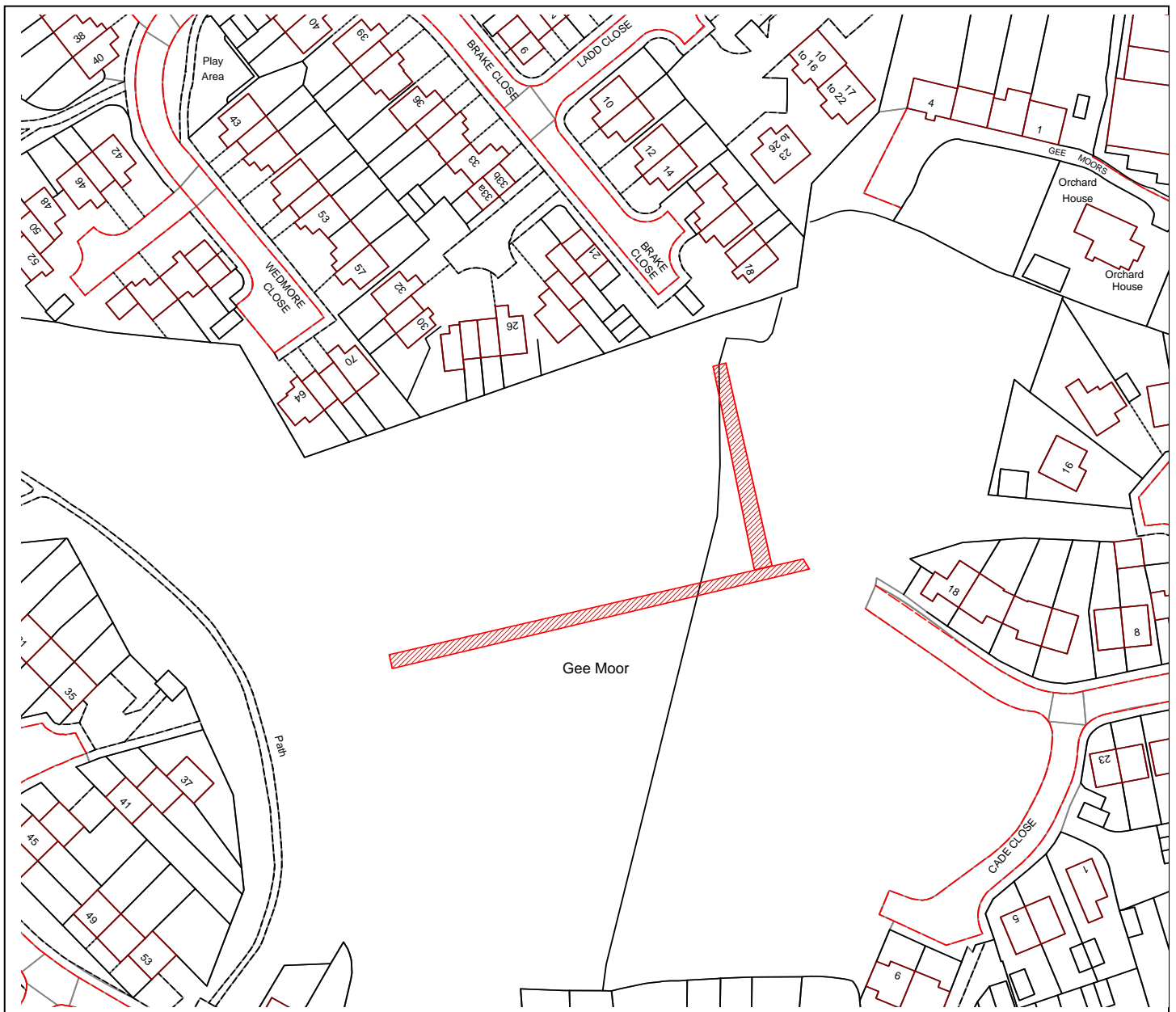
Date Reg: 5th November 2007

Proposal: Diversion of public footpaths at Lintham
Drive.

Parish:

Map Ref: 65612 72943

Ward: Woodstock



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100023410, 2007.

N.T.S

PK07/3276/FDI

The scheme is a diversion of a public right of way and therefore falls to be considered under the current scheme of delegation on the circulated schedule.

1. THE PROPOSAL

- 1.1 Application is made under Section 257 of the Town and Country Planning Act 1990 (as amended) for the permanent diversion of a 106m section of public footpath KW/32/20, running east-west and a 35m section running north-south of public footpath KW/30/10. KW/32/20 runs from Lintham Drive west to the public open space, and KW/30/10 runs north to close to the site boundary with properties on Brake Close.
- 1.2 The diversions are required to facilitate residential development approved under planning permission no: PK04/2687/F (see planning history below). It is proposed to move KW/32/20 southwards by a maximum of 7m, so that it takes a course following a proposed new estate road as part of the development, and move KW/30/10 so that it follows a planned pathway between the proposed new square residential properties.

2. POLICY CONTEXT

- 2.1 National Guidance
Circular 2/93: Public Rights of Way

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

T12	Transportation Development Control Policy for New Development
LC12	Recreational Routes

3. RELEVANT PLANNING HISTORY

- 3.1 PK04/2687/F Erection of 68no. dwellings with garages and associated works. Approved on appeal Nov 2006

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
Unparished area

Other Representations

- 4.2 Local Residents
No response

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The proposal seeks to move the routes of the footpaths so that they follow road or footpath routes planned as part of the Lintham Drive development, approved on appeal in 2006. The Public Rights of Way Team have objected to the scheme on the grounds that it is in contravention to Circular 2/93 which states:

'Where it is decided to grant permission for development affecting a right of way, consideration should be given at the detailed stage to whether a new line for the route can be provided which would be generally acceptable to the public. The use of estate roads for this purpose should be avoided wherever possible and preference given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic...' However, given that the scheme was approved on appeal, and as such, there is no remit for the Council to go back to the developer to re-design the scheme to incorporate the direct routes of the public rights of way.

- 5.2 It is considered that although the route of KW/32/20 will be altered to a more direct route east to west, along an estate road, there will be no harm to the utility and amenity of the existing route in the context of the development of the site for housing. The use of this area of land for recreational use will be terminated by the approval of the planning permission, and that in itself will affect the amenity of the public right of way. It is considered that the proposed diversion will not result in further harm to the amenity of the public right of way. Furthermore, the Highway Officer has raised no objections to the proposal on highway safety grounds. As such, it is considered that the proposed diversion of KW/32/30 is acceptable.
- 5.3 The public rights of way team have also stated that in the interests of the public, there should be a link to continue KW/30/10 to the southern most end of Brake Close. However, given that KW/30/10 does not currently link to Brake Close, it is not considered reasonable to request this. The proposed route of KW/30/10 remains very similar to the existing, with a slightly different orientation that reflects the layout of a proposed path on the development site, and as such, the utility and amenity of the existing route would not be unduly affected by the diversion.

6. RECOMMENDATION

- 6.1 (1) That No Objection be raised to the proposed diversion of footpath nos: KW/32/30 and KW/30/10, subject to satisfactory lighting and signage being provided.
- (2) That the Head of Legal and Democratic Services be authorised to make an Order Under Section 257 of the Town and Country Planning Act 1990 (as amended).

Background Papers **PK07/3276/FDI**

Contact Officer: **Sarah Tucker**
Tel. No. **01454 863780**

CIRCULATED SCHEDULE NO. 50/07 – 14 DECEMBER 2007

App No.: PK07/3280/F
Site: 66 Westbourne Road Downend
 BRISTOL South Gloucestershire BS16
 6RH

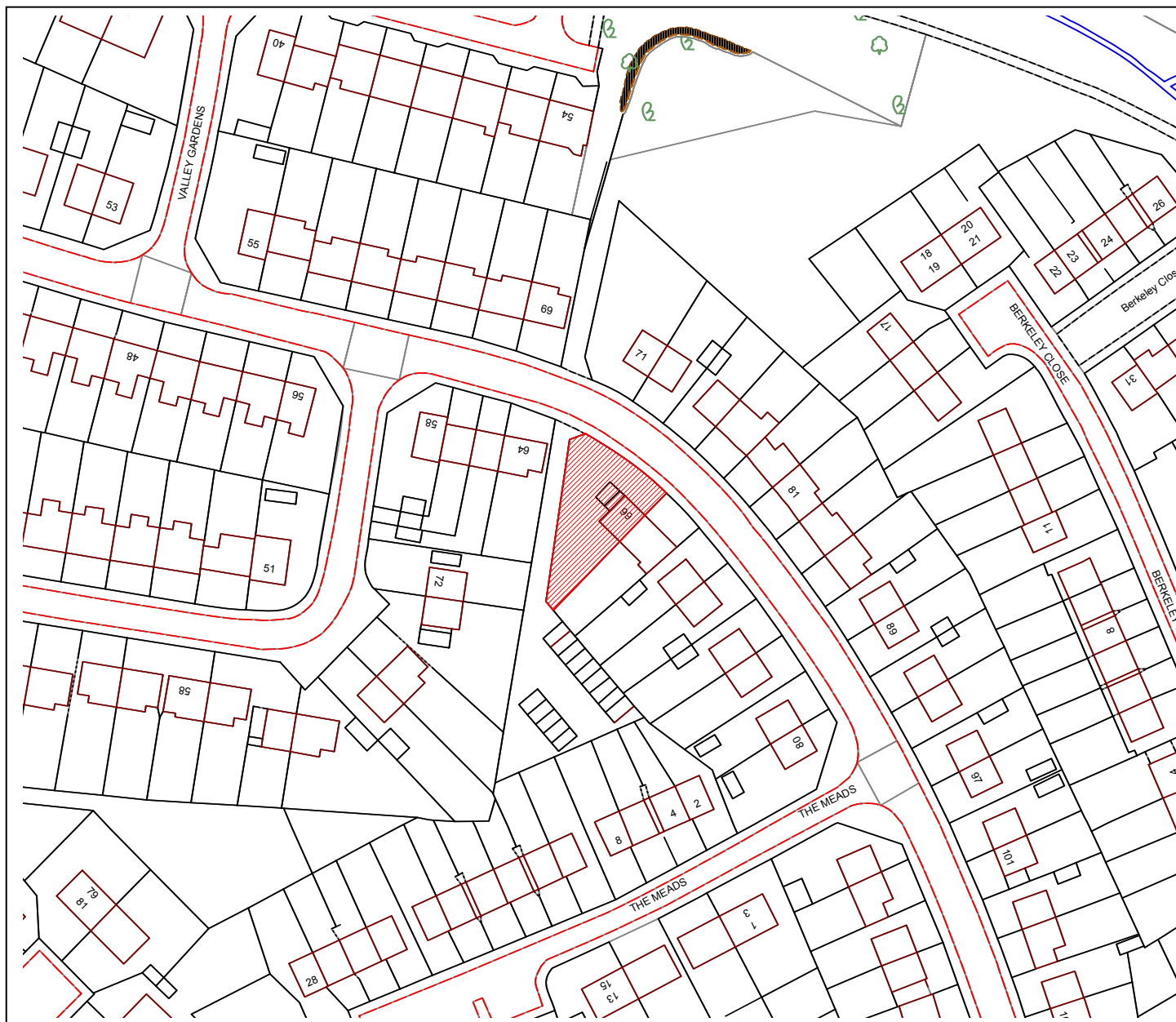
Applicant: Dr. Skuse
Date Reg: 6th November 2007

Proposal: Erection of 1 no. attached dwelling with
 detached single garage and associated
 works. Erection of side conservatory.
 (Resubmission of PK07/2407/F)

Parish: Mangotsfield Rural
 Parish Council

Map Ref: 65903 77562

Ward: Emersons Green



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N.T.S

PK07/3280/F

INTRODUCTION

This application appears on the circulated schedule following receipt of two letters of objections which are contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 Full planning permission is sought for the erection of 1 No. attached dwelling and a detached single garage. It would contain three bedrooms, lounge, kitchen and dining room with a conservatory on the side elevation.
- 1.2 The application site is located on Westbourne Road within an established residential area. The western boundary of the site is flanked by a single track lane providing access to a bank of garages at the rear of the site.
- 1.3 The surrounding dwellings comprise of two storey semi detached dwellings interspersed by two storey terraced runs. All share common design principles with pebble dashed elevations, red brick door surrounds, and modern horizontal fenestration.

1 (A) BACKGROUND INFORMATION

- 1.4 This application is a resubmission following refusal of two previous schemes (PK07/0855/F & PK07/2407/F). Therefore it is considered that in the determination of this application the reasons for refusal would have to be overcome. This is covered under section 5 of this report.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS 1 Delivering Sustainable Development
PPS 3 Housing
- 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 / Documents
South Gloucestershire Advice Note 2: House Extensions
The South Gloucestershire Design Checklist (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK07/0855/F Erection of 1 no. detached dwelling and detached single garage with associated works.
 Refused: 30th April 2007 for the following reasons:
 - impact on visual amenity
 - substandard level of parking and impact on highway safety
 - insufficeint private amenity space

- 3.2 PK07/2407/F Erection of 1 no. attached dwelling with detached single garage and associated works. Erection of single storey rear extension to existing dwelling.
Refused: 4th October 2007 for the following reasons:

- impact on visual amenity
- substandard level of parking and impact on highway safety
- insufficeint private amenity space

4. **CONSULTATION RESPONSES**

- 4.1 Mangotsfield Rural Parish Council
No comments received.

Other Representations

- 4.2 Local Residents
Three letters have been received during the consultation period associated with this planning application. The comments can be summarised as follows:

Object

- prejudice highway safety
- insufficient parking
- noise and disturbance during construction
- new dwelling will overshadow No.64
- overdevelopment

Support

- in favour, given shortage of housing

5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development
Full planning permission is sought for the erection of 1 No. attached dwelling and a detached single garage.

- 5.2 As noted in paragraph 1.4 this application is a resubmission of a previously refused scheme. The difference between the two applications consists of the following:

- the frontage width of the extension mirrors the width of the existing and surrounding dwellings
- two parking spaces are proposed for each house and the dimensions of the garage have been increased in size to comply with Council size requirements
- a single storey rear extension to the existing dwelling has been removed, thus increasing the level of garden space to serve occupiers of No.66
- a conservatory is proposed on the side elevation of the new dwelling

- 5.3 Principle of Development

Policy H4 is particularly relevant to this application as it allows for development, including new dwellings, within existing residential curtilages, subject to the following criteria:

5.4 **A. WOULD THE DEVELOPMENT RESPECT THE MASSING, SCALE, PROPORTIONS, MATERIALS AND OVERALL DESIGN AND EXISTING PROPERTY AND THE CHARACTER OF THE STREET SCENE AND SURROUNDING AREA?**

5.5 The streetscene is characterised by two storey semi detached dwellings interspersed by two storey terraced runs. An established building line can be seen flowing along both the front and rear of properties on both sides of Westbourne Avenue. Furthermore, all properties share common design principles with pebble dashed elevations, red brick door surrounds, and modern horizontal fenestration. All have pitched roofs sloping away from the highway.

5.6 The previous application was refused for the following reason:

2) The proposed dwelling by reason of its width and massing would be out of proportion with the adjacent dwellings resulting in a development that fails to respect or enhance the character of the streetscene. The proposal is therefore contrary to Policy D1 (A) and H4 (A) of the South Gloucestershire Local Plan (Adopted) January 2006.

5.7 In order to address this refusal reason the new submission has been redesigned so that the overall dimensions and proportions – in particular the frontage width – now match the existing dwelling and other similar properties in the streetscene. In light of this it is considered that the application overcomes the previous reason for refusal whilst also complying with the requirements of Policy D1 (A) of the Local Plan and the South Gloucestershire Design Checklist (Adopted) August 2007.

5.8 **B. WOULD THE DEVELOPMENT PREJUDICE THE AMENITIES OF NEARBY OCCUPIERS?**

5.9 Overbearing Analysis

Concern has been raised that the development will have an overbearing / overshadowing impact on the neighbouring property to the North West, No.64 Westbourne Road. In this instance it is considered that that due to the separation distance between the proposed new dwelling and No.64 – approximately 8 metres across an access lane – an overbearing / overshadowing effect will not be experienced by occupiers of No.64. Furthermore, given the position of the new dwelling in relation to No.64, it is considered that only indirect oblique views of the development would be possible adding further weight to the judgment that an overbearing impact would not occur.

5.10 Privacy Analysis

In respect of the rear windows, two are positioned at ground floor level. The outlook from these could be obscured by the erection of a suitably solid boundary treatment and as a result I am satisfied that that surrounding occupiers will not experience a loss of privacy.

5.11 Turning to the two first floor rear windows, the plans indicate that one of these would serve a bathroom and be obscure glazed. Consequently, a loss of

- privacy would not occur from this window. This leaves just one window which serves a bedroom. It is considered that because this window would have a similar outlook to the rear windows on the host dwelling, and other dwellings extending in a liner fashion along Westbourne Road, there would not be a material impact on privacy levels.
- 5.12 Finally, only one window would be located in the side elevation of the new dwelling. However, because this serves a non habitable room (a landing) and the plans indicate that it will be obscure glazed and permanently fixed, I am satisfied a loss of privacy will not occur from this window.
- 5.13 Accordingly, the application is considered to satisfy this criterion.
- 5.14 **C. WOULD THE DEVELOPMENT PREJUDICE HIGHWAY SAFETY OR THE RETENTION OF AN ACCEPTABLE LEVEL OF PARKING PROVISION, AND AN ACCEPTABLE LEVEL OR PARKING PROVISION IS PROVIDED FOR ANY NEW SEPARATELY OCCUPIED DWELLING?**
- 5.15 In respect of this criterion the previous application was refused for the following reason:
- 1) The development if allowed would provide a substandard level of off-street parking for both the existing and proposed dwelling in an area with a high level of on-street parking and limited forward visibility and hence both the existing property and the proposed property require two spaces each. Furthermore, the new garage is not large enough to accommodate a vehicle and the proposed front parking space for the new dwelling would lead to a parked car overhanging the highway, owing its restricted length. The development would therefore, if allowed, lead to additional on-street congestion causing obstructions to visibility on the public highway and interrupt the free flow of traffic and pedestrians to the detriment of highway safety contrary to Policy H4 (C), T8 & T12 of the South Gloucestershire Local Plan (Adopted) January 2006.*
- 5.16 During the consultation period concern has been raised that the new drive will create a highway hazard leading to increased congestion and one parking space is not sufficient further increasing the dangers and congestion on this part of the road.
- 5.17 It should be noted that the current application proposes two parking spaces for each dwelling. Two new off street parking spaces will be created at the front of the site to serve the existing dwelling whilst the existing driveway will be retained and a new garage erected at the rear of the site to serve the new dwelling. It should also be noted that following officers concerns the internal dimension of the garage have been increased to measure 6m X 3m. In addition all parking spaces at the front of the site have been increased to 5 metres in length to ensure that parked vehicles do not overhang the highway impeding the movement of pedestrians.
- 5.18 In light of this it is considered that the proposal overcomes the previous reason for refusal as well as complying with the requirements of Policy T8 and T12 of the Local Plan and the South Gloucestershire Design Checklist (Adopted) August 2007.

5.19 **D. WOULD THE DEVELOPMENT PREJUDICE THE RETENTION OF ADEQUATE PRIVATE AMENITY SPACE, AND ADEQUATE PRIVATE AMENITY SPACE IS PROVIDED FOR ANY NEW SEPARATELY OCCUPIED DWELLING;**

5.20 In respect of this criterion the previous application was refused for the following reason:

3)The level of private amenity space for occupiers of the existing dwelling, owing to the inclusion of a rear extension, is insufficient for a three bedroom family home and therefore contrary to Policy H4 (D) of the South Gloucestershire Local Plan (Adopted) January 2006.

5.21 In order to overcome this refusal reason the single storey rear extension to the existing dwelling has been omitted leaving approximately 65 square metre garden. This is considered sufficient to serve a 3 bedroom dwelling. Accordingly, the proposal is considered to comply with criterion D of Policy H4.

5.22 Other matters arising – overdevelopment and noise and disturbance

Concern has been raised the proposal results in overdevelopment of the site. The development represents a density of 48 dwellings per hectare. This is considered to be thoroughly appropriate within a suburban area whilst also complying with the government's current density requirements. Consequently, it is not considered the development represents overdevelopment.

5.23 Concern has also been raised in respect of noise and disturbance during construction. Officers consider that it is inevitable that noise and disturbance will occur during the construction process. However, if a recommendation of approval was being put forward, this could be mitigated by the imposition of a condition to control the hours of working.

5.24 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 **PK07/3280/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 attached dwelling 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. 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 and E, other than such development or operations indicated on the plans hereby approved, shall be carried out at both the existing dwelling (No.66) and the new dwelling, without the prior written consent of the Local Planning Authority.

Reason:

To ensure that adequate amenity space is retained to serve occupiers of No.66 Westbourne Road to accord with Policy H4 (D) 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 west elevation of the new dwelling hereby approved.

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.

5. The hours of working on site during the period of construction shall be restricted to 7.30 - 16.00 Monday to Friday, 8.00 - 13.00 on 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.

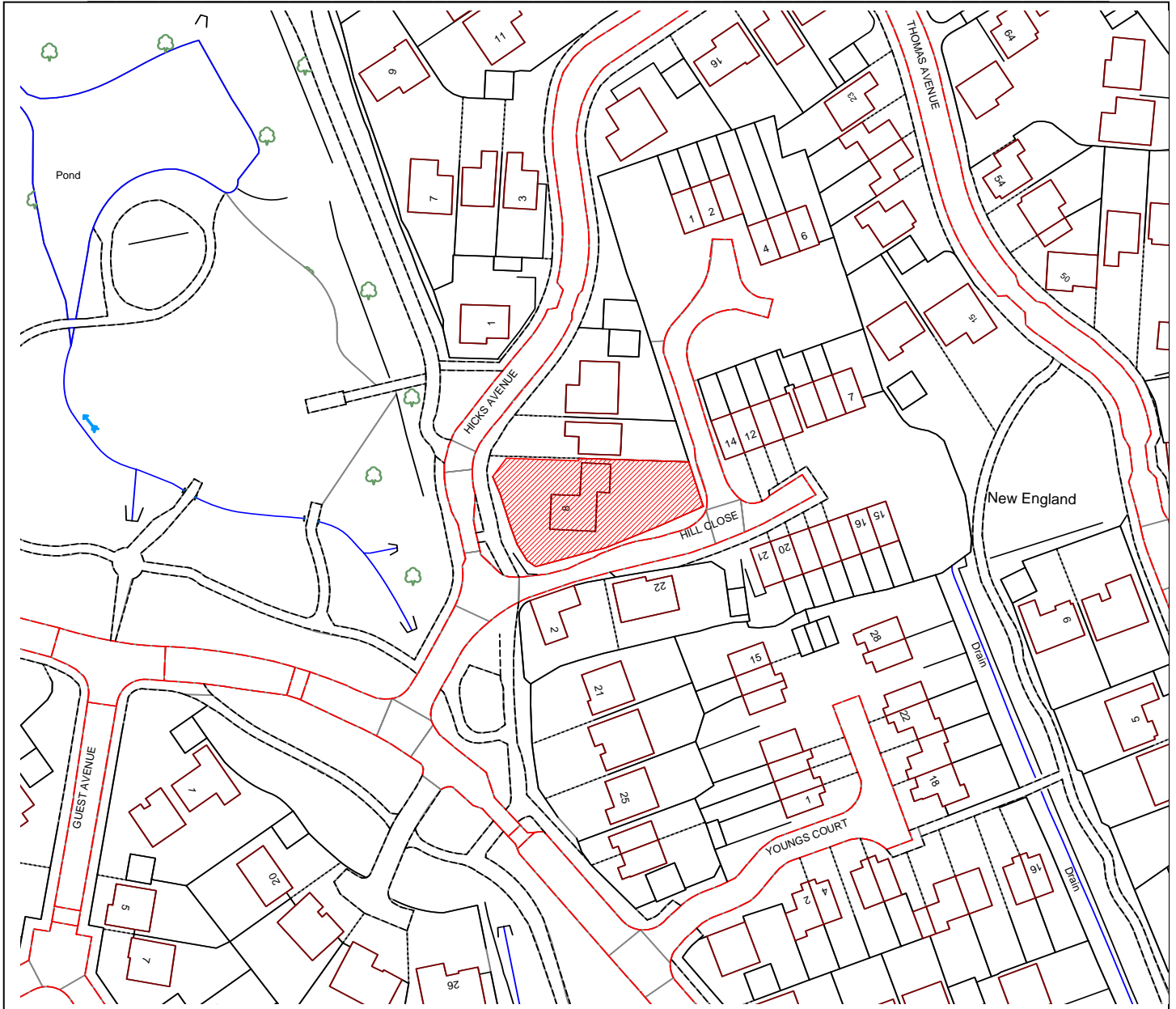
Reason:

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

CIRCULATED SCHEDULE NO. 50/07 – 14 DECEMBER 2007

App No.: PK07/3319/F
Site: 8 Hicks Avenue Emersons Green
 BRISTOL South Gloucestershire BS16
 7HA
Proposal: Erection of two storey side extension to
 form additional living accommodation.
Map Ref: 66756 77594

Applicant: Mr & Mrs Chard
Date Reg: 8th November 2007
Parish: Mangotsfield Rural
 Parish Council
Ward: Emersons Green



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N.T.S

PK07/3319/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a two-storey extension to the side of the existing dwelling. Whilst the extension will truly be on the side of the dwelling, when viewed from the ground, it reads as the rear of the property. The purpose of the extension is to provide a dining room at ground floor with an additional bedroom with en-suite above.
- 1.2 During the course of the application following the site visit it was noticed that the land surrounding the application site was noticeably sloping. An additional plan was therefore requested to show the extension when viewed from the side road. An additional plan was received as requested.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design in New Development

H4 Development within Existing Residential Curtilages, Extensions and New Dwellings

3. RELEVANT PLANNING HISTORY

- 3.1 PK04/3279/F Erection of two storey side and single storey rear extensions to form double garage and additional living accommodation.
Withdrawn November 2004
- 3.2 PK02/1733/PDR Conversion of integral garage to living room.
No Objection July 2002

4. CONSULTATION RESPONSES

4.1 Mangotsfield Rural Parish Council
No Response Received

Other Representations

4.2 Local Residents

One letter of objection has been received from local residents. A summary of the points of concern are as follows;

- The proposal would allow for overlooking from windows resulting in loss of privacy
- The privacy of the garden is a huge asset to the neighbours house
- The extension would de-value the neighbours property.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan allows for development providing it is in keeping with the character of the area and providing a number of criteria relating to design, scale, highway and impact upon visual and residential amenities are met.

5.2 Design/Visual Amenity

The extension as proposed is undeniably large in volume. The extension is not set back or set down but instead runs flush with the existing dwelling. In most circumstances, this type of extension would probably be unacceptable, however in this particular instance, your officer considers it acceptable. The main reason for this being that the host dwelling is completely individual in the street scene and none of the immediately surrounding dwellings are of the same size or design. Therefore, the proposed extension would not be noticeable as such – in other words, there would be no similar dwellings against which to compare it.

During the course of the application, the possibility of setting the extension back or down was discussed with the agent and different designs were contemplated. However, because of the design of the main property, it was considered that to include a set back or down would simply overcomplicate the design of the dwelling adding unnecessary fussy detail.

Whilst the extension will be on the side of the dwelling, it will not be readily visible from Hix's Avenue. The main views of the extension will from Hill Close – a cul-de-sac that runs up the side and around the back of the dwelling. However, Hill Close slopes up quite significantly from the front to the rear of the property. As a result, the visual impact of the extension will be reduced as the existing boundary wall will help to screen the bulk of the extension from view.

It is accepted that the proposed extension is large yet it will have no significant impact on the character of the surrounding area and the character of the dwelling will remain intact. On balance, the design of the extension is thus considered to be acceptable.

5.3 Residential Amenity

It is noted that the occupier of the neighbouring dwelling No. 10 Hix's Avenue is concerned that the development could have a detrimental impact on their property by means of additional overlooking. It is indeed the case that a new window is to be added to the first floor of the northern side of the elevation that faces towards No. 10. However, the proposed window in this elevation is a secondary window serving a bedroom. It is not considered that there will be any greater levels of overlooking resulting from this secondary window than currently exists from the primary window in the existing master bedroom. There are no windows in the side elevation of No. 10 facing towards the application site that could be adversely affected.

The extension will have no detrimental impact on the bungalow on the opposite side of Hill Close No. 22 as the two properties are separated by a road with significant boundary treatments already in place.

It must be noted that the possible de-valuation of properties is not a planning consideration.

It is considered that there are no issues of inter-visibility or loss of privacy. Further, there are no concerns relating to loss of daylight/sunlight and sufficient garden space would remain to serve the property. The impact on residential amenity is subsequently deemed acceptable.

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.

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

7. RECOMMENDATION

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

Background Papers **PK07/3319/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. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

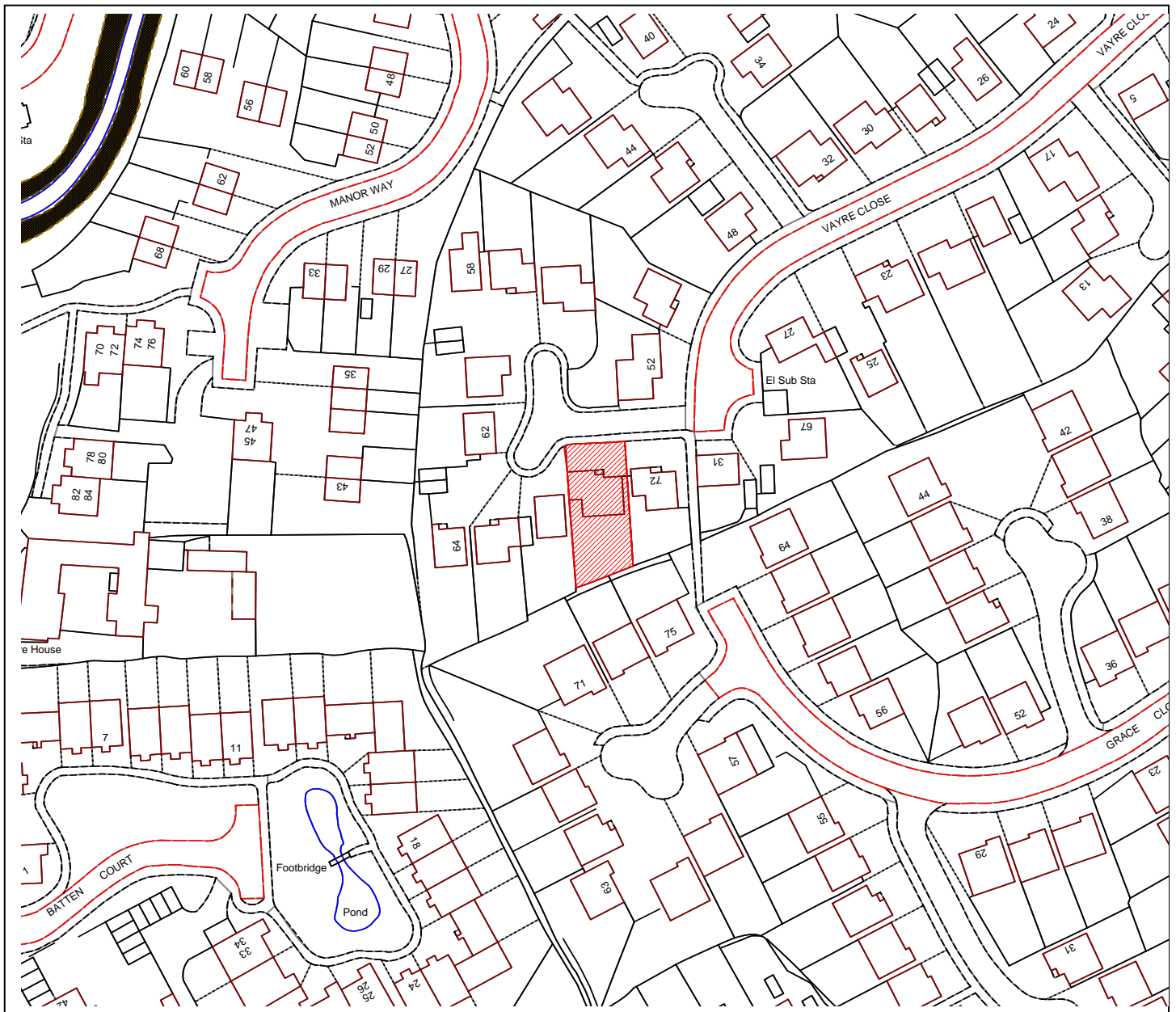
Reason:

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

CIRCULATED SCHEDULE NO. 50/07 – 14 DECEMBER 2007

App No.: PK07/3321/F
Site: 70 Vayre Close Chipping Sodbury
 BRISTOL South Gloucestershire BS37
 6NU
Proposal: Erection of single storey rear extension
 to form additional living accommodation.
Map Ref: 73271 82413

Applicant: Mr R Barraclugh
Date Reg: 8th November 2007
Parish: Sodbury Town
 Council
Ward: Chipping Sodbury



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N.T.S

PK07/3321/F

INTRODUCTION

This application is reported on the Circulated Schedule due to the receipt of objections to the scheme received from neighbours.

1. THE PROPOSAL

- 1.1 The site is a detached bradstone and tile two storey dwelling in a cul-de-sac location in a road of similarly designed houses. The house has a wide floorplate and has previously been extended to the side and rear. The rear garden is fenced.
- 1.2 The proposal is to extend the kitchen of the house, which faces the rear garden, by adding a single storey element which would project as far as the current farthest point of the rear building line. This would add a further 2.76 metres of depth to the kitchen, which would be lit by windows in the rear and side of the extension.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 House extensions
L1 Trees
- 2.3 Supplementary Planning Guidance
Notes 1 & 2
Trees on development sites

3. RELEVANT PLANNING HISTORY

- 3.1 PK00/0997/F Erection of first floor side and single storey rear extensions
Approved
- 3.2 PK02/2204/F Erection of two storey rear extension
Approved

4. CONSULTATION RESPONSES

- 4.1 Sodbury Town Council
No objection
- 4.2 Other Consultees
No replies received

Other Representations

- 4.3 Local Residents
Two objections were received and one general observation, citing the following concerns:
- * At the rear of the site there is a huge tree. Any works to the ground could cause it to fall
 - * The property has already been doubled in size
 - * Loss of privacy from side kitchen window facing side window in house next door
 - * Disruption during construction

NB This last point is not a valid planning concern.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in light of all relevant material considerations. The proposed extension would match the host dwelling in terms of matching the existing rear building line, the roof slope and the use of matching materials. The design of the proposal is considered to be acceptable and satisfied policy D1. The remaining tests are therefore to do with policy H4, specifically regarding the impact of the proposal on residential amenity, in terms of overbearing impact and the positions of the proposed windows.

5.2 Residential Amenity- Overbearing impact

The proposed extension would effectively infill a corner at the rear of the property, at single storey. The extension would therefore project as far as the existing back building line and no further. Any overbearing impact could therefore only be experienced to the side of the site. The Supplementary Planning Guidance states that, in terraced situations, such a projection should be no more than 3 metres. The projection in this case would be less than 3 metres, at 2.76 metres and therefore there is considered to be no overbearing impact in this instance.

5.3 Residential Amenity - Windows

At present there is a side window facing the next door neighbour's property at ground floor level. This window lights the study. Since the proposal would infill this corner, this window is proposed to be removed and re-inserted in the infill extension. It is acknowledged that the proposed window, which would serve the kitchen (a habitable room) would be closer to the adjacent property through this proposal. However, the window would be at ground floor level and the boundary, which is at present fenced, could be demarcated by a boundary treatment of up to 2 metres above ground level without requiring planning permission. It is considered that the proposed window would not lead to intervisibility between habitable room windows to an extent to warrant refusal of this application. It is therefore considered that the proposal complies with policy H4 and the supplementary planning guidance in this instance.

5.4 Other issues - Trees

The Council's Tree Officer was consulted with regard to the likely impact of the proposed extension on the nearby tree. Since the proposal is for an infill extension, next to a previous extension which projected as far as now proposed from the rear of the property, it is considered that any impact on the tree's root system would be minimal if indeed any impact occurred at all, particularly given the distance between the tree and the proposed extension.

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

Background Papers PK07/3321/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).

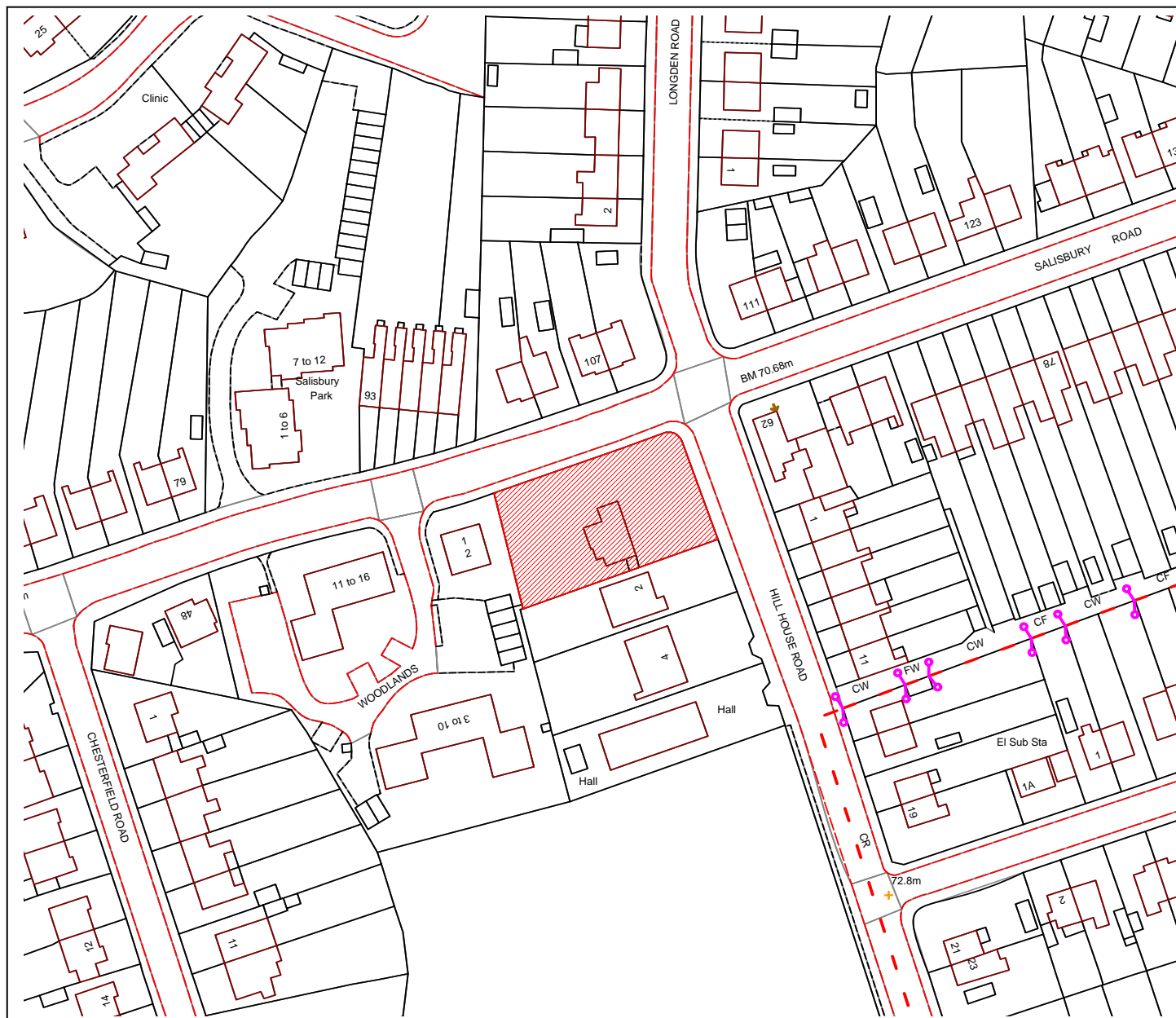
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason:

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

CIRCULATED SCHEDULE NO. 50/07 – 14 DECEMBER 2007

App No.: PK07/3418/F	Applicant: The Geometric Group Ltd
Site: 50 Salisbury Road Downend BRISTOL South Gloucestershire BS16 5RJ	Date Reg: 19th November 2007
Proposal: Demolition of 1no. dwelling to facilitate the erection of 8 no. flats. Construction of new access, parking, amenity space and bin and bicycle stores.	Parish: Downend and Bromley Heath
Map Ref: 65497 76594	Ward: Downend



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N.T.S

PK07/3418/F

INTRODUCTION

This application is reported on the Circulated Schedule as an agreement under Section 278 of the Highways Act is required and objections were received to the proposal.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the demolition of a two storey house on the corner of Hill House Road and Salisbury Road in Downend and its replacement with a three storey block of flats to contain eight dwellings, 2 one bed units and 6 two beds, two of which would have their own private gardens. Communal gardens are proposed to be provided for the other flats in an area which is currently the front garden, abutting Hill House Road. 13 parking spaces are proposed to serve the development, to be situated at the western end of the site.
- 1.2 The proposed design is for a flat roofed building with a balcony around part of the second floor, making this floor smaller than the ground and first floors, whilst providing some additional space which would be accessed by the top floor flats. Cycle and bin stores are proposed for the Salisbury Road frontage, the former attached to the building and the latter next to the existing boundary wall of the site. It is proposed to retain the existing conifer hedgerow within the site which separates it from its two frontages, except where the entrance and bin store would be located.
- 1.3 In the surrounding area there are other three storey and flat roofed buildings, as well as flat developments. The immediate vicinity is characterised by straight roads connecting at the crossroads of which the site stands at the corner. These roads are residential and are either two storey terraces or semi detached dwellings, with generally generous front gardens. The exception to this pattern is the flat development bordering the west of the site.
- 1.4 This site is considered to be something of a landmark location, standing on higher ground than that to the east and north and due to its corner location. However, the mature trees along the east and northern boundaries at present, tend to obscure the existing house, which stands in an expansive garden.
- 1.5 There is at present a common strong, regular building line formed on this side of Hill House Road, which opens up past the hall, where the playing field starts.

2. POLICY CONTEXT

- 2.1 National Guidance
- | | |
|-------|------------------------------------|
| PPS1 | Delivering Sustainable Development |
| PPS3 | Housing |
| PPG13 | Transport |
| PPS25 | Drainage |
- 2.2 Development Plans
- South Gloucestershire Local Plan (Adopted) January 2006
- | | |
|----|-------------------------|
| D1 | Design |
| H2 | Residential Development |
| L1 | Landscape |
| T7 | Cycle parking |
| T8 | Parking standards |

- T12 Transportation policy
- EP1 Environmental pollution
- EP2 Flood risk
- L17 The water environment
- L18 The water environment

2.3 Supplementary Planning Guidance
Design checklist adopted 2007

3. **RELEVANT PLANNING HISTORY**

3.1 PK07/2015/F Demolition of dwelling and erection of building for 11 flats
Withdrawn

3.2 PK07/2885/F Demolition of dwelling and erection of building for 10 flats
Withdrawn

4. **CONSULTATION RESPONSES**

4.1 Downend & Bromley Heath Parish Council
No objection

4.2 Other Consultees
Wessex Water

It will be necessary for the developer to agree a point of connection with Wessex for the disposal of foul flows. There may be a sewer crossing the site, which could be deemed a public sewer. If this is the case, an easement of 3 metres will be required.

Technical Services

No objection in principle, subject to a condition requiring Sustainable Drainage for the site.

Transportation

This proposal is a resubmission of PK07/2885/F which sought to demolish the existing dwelling and erect ten flats. This planning application was later withdrawn. This current submission proposes a reduction in dwellings to 8 flats. 13 parking spaces are proposed, virtually one and a half for each flat and two additional spaces for visitors. This level of parking is within the maximum standards set out in Policy T8 of the SGLP and is therefore considered acceptable. Subject to the above and the following conditions, there is no transportation objection to this proposal.

CONDITIONS

1. No gates to be erected on the entrance to the site at any time without the prior permission of the Council.
2. All parking bays, access and driveway to have a bound surface and be satisfactorily maintained as such.

To provide better access for the disabled and to encourage the future occupiers of these dwellings to use alternative modes of transport to the car, the applicant is requested to make a financial contribution of £5000. This contribution will be secured via an appropriate legal agreement.

Community Services

The proposal falls below the threshold for their consideration.

Education

Do not wish to pursue a contribution in this instance.

Environmental Protection

No objection in principle.

Other Representations

4.3 Local Residents

5 letters of objection were received to this proposal within the consultation period, citing the following concerns:

- * Close proximity to a busy road junction
 - * The appearance of the building would not be in keeping with the appearance of the neighbourhood, other than the blocks of flats which were errors from the 1960's
 - * There is not excellent visibility from the site access
 - * Insufficient parking provision, including only two spaces for visitors will lead to on-street parking
 - * Design of building would be monolithic
 - * Site is next to a route to school
 - * A different application was refused on design grounds in the vicinity
 - * Demolishing an existing house will not minimise the use of energy and natural resources
 - * Density of development would be too high
 - * Design of building would be out of character
 - * Visibility problems at the access and through on-street parking and topography
 - * The house on site is a good architectural example of buildings of that period
 - * Flats would overlook houses in Hill House Road and block out light
-
- * While the application states that no trees will be felled, this does not take into account trees which were felled prior to the application being submitted
 - * The development should be for low cost housing, or starter homes
 - * Effect on house price of flats being built

NB These last three points are not relevant planning concerns. The site does not lie within a Conservation Area and therefore there is no control over felling trees which are not covered by TPO's. The application is not for low cost housing, although it does proposed two one bedroom flats, and has to be assessed on its own merits.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The site lies within the urban area of South Gloucestershire and as such, policy H2 allows residential development as long as the site has not been safeguarded for other uses, which it has not. Furthermore, the site is residential and therefore no change of use of the land is required. The application needs to be assessed solely on its merits, as follows:

5.2 Density of Development

The site extends to .105 hectares. The proposed development would equate to 76 dwellings per hectare, which is above the minimum target set in government guidance of 30 dwellings per hectare. The density figure itself is however less significant than the implications of proposed density, which are analysed below. It is acknowledged that the site has proximity to Downend shopping centre and local schools, doctors and the library, for instance, by foot or cycle and that therefore there is a valid choice of means of transport available to future occupiers, other than the motor car.

5.3 Residential Amenity for Existing occupiers

Due to the corner location of the site, the occupiers most likely to directly experience the effects of this proposal are the occupiers of the adjoining properties, in Hill House Road and the flats in Salisbury Road. With regard to the former, the adjacent house presents a blank side elevation to the site. There is therefore considered to be no overbearing impact from the proposed building on any habitable room in the adjacent dwelling. With regard to the effect of the proposal on rooms in the rear of that house, the proposed rear building line would virtually match that of No. 2 Hill House Road. The front building line would be no more than 3 metres in advance of the frontage of the house next door and largely within the footprint of the existing dwelling on site. In both cases it is considered that the footprint of the proposed building has taken into account that of the adjacent dwelling and that residential amenity would not be compromised as a result. With regard to overlooking of the rear garden of the adjoining house, the present building has oblique views over this garden, as is normally the case in residential roads with common rear building lines. Although the proposed building would be one storey taller than the current one, it is considered that it would not lead to any significant change to the residential amenity enjoyed by that rear garden at present. The proposed balconies are shown on the plans to have 1.8 metre side screens and this has been required to be provided before the first occupation of the relevant flats.

With regard to the flats to the west of the site, a separation distance of 20 metres at the nearest point is proposed, across the proposed car park area and this is considered to be adequate to remove the possibility of any unacceptable effect on residential amenity arising through overbearing impact or loss of privacy. It is therefore considered that in relation to all the surrounding dwellings, the proposal would not harm existing levels of residential amenity and complies with policy.

5.4 Residential Amenity for Future Occupiers

As described above, two of the ground floor flats would have their own dedicated gardens. These private gardens would generally be about 2.8 metres deep and one would be 11 metres long and the other 20 metres from front to back. With these dimensions, these gardens would therefore be considered to amount to courtyard gardens, to provide for essential outdoor activities for a two bedroom flat in each case. It is considered therefore that the two proposed ground floor flats are catered for in the proposed design in terms of amenity space. This leaves the other two 1 bedroom flats and four 2 bedroom flats sharing the remaining 262 square metres communally. It should be noted that private amenity space is available to the two second floor flats on their balconies/ roof terraces, measuring 15 square metres each.

When assessing available amenity space in the existing garden area, it should be recognised, that since the boundary hedges on each side of this garden are proposed to be retained, this figure reduces. It is practically reduced again by a

clump of semi-mature trees in the garden and that paths and the pedestrian entrance to the site both also need to be subtracted from the available amenity space. Even when this has been done, there are issues over the usability of some of the space to the north of the proposed building, next to bin and cycle stores, where access will have to be gained to these facilities. When these factors are taken into consideration, the usable area of amenity space is considered to extend to 6 metres wide and 16 metres long, totalling 96 square metres. 96 square metres is considered to be adequate to allow for the reasonable outside enjoyment for four flats and the occasional use of the two top floor flats. All amenity space provided within this proposal is considered to be adequately private and the overall amount is considered to be appropriate for a development of this size.

5.5 Demolition of Existing Dwelling

This is an issue which has been raised particularly through the consultation process. It should be noted that the house in question is not a Listed Building, it does not stand within a Conservation Area and it is not locally listed. It therefore benefits from no statutory protection and is not specifically protected under the Local Plan. There are therefore no appropriate tests for the merits of retaining it. The proposal for the replacement building however does warrant assessment:

5.6 Design of proposed building

While the footprint of the building is not considered to have any impact upon residential amenity, its location within the site can have a major impact upon the street scene, particularly for a landmark site, such as this one is considered to be. In this location it is considered that the building can acceptably step forward slightly from the strong frontage on Hill House Road, but this has to be tempered by how far it is set away from the adjacent property. In this case, the distance between the existing house and the proposed building is considered to be adequate to provide the required setting for a three storey building on a corner plot. At 2.5 metres between the proposed building and the edge of the site, it will read as significantly more than the 1 metre gap at next to the adjoining property and this additional space is considered to be appropriate for the setting of a taller and more substantial building. Achieving this distance is considered to be crucial to avoiding a cramped appearance. A more prominent building in this street scene needs to respect its site and its setting.

The proportions of the building ensure that its mass does not compete unfavourably with the house closest to it. While being a storey taller, the flat roofed, corniced design echoes, rather than imitates that of the taller buildings in the locality and ensures that this stands out in its immediate context. The corner position is considered to allow it to do so. The extent to which it stands out is considered to be appropriate. Its mass is certainly greater than that of the two storey housing around it, but more due to its width than its height. Given the slight horizontal emphasis suggested by its bulk, the elevations have been designed to counter this effect: with its separation of the two rendered elements by the rising entrance feature drawing the eye up towards the roof. The window arrangement is considered to be well balanced and regular, indeed the building is symmetrical and well-balanced in all respects in each elevation, bar the undercroft car parking on the western elevation. Another crucial element in the design is that second floor of the building is resolved through the use of different materials to give it a lighter appearance and its degree of set back from the main elevations of the building. In order for it to be successful, it is

considered that this floor needs to stand in its own space in much the same way as the building should. It is considered that the design has achieved this.

The southern elevation is considered to be least important as it faces the blank side elevation of the first house in Hill House Road. Even so, with little opportunity to see it, it is balanced and avoids being featureless though the provision of obscure glazed windows.

The materials selected are render for the walls at ground and first floor level and wood cladding for the recessed second floor. The combination of the recessing of the second floor and the change in materials is considered to give this floor a lightweight appearance.

In terms of the impact of this proposal on the street scene, it should also be borne in mind that there is existing landscaping provided by the hedge around the site, which is intended to be retained and performs an important screening function for the northern and eastern elevations.

Overall, the design of the proposed building is considered to be successful and appropriate to the corner location, complying with policy D1 and the recently adopted design checklist.

5.7 Transportation

The transportation comments appear above. Subject to the conditions recommended, the level of parking provided under the proposal is considered acceptable to meet the Local Plan maximum standards. It is considered that the proposal would not compromise highway safety, as the proposed access is considered to be adequate to meet the current visibility standards. The proportions of the parking and turning area are also considered to be suitable for their purpose. Three of the parking spaces are wider and longer than the current minimum standards. Overall it is considered that the proposal meets the concerns of the policies listed above.

5.8 Design and Access Statement

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

5.9 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, having regard to the above advice, the transportation improvements are appropriately the subject of a Section 278 Agreement under the Highways Act.

In the case of the transportation improvement requirements, in order to provide better access for the disabled and to encourage the future occupiers of these dwellings to use alternative modes of transport to the car, the applicant has been requested to make a financial contribution of £5000. This has been agreed with the applicant's agent.

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 made having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That planning permission is approved, subject to the conditions shown below and also subject to the applicant signing an agreement to pay the Council £5,000 towards providing better access for the disabled and to encourage the future occupiers of these dwellings to use alternative modes of transport to the car. This legal agreement for the contribution would be made under Section 278 of the Highways Act 1980.

Background Papers PK07/3418/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 the building is first occupied, and thereafter retained for that purpose. The hardstanding for parking and turning shall be surfaced with a bound material and thereafter retained in such a state.

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 screens shown on the approved plans shall be erected at the ends of the balconies/ roof terraces prior to the first occupation of the dwellings which the balconies/ roof terraces serve and shall be retained thereafter.

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.

4. The existing wall and trees enclosing the northern and western boundaries of the site shall be retained, except where indicated on the plans hereby approved.

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. No development shall take place until 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.

6. 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.

7. 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.

8. The residential units hereby approved shall not be occupied until a scheme for the management of the communal areas of the development (both internal and external) for the first [2 years] of occupation 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 Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. The hours of working on site during the period of construction shall be restricted to 0800 to 1800 Mondays to Fridays, 0900 to 1300 on Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason:

To minimise disturbance to occupiers of nearby buildings and to accord with Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 50/07 – 14 DECEMBER 2007

App No.: PT07/3298/F
Site: 23 Farley Close Little Stoke BRISTOL
 South Gloucestershire BS34 6HB

Applicant: D Pritchard
Date Reg: 7th November 2007

Proposal: Erection of two storey side extension to facilitate conversion of existing dwelling to 2 no. self contained flats and associated works (Re-Submission of PT07/2653/F)

Parish: Stoke Gifford Parish Council

Map Ref: 61307 81489

Ward: Stoke Gifford



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N.T.S

PT07/3298/F

This application has been placed on the Circulated schedule as there is an objection to the scheme from a neighbour.

1. THE PROPOSAL

- 1.1 This full application relates to the conversion of an existing dwelling to form 2 x 2 bed flats. In order to facilitate the conversion a two storey side extension is proposed.
- 1.2 Access to the property can be gained from either the front of the property from the front or rear via a small parking and turning area.
- 1.3 The application site is located on a quiet cul-de-sac in Little Stoke. The properties in the area are the Radburn style whereby the main access is via the rear garden. This property is the end property on a small terrace.
- 1.4 This application is a resubmission of PT07/3298/F which was for a similar scheme but with less off street parking. The application was refused for the following reasons:
 1. Adequate provision has not been made for the parking of vehicles in a satisfactory manner as such the proposal would be likely to lead to on-street car parking. Any additional on-street parking arising from this development would be prejudicial to road safety in the area. The proposal therefore does not comply with policy T8 or T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
 2. There is inadequate mitigation provided towards the Bristol North Fringe Transport Strategy to offset the increased impact the proposal would have upon the North Fringe road network, and as such the development would be detrimental to highway safety and contrary to Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 1.5 This application has attempted to address those issues in this submission.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

2.2 South Gloucestershire Local Plan

D1	Design
H2	Proposals for Residential Development, including Residential Institutions and Special Needs Accommodation, and Applications to Renew Permission for Residential Development, within the Existing Urban Areas and Defined Settlement Boundaries
H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
H5	Residential Conversions, Houses in Multiple Occupation and Re-use of Buildings for Residential purposes
T8	Parking Standards
T12	Transportation Development Control Policy for New Development

T7 Cycle Parking Standards
H5 Sub division of existing buildings

Supplementary Planning Document
South Gloucestershire Urban Design Checklist (Adopted 2007)

3. RELEVANT PLANNING HISTORY

3.1 PT07/2653/F Erection of two storey side extension to facilitate conversion of existing dwelling to 2 no. self contained flats and associated works....Refused

4. CONSULTATION RESPONSES

4.1 Stoke Gifford Parish Council
No objection

4.2 Local Residents
One letter of objection has been received raises the following objections:
1) Highway safety impact of the proposal
2) In sufficient off street parking
3) Extra vehicles will block already congested roads.

4.3 Highways Section

No objection to the proposal as it appears to overcome the previous objection reasons.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
The application site lies within the defined urban area of Filton. Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allow for residential development within existing urban areas, subject to a number of criteria including transportation, residential amenity, density and design considerations.

5.2 In terms of the conversion element of the proposal, advice contained within PPS3 encourages the conversion of housing into extra residential accommodation, regarding it as an important source of additional housing, particularly in town centres. This advice is reflected in the Adopted Joint Replacement Structure Plan where policies encourage a mixture of housing types in sustainable locations, especially dwellings for smaller households. This policy stance is reflected in policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006. This policy allows for the conversion of existing residential properties into smaller units of self-contained accommodation provided the following criteria are complied with:-

A. the development would not prejudice the character of the surrounding area;

The proposed conversion can be adequately achieved without detriment to the character of the surrounding area. The proposal will appear as an ordinary extended dwelling as the property. Inside the property there will be a two bedroom flat on each floor.

As such it is considered that the proposal would be in keeping with the character of the locality and therefore complies with this criterion.

B. it would not prejudice the amenities of nearby occupiers;

The site of the proposal is within the urban area of Filton in a predominately residential locality. The proposal will not prejudice the amenities of nearby occupiers to any greater extent than exists at present, especially as the development is for 2 flats within the existing built form.

C. it would identify an acceptable level of off-street parking;

Farley Close is a narrow residential street and where any additional on street parking would cause obstructions to users of the highway in this area.

The off street parking proposed is at the level set out in the Local Plan for development of this type in this location. This is an unusual situation, whereby the maximum level of off street a parking is required, given the context of the site. The applicants have indicated that two off street spaces are proposed for each unit. In this context it is considered that sufficient parking has been provided.

At the Local Plan Inquiry, the Inspector raised concern over the incremental damage of even small development on the over-subscribed Bristol North Fringe. Therefore a financial contribution towards the North Fringe development (transport measures) will be required for each additional new build unit. This is currently assessed at £900 for the additional flat. This is to be aquired through a Section 278 (Highways Act) Contribution. This contribution has been requested and the applicant has agreed to provide it. Therefore the development does not conflict with element of Policy T12 Transportation Development Control Policy for New Development.

D. It would provide adequate amenity space.

There is sufficient amenity space for the Ground floor flat as it will have the whole of the rear garden to itself, whilst the first floor flat will have some amenity to the front of the property. Given that the flats are small and that there is large playing field with associated playing equipment less than 200 metres away then this is considered to be adequate

5.3 Other Considerations

Policy H4 of the Adopted South Gloucestershire Local Plan is also relevant as it specifically relates to development within existing residential curtilages, including extensions and new dwellings. All the issues relating to this policy have already been addressed under policy H5 above.

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, having regard to the above advice, the transportation improvements are appropriately the subject of a Section 106 Agreement (or similar agreement) and would satisfy the tests set out in Circular 05/2005. However this contribution could equally well be secured through a S278 agreement under the Highways Act 1980.

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 (1) That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering a legal agreement to secure the following:
- (a) A financial contribution of £900 towards the North Fringe Development Major Scheme (Transport Matters).

Reason: To provide a contribution commensurate to the scale of the development towards the North Fringe Development Major Scheme (Transport Matters) as identified in the South Gloucestershire Local Plan (Adopted) January 2006 and to accord with policies T12 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

- (2) If the legal agreement is not signed within 12 months of this determination then, in view of the length of time the application should be refused due to the failure to secure the mitigation:

In this instance, having regard to the above advice, the transportation contributions are appropriately the subject of a Section 278 Agreement and would satisfy the tests set out in Circular 05/2005.

Background Papers **PT07/3298/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. No development shall take place until details of the bound surface to be used to finish the parking spaces 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):

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

CIRCULATED SCHEDULE NO. 50/07 – 14 DECEMBER 2007

App No.: PT07/3339/TRE
Site: Hortham Village Hortham Lane
 Almondsbury BRISTOL South
 Gloucestershire BS32 4JH

Applicant: Mr C McMahon
Date Reg: 12th November
 2007

Proposal: Removal of horse chestnut tree covered
 by South Gloucestershire Council
 (Hortham Hospital) Tree Preservation
 Order 575 dated June 2007.

Parish: Almondsbury Parish
 Council

Map Ref: 61835 84306

Ward: Almondsbury



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N.T.S

PT07/3339/TRE

1. THE PROPOSAL

1.1 The subject tree is located adjacent to new highway within the public realm associated with the residential development underway at the former Hortham Hospital Site (PT06/0865/F).

1.2 It is proposed to remove the tree.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 - Delivering Sustainable Development

2.2 Development Plans

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

3. RELEVANT PLANNING HISTORY

3.1 None

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council
Object to the removal of the young chestnut tree on the basis that the Parish Council feel that the site was visited at the time of the original planning application and all of the trees were taken into consideration and that the developers should not deviate by placing more applications for removal of trees

4.2 Sustainable Transport
No Objection

Other Representations

4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 The subject tree is covered by a group TPO

5.2 Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to protect trees where they make significant contribution to the character and visual amenity of the landscape and local setting. The amenity value of the subject trees is unquestionable and as such are protected by a Tree Preservation Order.

5.3 The subject tree is a young specimen of approximately 5 metres in height and is in reasonable condition. The approved highways scheme associated with the residential development (PT06/0865/F) places a footway less than 0.5 metres away from the base of the tree. It is likely that this would result in the significant root damage and the eventual loss of the tree and would render the tree unsafe. There is scope to replace this tree on the nearby open space where it

would have sufficient room to develop a full crown and root system. The developer has agreed to provide a new tree in accordance with the Local Planning Authorities requirements. It is considered that such an approach would result in a net gain in amenity terms, and is sufficient to justify the loss of the subject tree.

- 5.4 Subject to the use of an appropriately worded condition to secure a suitably located replacement tree of appropriate species, the proposed felling is considered acceptable.

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.

7. RECOMMENDATION

- 7.1 Permission be granted for the proposed tree works (removal); subject to the following condition:

Background Papers **PT07/3339/TRE**

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

CONDITIONS

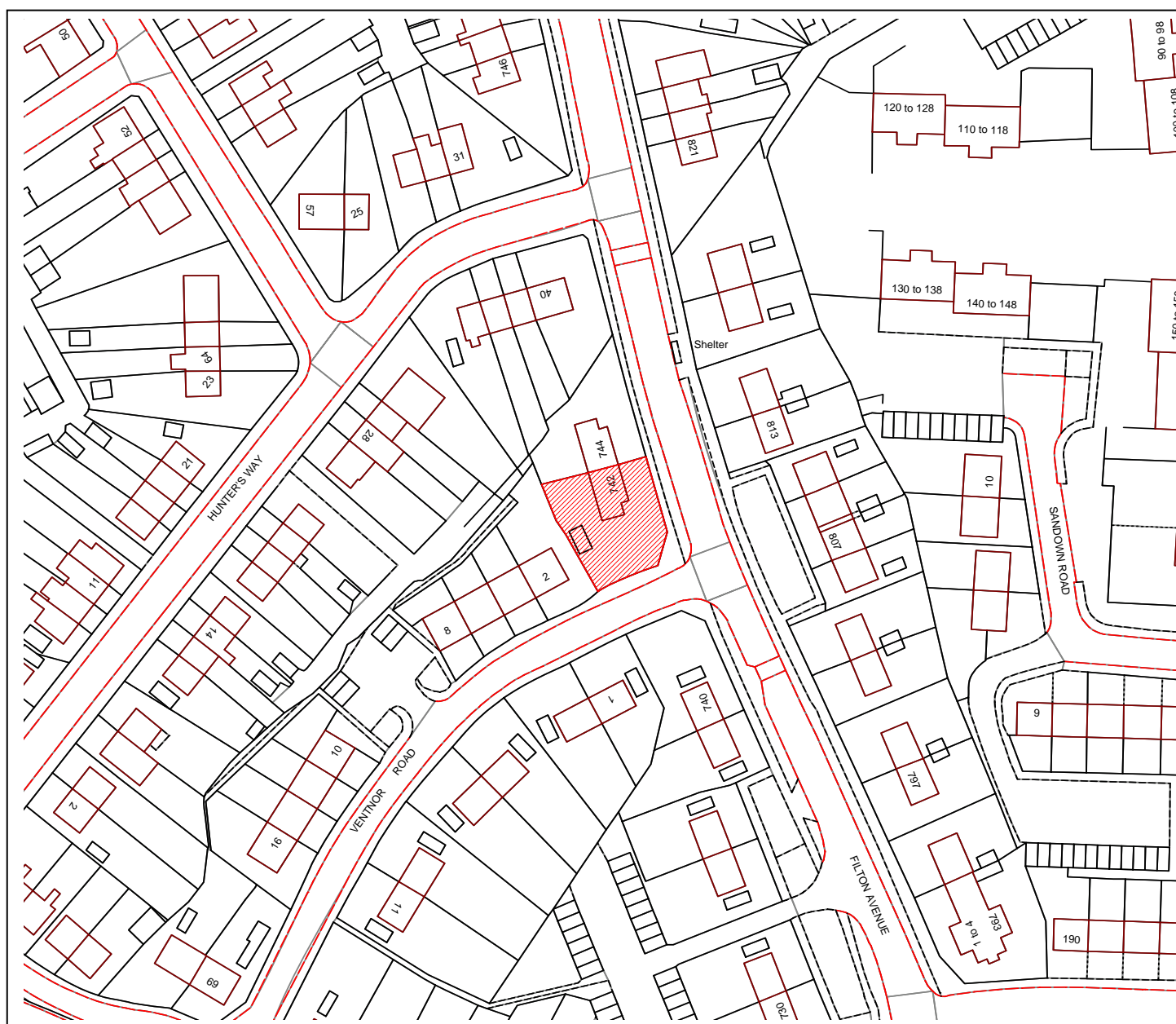
1. Prior to the carrying out of the felling of the tree hereby approved, a replacement tree, the species, size and location of which shall be approved in writing by the Local Planning Authority. Thereafter the replacement tree shall be planted in the first available planting season following the felling hereby authorised and in accordance with the agreed details. Should the replacement tree die, be removed or damaged (whether by accident or not) within three years of the replacement tree being planted, that tree shall be replaced to the further written agreement of the Local Planning Authority during the next available planting season.

Reason(s):

To protect the character and appearance of the group TPO 575 and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 50/07 – 14 DECEMBER 2007

App No.:	PT07/3348/F	Applicant:	Mr W S Park
Site:	742 Filton Avenue Filton BRISTOL South Gloucestershire BS34 7HE	Date Reg:	12th November 2007
Proposal:	Conversion and extension to existing dwelling to form 4 no. flats (Resubmission of PT07/2696/F).	Parish:	Filton Town Council
Map Ref:	60957 79117	Ward:	Filton



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N.T.S

PT07/3348/F

This application appears on the circulated schedule as public comments are made which are contrary to the officer advice; and the approval of the development would be subject to a Section 106 legal agreement (or equivalent).

1. **THE PROPOSAL**

- 1.1 The site consists of a modern semi-detached dwelling which occupies a corner site at the junction with Filton Avenue and Ventnor Road.
- 1.2 The proposed development consists of the conversion of the existing dwelling in order to provide two 2 bed flats (one of which is proposed to be in the form of a maisonette with its bedrooms within the roof space); and the construction of an extension to the building to provide a further two 2 bed flats on the same basis as those to be provided within the existing dwelling.
- 1.3 This is a resubmission of the previously refused planning application (PT07/2696/F) which proposed the development of two flats and two houses.

2. **POLICY CONTEXT**

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
H2	New Residential Development within the Urban Areas or Village Development Boundary
H4	Development within Residential curtilages
T12	Transportation Development Control Policy for New Development
T8	Parking Standards
T7	Cycle Parking
H5	Conversion of Existing Buildings

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) SPD

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT07/2696/F Erection of 2no. terraced dwellings. Erection of single storey rear extension and installation of dormer to front elevation to facilitate conversion of existing dwelling to form 2no. self-contained flats. Creation of new vehicular and pedestrian accesses and associated works.
Refused

4. **CONSULTATION RESPONSES**

4.1 Filton Town Council

Object on the grounds that the development more than doubles the size of the original foot print and is over-intensive. The Town Council re-iterates its strong objection to family homes being converted into flats.

4.2 Sustainable Transport

Comment that the highways issues remain broadly similar to the previous submission (Pt07/2696/F) and the development is considered acceptable. The adjacent street lighting column may need to be relocated to the agreement of the Street Care Team (*it should be noted that this work can be carried out without the need for planning permission*). A condition relating to the precise layout of the access and parking should be agreed by way of condition to any approval

A contribution of £1800 is required towards mitigation of development traffic under the North Fringe Major Scheme (Transport Measure).

Other Representations

4.3 Local Residents

A total of six sets of comments have been received during the consultation process associated with this planning application. The comments raise objections in respect of the proposed development. These generally re-iterate the objections received during the previous consultation period and are summarised below;

The proposed development is no different to the previously refused application and the changes only reflect a different design approach.

The proposed development represents a gross over development of the site

This type of development will prevent local families from obtaining family housing

The proposed development does not provide sufficient parking and manoeuvring space to cater leading to increased parking upon the highway; and would have a detrimental impact upon highway safety

The proposed development will cause additional noise

The lack of parking cannot be managed by a contribution to the Council's Transport Fund.

The proposed development will de-value the dwelling at 744 as it will create a row of terraced houses

There are already a large amount of flat conversions in close proximity of this site are causing problems with multiple occupancies

The proposed development will result in additional residents which will exacerbate existing anti-social and parking problems associated with the site

The proposed development will result in the loss of the garage and boundary treatment with 2 Ventnor Road which provides security and privacy for its occupants

5. ANALYSIS OF PROPOSAL

5.1 The proposed development consists of the conversion of the existing dwelling for flats and the construction an extension to provide a further two flats. The

development will take place within the curtilage of the existing dwelling. The site is within the Bristol North Fringe Urban Area.

5.2 Principle of Development

Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 are relevant to this development proposal. The policies indicate that the proposed development is acceptable in principle subject to the following considerations.

5.3 Use

There is local concern relating to the loss of family housing in favour of the conversion of them to provide flats. In particular this concern is aimed at the resulting loss of opportunity for local families to find suitable family accommodation in their neighbourhood.

5.4 However, it is clear that there is an increase of smaller households in society generally, and as a result there is a need for smaller units of accommodation to cater for this demand. PPS3 encourages the most effective use of existing housing stock. It identifies the conversion of existing housing into smaller units as being an important source of new housing. PPS3 also identifies the provision of smaller units, such as flats within existing residential areas as being key characteristics of a mixed community.

5.5 Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006 is consistent with the above. It identifies that the provision of smaller units of accommodation can make a valuable contribution to the supply and range of housing throughout South Gloucestershire that would be suitable for the growing numbers of single persons and small households.

5.6 Having regard to the above, it is considered that the proposed development is in accordance with the broad principles of Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.7 Density

PPS3 advises that new housing development should achieve a minimum density of 30 dwellings per hectare. This density should be higher in areas where the characteristics of the site and its surroundings would permit, in order to make the most efficient use of land. Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 carries this principle forward; and requires that new development should achieve the maximum density of housing having regard to the characteristics of the site. A minimum density of 30 dwellings per hectare would normally be expected.

5.8 In this instance, the site is surrounded by a wide variety of dwellings, most of which are semi-detached or terraced. The sub-urban characteristics of the site and the surrounding locality would facilitate a density that is between 30 and 50 dwellings per hectare.

5.9 The proposed development achieves a density of 90 dwellings per hectare. The previous assessment of development at this site acknowledged that this density is high. However, the previous development included houses as well as flats, whereas this application proposes only flats. On this basis it is considered that the characteristics of the proposed development is significantly different from the previously refused proposal and although the density is high, it is necessary

to re-address the design merits of the development before considering whether or not the proposal would constitute over-development.

5.10 Design and Appearance

Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development achieves a high standard of design.

5.11 The existing dwelling is half of a pair of semi-detached ex-local authority house dating from the first half of the 20th Century. It is characterised by a narrow footprint and steeply pitched roof. The dwelling sits in a corner plot, with an open area of curtilage that forms part of the original open character of the housing development. Indeed such corner plots tend to define the building line of the adjacent development; and this is the case here with a very similar arrangement occurring on the opposite side of the junction (at 740 Filton Avenue).

5.12 As with the previously refused application, this proposal would result in the subdivision of the existing dwelling to provide 2 x 2 bed flats. This application differs from the previous application by way of the provision of a further 2 x 2 bed flats within an extension to the existing building. The submitted Design and Access Statement argues that the extension providing the two new flats replicates the existing dwelling, so appearing consistent with the character of the existing building.

5.13 The previous development proposal introduced two dwellings to the site arranged within a proposed extension. This was considered to be poor in a design and visual amenity point of view because of factors relating to proportion and vertical/horizontal emphasis. In this instance the proposed extension has been reduced in width and is now the same proportion as the existing dwellings directly associated with it. Also, the proportion of the windows and horizontal emphasis is now designed to be consistent with the existing dwelling on the site and nearby buildings. Essentially, the new build element of this proposal is such that its external appearance would appear as a new dwelling; forming a terrace with the existing semi-detached dwellings. A lean-to extension is also proposed to the rear of the existing dwelling, which would continue along the rear of the new building element. This approach is considered acceptable in visual terms. The previously proposed dormer windows are now omitted from this proposal.

5.14 Having regard to the above, and notwithstanding the internal arrangement of the proposed development, the resulting building will appear as a terrace of three very similar dwellings. In visual terms this is acceptable, and would also preserve the general character of the area and this corner site. On this basis, it is considered that the proposed development is acceptable and would not appear overdeveloped within this street scene.

5.15 Residential Amenity.

Policy H2 and Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 seek to ensure that new residential development would allow a reasonable level of privacy and residential amenity for its new occupants; and that development would not have an unacceptable impact upon the privacy and residential amenity of the occupants of nearby dwellings.

5.16 The site is a corner site with adjacent properties to the West and to the North. The dwelling to the west is a terraced bungalow and is approximately 11

metres from the proposed new dwellings. There are no primary windows positioned in the East elevation of the bungalow. The proposed floor layout of the new dwellings is such that views across neighbouring residential development would be consistent with a normal domestic relationship associated with a sub-urban location such as this. Given the orientation of the new development and the property to the West, it is not considered that there would be a harmful impact upon it in residential amenity terms. The development includes the construction of a single storey extension to the existing building continuing across the rear of the new building element; this would continue along the boundary with the adjacent dwelling (at 744 Filton Avenue) by 3.3 metres. The adjacent property is directly to the North of this development. Given the scale of this element of the development it is not considered that it would have an unacceptable impact upon the residential amenity of the occupants of the adjacent dwelling.

5.17 With respect to the occupants of the new development, the two ground floor units would have direct access to private amenity space within the site. The two first/second floor units would not have access to garden space. However, flats such as those proposed are not considered to be family housing in the same way as a two bedroom house would be. On this basis, it is not considered essential that such accommodation has access to private amenity space. In this instance, there is a choice of garden flats and non-garden flats which would cater well for market demand in the locality. On this basis the development is considered acceptable in residential amenity terms.

5.18 Minimising the Use of Energy and Natural Resources

Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to establish high standards in terms of energy conservation. This is supported within the South Gloucestershire Design Checklist. The Local Planning Authority would expect a minimum standard of Level 3 of the Code for Sustainable Homes. In addition, in developments of this size should be expected to provide on site energy production from renewable sources that will reduce CO2 emissions from this building by 10%.

5.19 The developer has not submitted any 'sustainability statement' in support of this application. As such, the application does not address the way in which the development would be constructed to a minimum standard of Level 3 of the Code for Sustainable Homes. Also, there is no indication of how the development would implement on site renewable energy sources. In addition, the developer has not indicated why this could not be achieved as part of this development. Having regard to the above, the proposed development fails to comply with the requirements of Policy D1, and the South Gloucestershire Design Checklist; and PPS: Planning and Climate Control.

5.20 Notwithstanding the above, should development be allowed on this site, it is considered that a suitably worded planning condition would be sufficient to require that suitable on site renewable energy sources and that Level 3 of the Code for Sustainable Homes is achieved and confirmed prior to first occupation of the dwelling.

5.21 Transportation

Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development would not have a detrimental impact upon highway safety and amenity in the locality of the site. The policy also requires that, where appropriate, a contribution to improvements to the

transport infrastructure should be secured as part of new development. Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006 provides the maximum off street parking standards for new development.

- 5.22 In this instance the proposed development would provide four off street parking spaces for four units. This level is consistent with the requirements of Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006. It is also considered that given the level of traffic generated by this proposal that there would be no material impact in highway safety terms.
- 5.23 Notwithstanding the above, the site is located within the Bristol North Fringe and as such falls within the remit of the Bristol North Fringe Development Major Scheme (Transport Measures); and the contribution towards this fund is appropriate under policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006. The basis of a contribution is calculated as being £900 per flat. However, in this instance the two of the proposed flats would take place within the envelope of the existing dwelling; and would not result in an increase of bed spaces and demand upon the transportation infrastructure in their own right. It is therefore appropriate to apply this requirement only to the new building elements (ie two flats).
- 5.24 The required level of contribution is therefore £1800, which can be secured as part of an approval through an appropriate legal agreement. However, given the fundamental objection to the proposed development this sum has not been requested and as such the development does not satisfy the requirements of Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 5.25 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 appropriate supported by a Section 106 Agreement. In this instance, having regard to the above advice, the contribution towards transportation improvements is 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 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 Authority be delegated to the Director of Planning , Transportation and Strategic Environment to grant planning permission subject to the conditions set out below and the applicant first voluntarily entering into an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) (or other appropriate legally binding agreement) within 12 months of the date of this decision to secure the following:

- i) The contribution of £1800 towards transportation improvements under the North Fringe Development Major Scheme (Transport Measures).

7.2 If the legal agreement is not completed within 12 months of this determination, then in view of the length of the time after the application, it should either:

- a) Return to the DC (West) Committee for reconsideration; or
- b) The application should be refused due to the failure to secure the Section 106 agreement, for the reason listed under Section 7.1.

Background Papers **PT07/3348/F**

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

CONDITIONS

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

Reason(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 development hereby permitted shall match those used in the existing building on this site.

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. Notwithstanding the submitted details, prior to the commencement of development, detailed plans showing the provision of car and secure 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 parking facilities provided prior to the first occupation of the building; and thereafter retained for that purpose.

Reason(s):

1. 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.

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

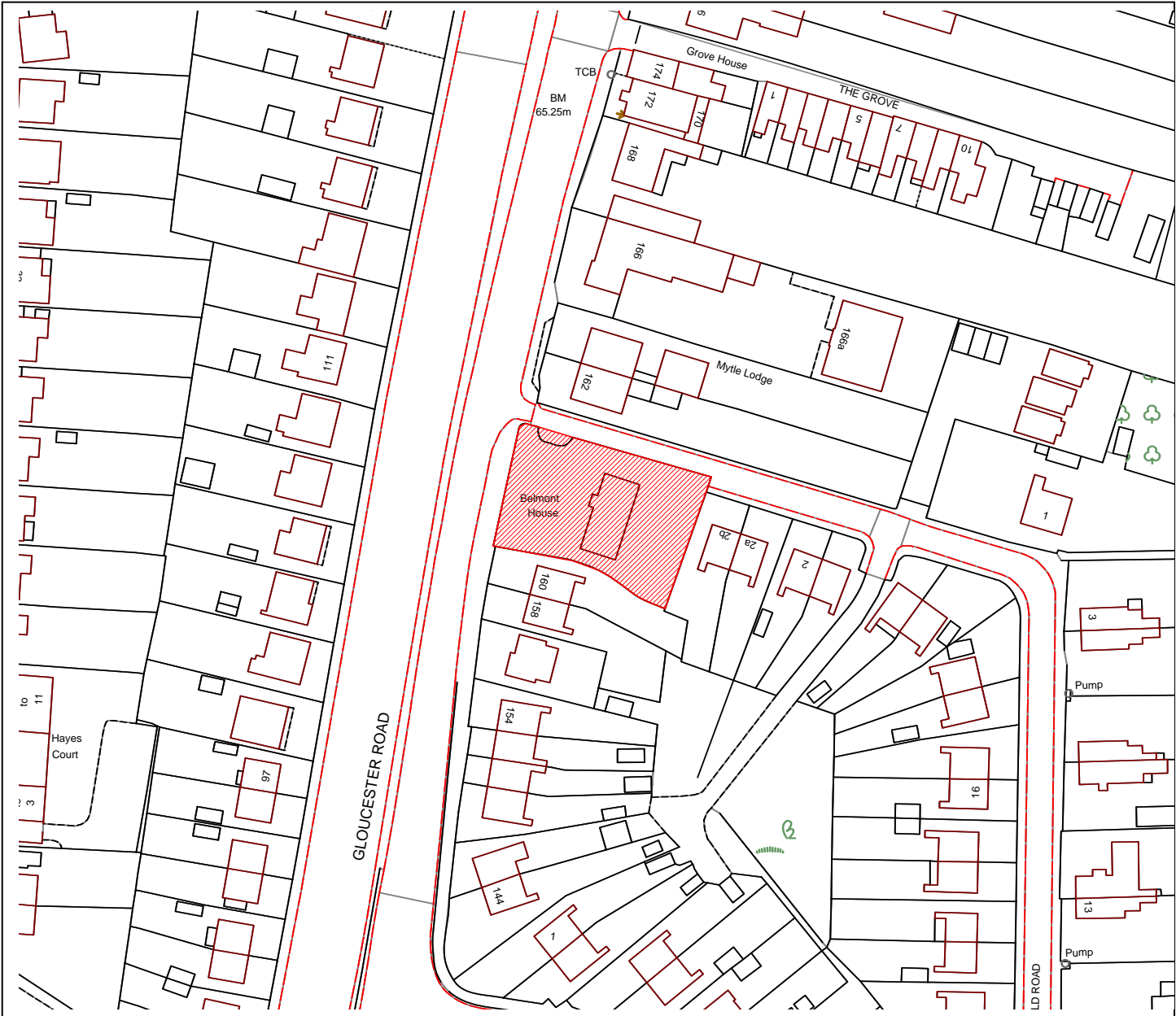
4. No development shall take place until the Local Planning Authority has been provided with, and has approved in writing, a Pre-Assessment of the development carried out by a BRE Licensed Code for Sustainable Homes Assessor, proving CSH Level 3 achievement for each dwelling. Each residential building shall then be subject to a post completion check by the BRE Licensed CSH Assessor (after the Design Stage Report has been carried out and an interim certificate obtained) and a final Code Certificate of compliance for each dwelling shall be submitted to, and confirmed in writing by, the local planning authority prior to first occupation of the dwelling or building to which the certificate relates

Reason(s):

To ensure the development minimises the use of energy and natural resources as required by PPS1 and its draft supplement Planning and Climate Change, SGLP Policy D1, the South Gloucestershire Design Checklist, and Policy G of the draft Regional Spatial Strategy for the South West of England

CIRCULATED SCHEDULE NO. 50/07 – 14 DECEMBER 2007

App No.:	PT07/3361/O	Applicant:	Mr G Leadbeater
Site:	Belmont House Gloucester Road Patchway BRISTOL South Gloucestershire BS34 5BQ	Date Reg:	13th November 2007
Proposal:	Demolition of existing dwelling to facilitate erection of 12 no. flats (outline) with all matters to be reserved	Parish:	Patchway Town Council
Map Ref:	60596 81376	Ward:	Patchway



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N.T.S

PT07/3361/O

INTRODUCTION

The application appears on the circulated schedule because the proposal is defined as one for major development.

1. THE PROPOSAL

- 1.1 The application seeks outline planning permission to demolish an existing single dwellinghouse and erect a single building containing 12 flats. All matters are reserved. As such it is only the principle of establishing a building of 12No. flats on this site that is to be considered at this outline application stage. An illustrative layout in the form of a block plan has been submitted in support of the application; this is supplemented by the required Design and Access Statement that states that the building will be 2½ storeys.
- 1.2 The application site comprises 0.103 hectares of land on the east side of Gloucester Road. A detached 2-storey house is positioned centrally within the plot facing Gloucester Road. Redfield Road runs adjacent to the northern boundary. This road is a private road at the point where it lies adjacent to the application site. The southern boundary is with No.160 Gloucester Road, a semi-detached 2-storey property. Adjacent and to the east is 2b Redfield Road, again a semi-detached 2-storey property with its single storey garage adjacent to the boundary.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	General Policies and Principles
PPS3	Housing
PPG13	Transport

2.2 Joint Replacement Structure Plan

Policy 35	Housing density
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2.3 South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
H2	Residential Development within the Existing Urban Area
H4	Development within existing residential curtilages.
T12	Transportation Development Control Policy for New Development
T7	Cycle Parking Standards
T8	Parking Standards
EP4	Noise sensitive development
LC1	Provision for Community Facilities (Site Allocations and Developer Contributions)
LC2	Provision for Education Facilities (Site Allocations and Developer Contributions)

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant history

4. CONSULTATION RESPONSES

- 4.1 Patchway Town Council
Objection.

- over-development.
- highway safety.
- impact on amenities of neighbours.

4.2 Sustainable Transport

Insufficient detail to be able to confirm that access and parking issues could be satisfactorily addressed and necessary road improvements made.

Other Representations

4.3 Local Residents

17No. local residents object on the following grounds:

- No more flats.
- Loss of valuable house.
- Parking problems.
- Over-development.
- More traffic/congestion.
- Loss of open space/light.
- Loss of privacy.
- Noise pollution.
- Concern over bin storage.
- Lack of pavement

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site is located within an established urban area and represents previously developed land as it forms the residential curtilage of Belmont House. As such national planning guidance and local plan policy supports the principle of residential development.

5.2 Density of Development

The proposed development density is 118 dwellings per hectare (dHa). This is substantially above the minimum density requirement stipulated in PPS3, policy 35 of the Joint Replacement Structure Plan, policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 and the adopted Design Checklist SPD. Whilst some sites can achieve this level of density, it will be shown that the density proposed exceeds the maximum that the site can achieve allowing for existing constraints and will, as a result, result in a poor form of development. It is acknowledged that the extended building at Nos.162-164 Gloucester Road and the additional building in its garden comprise a development of 16No. flats at an overall density of 100dHa. This, in itself, represents a high density that is considered to be only marginally acceptable considering the site constraints and local character. The proposed development goes beyond this.

5.3 Design/Visual Impact

There exists a paucity of information relating to height, mass, scale and relationship with street and locality. The Design and Access Statement suggests a 2 ½ storey building but gives no more information regarding scale parameters as required of circular 01/06. The application form states a height of 10.7m. This is itself comparable to the height of the nearby recently developed building at Nos.162/164. However, whilst a 2½ storey building may be possible, with 2nd floor accommodation located truly within a traditional

pitched roof, the form of the building indicated on the submitted plan, albeit for illustrative purposes only, appears of excessive bulk, will either have a substantial roof or be flat-roofed, is likely to be far higher than adjacent 2-storey properties to which it visually relates, all of which is indicative of a development that is of too great a density for the site and locality. Remaining areas are likely to be dominated by parking (12no. spaces will be required), with little amenity space. Building lines along both Redfield Road and Gloucester Road will in all likelihood, as the illustrate plan indicates, be impinged upon due primarily to the excessive density of development. There is no evidence that would conclude to the contrary. Furthermore, whilst the nearby building at No.162/164 is acknowledged, the application site is located within a residential block of 2-storey development with such development lying directly adjacent.

5.4 The submitted Design and Access Statement is devoid of detail, does not inform the development proposed, does not in any way prove an appropriate design approach was taken, and furthermore the adopted Design Checklist SPD appears to be disregarded. Within the Design and Access Statement there are unsubstantiated statements such as “the proposed building will be well mannered and discreet” or that all the criteria of policy D1 are complied with. This is a wholly unacceptable approach.

5.5 Residential amenities

The proposed illustrative siting indicates a building that is likely to impact adversely on residential amenities, particularly No.160. However, it is considered that a suitable development could be achieved without undue impact on the residential amenities of neighbouring properties despite the intensification of the use on the site.

5.6 Transportation

The Council's Transportation Engineer has confirmed that the application is devoid of any detail that would indicate that an adequate access, parking provision and necessary road improvements could be achieved and therefore is unable to confirm that the principle of the development can be established.

5.7 Other Matters

Suitable drainage arrangements and acoustic mitigation can be achieved by condition if the recommendation was one for approval.

5.8 The proposed development will generate the need for one primary school place. The Council's Children and Young People Department has confirmed that there is a projected insufficient surplus of primary school places in the area. Therefore, a financial contribution towards the provision of a primary school place is necessary in order to comply with policy LC2 of the South Gloucestershire Local Plan (Adopted) January 2006. As the application is recommended for refusal, this contribution is not forthcoming and therefore this in itself should be a reason for refusing planning permission.

5.9 Policy LC8 of the South Gloucestershire Local Plan (Adopted) January 2006 requires provision of on site open space and play areas. Due to the size of the site this cannot be provided on site. A contribution towards the provision of off-site facilities is therefore required. Using established formulae, it has been calculated that the proposed occupation of the site will generate a need for a financial contribution of £19,817.11. Again, as the application is recommended for refusal, this contribution is not forthcoming and therefore this in itself should be a reason for refusing planning permission.

6. CONCLUSION

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

Background Papers PT07/3361/O

Contact Officer: Michael Simmons
Tel. No. 01454 863643

REFUSAL REASONS

1. The density of the proposal will result in a development of substantial scale and mass that will not respect the character or visual amenities of the locality including the traditionally scaled residential block within which the site is situated. The Design and Access Statement fails to justify in any way the proposed development and the design approach taken. As such the proposal fails to accord with guidance in PPS3; policy 35 of the adopted Joint Replacement Structure Plan; policies D1, H2 and H4 of the adopted South Gloucestershire Local Plan; and the adopted Design Checklist SPD.
2. The proposal fails to make adequate provision towards the provision of primary school places contrary to policy LC2 of the South Gloucestershire Local Plan (adopted) January 2006.
3. From the information submitted in support of the application, there is no evidence to indicate that satisfactory access and parking provision can be provided or that necessary road improvements will be undertaken. As such, the proposal is contrary to the requirements of policy T8 and T12 of the South Gloucestershire Local Plan (adopted) January 2006.
4. The proposal fails to make adequate provision towards the provision of equipped and unequipped play areas, and formal and informal open space, contrary to policy LC8 of the South Gloucestershire Local Plan (adopted) January 2006.

CIRCULATED SCHEDULE NO. 50/07 – 14 DECEMBER 2007

App No.: PT07/3404/F
Site: 53 Apseleys Mead Bradley Stoke
 BRISTOL South Gloucestershire BS32
 0BE

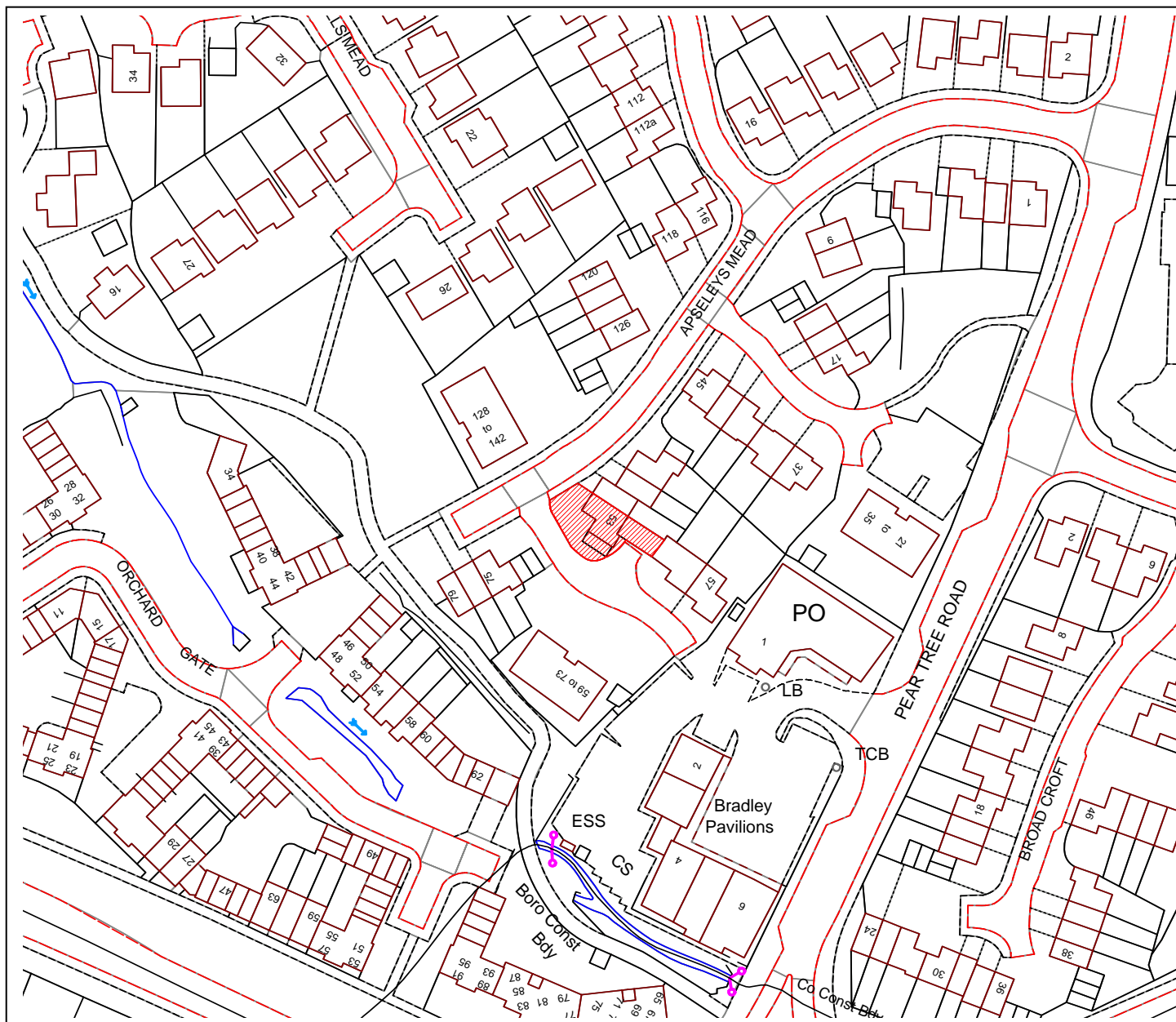
Applicant: Mrs N Cranny
Date Reg: 16th November
 2007

Proposal: Demolition of existing garages to
 facilitate erection of 1 no. dwelling with
 associated works.(Re-Submission of
 PT07/1941/F)

Parish: Bradley Stoke Town
 Council

Map Ref: 61315 82877

Ward: Bradley Stoke North



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N.T.S

PT07/3404/F

This application appears on the Circulated Schedule because a S278 agreement is required.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of an attached two-storey dwelling.
- 1.2 The application site forms an existing end terrace two-storey unit and attached double garaging on the south east side of Apseleys Mead, Bradley Stoke.
- 1.3 The application comprises a resubmission of PT071941/F that was refused for the following reason:

'The proposed development by reason of its size, design and restricted plot size, would compromise a cramped form of development out of keeping with the general character of the area and detrimental to the visual amenities of the locality. The proposal is therefore considered to be contrary to planning policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006'.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1: Delivering Sustainable Development
PPS3: Housing
PPG13: Transport
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Quality Design in New Development
H2: Proposals for Residential Development
H4: Development within Residential Curtilages
T7: Cycle Parking
T8: Parking Standards
T12: Transportation Development Control Policy for New Development

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/1941/F: Demolition of existing garages to facilitate erection of 1 dwelling with associated works. Refused: 6th August 2007

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
No objection
- 4.2 Other Consultees
Environmental Services: no objections in principle

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policies H2 & H4 allow for the principle of new residential development subject to considerations of design, residential amenity and highway safety. Further, the maximum density compatible with the site, its location and accessibility should be achieved whilst adequate private amenity space should be retained and provided for any new separately occupied dwelling.

5.2 Design/ Visual Amenity

The application site forms an end of terrace two-storey dwelling on the south east side of Apseleys Mead and its attached double garage. This garage is to the south west side of the property and set back from the front wall of the host dwelling.

5.3 The application proposes the demolition of this garage and its replacement with an attached two-storey dwelling. This would necessitate a slightly enlarged ground floor plan with the rear building line retained but the front wall pushed forward; albeit still well behind the front building line of the host dwelling.

5.4 Accommodation would retain two garage spaces with one for the new dwelling and the second to serve the existing. A new entrance hall would be provided behind (by virtue of the enlarged ground floor area) leading to a one bed unit above. This would provide a lounge/ kitchen, bedroom and bathroom.

5.5 In contrast to the previous application, the proposal would not seek to replicate the design of the host unit but instead would provide a subservient build with a lower eaves and ridge height and with a side entrance. This design approach has been adopted following subsequent discussions with Officers in an attempt to provide a smaller coach house style unit that would sit more comfortably on this smaller plot. Further, this design approach is considered to help retain a feeling of spaciousness at this more prominent corner position.

5.6 In view of the above, the proposal is on balance considered to have addressed the previous refusal reason and thus no objection is now raised. It is however noted that the applicants have resisted pressure to step the rear roof slope from that of the existing unit. Any refusal reason formed on this basis would though be very unlikely to prove sustainable.

5.7 Density

Planning policy H2 cites that the maximum density compatible with the site, its location and accessibility should be achieved. In this regard, the expectation is that a minimum density of 30 dwellings per hectare will be achieved. However, where local circumstances permit, upwards of 50 dwellings per hectare should be achieved.

5.8 In this instance, the proposal would achieve a density of development equating to 100 units per hectare. This therefore exceeds the density threshold required whilst it is further noted that this does not comprise a specific refusal reason at the time of the previous submission.

5.9 Residential Amenity

By virtue of the position of the application site, the proposal would be sited at an appreciable distance from all other neighbouring units (with the exception of

the attached unit). Therefore, as per the first application, it is not considered that any significant adverse impact in residential amenity would be caused.

5.10 Amenity Space

The existing dwelling would retain both its front and rear garden although the proposal would benefit from only limited amenity space to the side and rear; this would be sufficient for bin/ cycle storage however. Therefore, and in view of the small size of the build (a one bed dwelling is very unlikely to be occupied by a family) and with other examples of similar units that are devoid of amenity space, it is not considered that permission could be reasonably withheld on this basis.

5.11 Highway Safety

Policy T8 allows a maximum of 1.5 spaces for a two bedroom dwelling and one space for a one bed unit; the proposed parking provision is therefore slightly in excess of the Council's standards. A reduction in the number of parking spaces would though compromise the design of the scheme and thus as before, there is no highway objection to the proposal.

5.12 Notwithstanding the above, in order to mitigate the incremental damage on the north fringe accumulated via numerous small developments a financial contribution of £900 towards the North Fringe development proposal (Transport Measures) is required. This should be secured via an appropriate agreement and provided prior to the issuing of any permission.

5.13 Design and Access Statement

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

5.14 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, having regard to the above advice, the transportation improvements, are appropriately subject to a Section 278 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 grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted)

January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That Authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant permission subject to conditions set out below and the applicant first voluntarily enter into an agreement under Section 278 of the Town and Country Planning Act 1990 (as amended) to secure the following:
- 7.2 A contribution of £900 towards the North Fringe Development Proposal (Transport Matters) initiative. The reasons for this agreement are to mitigate against the impact on the Bristol North Fringe local road network to comply with Policy T12.
- 7.3 That the Head of Legal & Democratic Services be authorised to prepare and seal the agreement.
- 7.4 Should the section 278 agreement fail to be determined within one year of this resolution, then the application is refused on the failure to secure the head of term set out in section 1 of the recommendation.

Background Papers **PT07/3404/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 dwelling 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. 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 and B), 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(s):

To accord with Policies D1,H4 and T8 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The off-street parking facilities shown on the plan hereby approved shall be provided before the building is first occupied, 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. 50/07 – 14 DECEMBER 2007

App No.:	PT07/3415/CLE	Applicant:	Mr I R Rummels
Site:	The Cottage New Street Charfield WOTTON UNDER EDGE South Gloucestershire GL12 8ES	Date Reg:	19th November 2007
Proposal:	Application for Certificate of Lawfulness for continued occupation of dwelling house without compliance to condition 03 of planning consent P88/3537 dated 23rd November 1989	Parish:	Charfield Parish Council
Map Ref:	72286 92672	Ward:	Charfield



INTRODUCTION

This application comprises a Certificate of Lawfulness and as such appears on the Circulated Schedule.

1. THE PROPOSAL

- 1.1 The application submitted comprises a Certificate of Lawfulness in respect of the continued occupation of detached building as an independent dwelling house without complying with condition 03 attached to planning permission P88/3537 at 34 New Street, Charfield.
- 1.2 The site is a small, converted one-bedroom dwelling that was originally a garage, located to the south of 34 New Street. It is set back approximately 1m from the highway and allows for one off-street parking space. The rear garden is small and linear in nature and appears well established. It is enclosed fencing, vegetation and walling. The site lies within the settlement boundary of Charfield.
- 1.3 In order to obtain such a certificate the applicant must produce evidence that demonstrates on the balance of probabilities that the use has occurred for at least 10 years. Accordingly, this is purely an evidential test and not a question of planning merit. The applicant should produce precise and unambiguous evidence to this end.

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 P88/3537 Alterations to domestic garage including installation of dormer windows to facilitate use as guest accommodation. Approved 23 November 1989, subject to a Section 52 Agreement.
Condition 03 stated the following *“the guest accommodation hereby authorised shall be used in connection with and incidentally to the dwelling house within the same curtilage and shall at no time be severed therefrom to form a separate residential unit or for any other purpose.*
The reason for the Section 52 Agreement was to ensure that the guest accommodation was not used as a dwelling house nor severed from the main dwelling house.

4. CONSULTATION RESPONSES

- 4.1 Charfield Parish Council
No objection/comments.

Other Representations

None received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 A site plan.

5.2 Planning permission decision notice P88/3537.

5.3 Letter from South Gloucestershire Council, Corporate Resources Dept confirming that the property has been banded for Council Tax purposes since 14 February 1997. There have been various occupants in the property since that date and it is currently occupied by a tenant.

6. SUMMARY OF CONTRARY EVIDENCE

6.1 None.

7. EVALUATION

7.1 The only issues which are relevant to the determination of an application for a Certificate of Lawfulness are whether, in this case, the use described has or has not been carried out for a period exceeding ten years and whether or not the use is in contravention of any Enforcement Notice which is in force. With regard to the latter point, no Enforcement Notice is in force on any part of the site.

7.2 The relevant test of the submitted evidence
The onus of proof is firmly on the applicant and the relevant test of the evidence in such matters is "on the balance of probabilities". Advice contained in Circular 10/97 states that a certificate should not be refused because an applicant has failed the stricter criminal burden of proof, ie "beyond reasonable doubt". Furthermore, the applicant's own evidence need not be corroborated by independent evidence in order to be accepted. If the Council has no evidence of its own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous. The planning merits of the use are not relevant to the consideration of the purely legal issues which are involved in determining an application. Any contradictory evidence which makes the applicant's version of events less than probable should be taken into account.

7.3 Hierarchy of Evidence
The evidence submitted comprises a letter from South Gloucestershire Council Corporate Services Dept, stating the property has been in banding since 14 February 1997.

7.4 Inspectors and the Secretary of State usually value and give weight to evidence in the following order of worth:-

1. Personal appearance, under oath or affirmation, by an independent

witness whose evidence can be tested in cross examination and re-examination, especially if able to link historic events to some personal event that he/she would be likely to recall;

2. Other personal appearance under oath or affirmation;
3. Verifiable photographic evidence;
4. Contemporary documentary evidence, especially if prepared for some other purpose;
5. Sworn written statements (witness statements or affidavits) which are clear as to the precise nature and extent of the use or activity at a particular time;
6. Unsworn letters as 5 above;
7. Written statements, whether sworn or not, which are not clear as to the precise nature, extent and timing of the use/ activity in question.

7.5 Having regard to the above, the information submitted is considered to demonstrate that on the balance of probability, the property has been used as independent residential accommodation for a continuous period of ten years to the date of this submission. It is therefore considered that the granting of this certificate should be allowed in this instance.

8. RECOMMENDATION

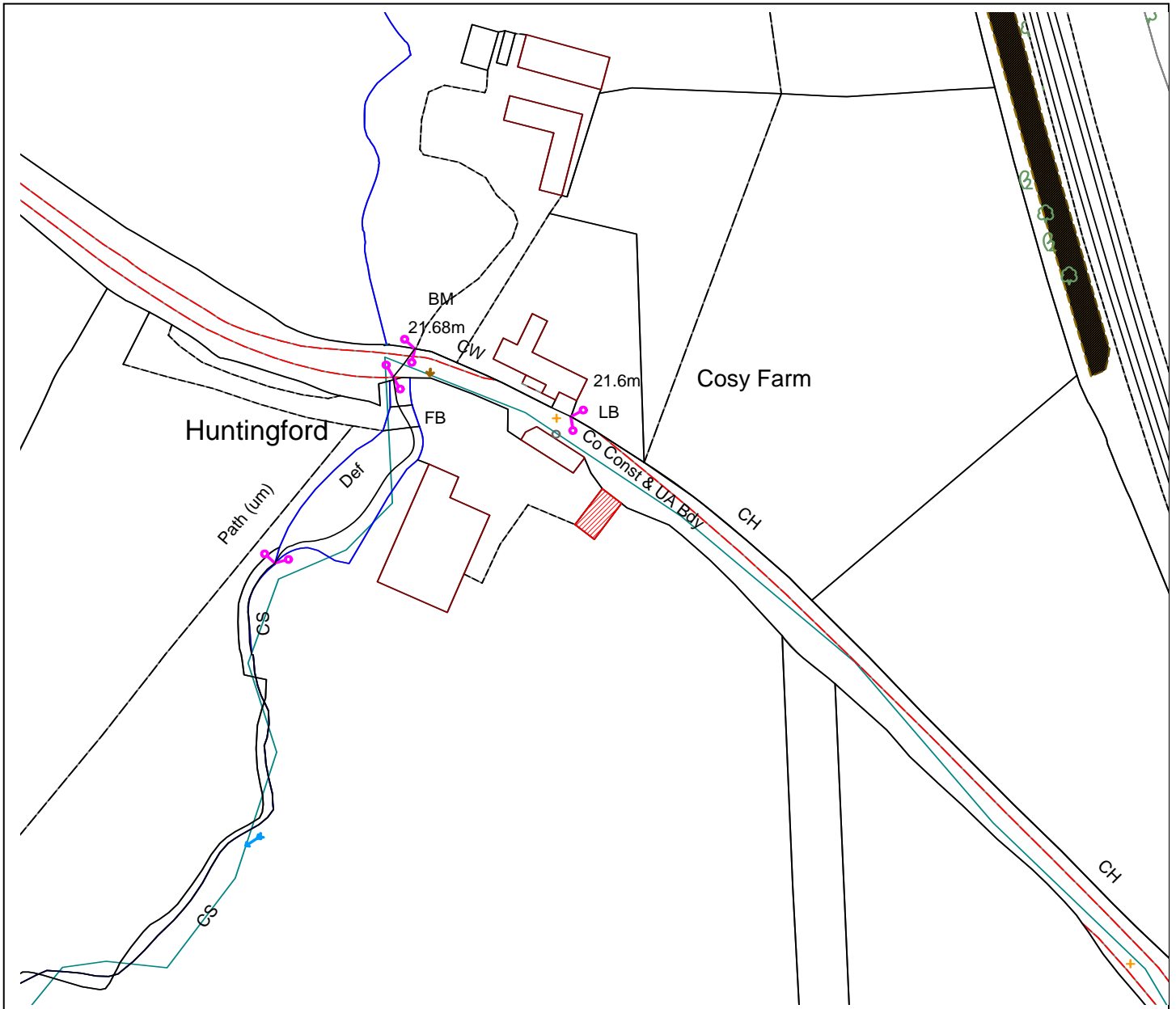
8.1 A Certificate of Lawfulness be granted.

Background Papers PT07/3415/CLE

Contact Officer: Vivian Butt
Tel. No. 01454 863427

CIRCULATED SCHEDULE NO. 50/07 – 14 DECEMBER 2007

App No.:	PT07/3417/CLE	Applicant:	Mr & Mrs J Randall
Site:	Cosy Farm Swinhay Lane Charfield WOTTON UNDER EDGE South Gloucestershire GL12 8EZ	Date Reg:	19th November 2007
Proposal:	Application for Certificate of Lawfulness for continued occupation of dwelling house.	Parish:	Charfield Parish Council
Map Ref:	71403 94030	Ward:	Charfield



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 100023410, 2007.

N.T.S

PT07/3417/CLE

This application is for a Certificate of Lawfulness, and as such, under the current scheme of delegation, is required to be taken forward under the Circulated Schedule procedure.

1. THE PROPOSAL

- 1.1 The application is for a Certificate of Lawfulness for the continued occupancy of the subject building (as approved under PT01/2825/F) as a residential dwelling.
- 1.2 The site consists of a yard and various buildings, including the subject building relating to the business operation associated with Cosy Farm.

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

- 3.2 PT00/1980/F Change of use of agricultural buildings and land for livery.
Approved (November 2000)
- 3.2 PT01/2825/F Restoration of previous milking parlour to form equestrian
and agricultural storage and hatchery.
Approved December 2001

Condition 2 of the above planning application is of particular relevance to this application. The condition reads;

The use of the building for the purposes hereby permitted shall remain ancillary and subservient to the primary use of the site/premises and shall not become a separate or dominant use at any time.

Reason

To prevent separate uses arising which may be inappropriate or over-intensive, and to accord with Policy RP1 of the adopted Northavon Rural Areas Local Plan; and Policy E8 and T12 of the South Gloucestershire Local Plan (Deposit Draft).

4. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 4.1 The claimants (Mr and Mrs J Randall) have submitted individual sworn declarations from John Randall (claimant) and associated persons Christopher Lock, Derek Pask, Enid Pask and Heidi Pask. This evidence is supported by electricity bills and paid TV Licences; and bills and receipts relating to the conversion work and supply of materials and receipts for domestic appliances. The declarations provide detailed accounts and key dates over the period of occupation of the building as a dwelling and site since 30th September 2003.
- 4.2 The statutory declaration provided by John Randall provides the date (30th September 2007) from which the occupation of the building as a dwelling began. The declaration also provides the key stages in the planning history which relates to this building. In particular, the evidence draws attention to the

conditional planning approval PT01/2825/F for which condition 2 of that approval restricts the use of the building to be ancillary to the primary use of the site. The remaining declarations are submitted by associates of Mr and Mrs Randall and outline the help given to them on 3rd June 2003 with respect to moving house; and indicating that conversion works had commenced at that time. A declaration is also submitted that details visiting Mr and Mrs Randall whilst in residential occupation of the building.

4. The existing situation at the site shows that the subject building appears to be in occupation as a dwelling house.

5. **SUMMARY OF CONTRARY EVIDENCE**

- 5.1 None Received

6. **OTHER REPRESENTATIONS RECEIVED**

- 6.1 Charfield Parish Council
Object to the application for the following reasons;

The proposed development is outside the development envelope of the Village.

The Development would set a precedent for further unsuitable residential development.

Citing continued unlawful occupation is an unsavoury method of obtaining planning permission

Approval of this application would lead to the granting of permission by 'back-door' methods and would encourage further activity of this sort in rural areas.

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, the applicant is claiming that the occupancy of the building as a dwelling has occurred since 30th September 2003. Through their agent, they also argue that the permitted use on the site as a whole (equestrian and agricultural storage and hatchery) was abandoned at the point that the building became a dwelling; and that therefore the applicant need only demonstrate that the building has been occupied as a dwelling continuously for a period of four years. The applicant has not submitted any evidence to show that the use on this site has been abandoned. In any case, an unlawful change of use does not constitute abandonment of the authorised use. Further, the submitted electricity bills indicate that they were presented for the use of electricity relating to a business use from the site, and so indicating that the authorised use has not entirely ceased.
- 7.3 Having regard to the above, it is clear that the starting point for the assessment of this claim lies with the currently authorised use of the site, granted under planning approval PT01/2825/F. This approval was subject to a condition

(Condition 2) which effectively restricts the subject building so that its use remains ancillary and subservient to the primary use of the site/premises and shall not become a separate or dominant use at any time. In fact, the occupancy of the building as a dwelling is in direct breach of the terms of that condition.

7.4 In this instance therefore it must be proven that the occupancy of the subject building as a dwelling in breach of Condition 2 of PT01/2825/F has occurred for a period of 10 years or more.

7.5 The submitted evidence includes electricity bills which go back as far as February 2003. However, given the nature of the approved use of the site it can be reasonably assumed that the site would require an electricity supply regardless of whether or not there is a residential occupancy. It is not considered that this evidence is sufficient to show that a residential occupancy has occurred in its own right. Similarly, the submission of delivery notes and invoices for domestic items and conversion works themselves demonstrate that residential occupancy has occurred. Nonetheless, the application is supported by statutory declarations which are legally binding documents, effectively made under oath. For this reason, the declarations, supported by the supplementary evidence and the observations made at the officer site visit are sufficient to show that 'on the balance of probability', residential occupation has and is occurring within this building.

7.6 However, the above evidence shows that the occupation began on 30th September 2003. The submitted declaration by Mr Randall is conclusive in demonstrating that no such occupation occurred prior to this date, and as such the submitted evidence is not sufficient to show that the residential occupancy has been continuous within this building for a period of 10 years or more.

7.7 For the above reason, the application fails.

8. RECOMMENDATION

8.1 A Certificate of Existing Lawful Use be refused for the continued use of the subject building as a residential dwelling in breach of condition 2 of planning permission PT01/2825/F.

Background Papers PT07/3417/CLE

Contact Officer: Simon Penketh
Tel. No. 01454 863433

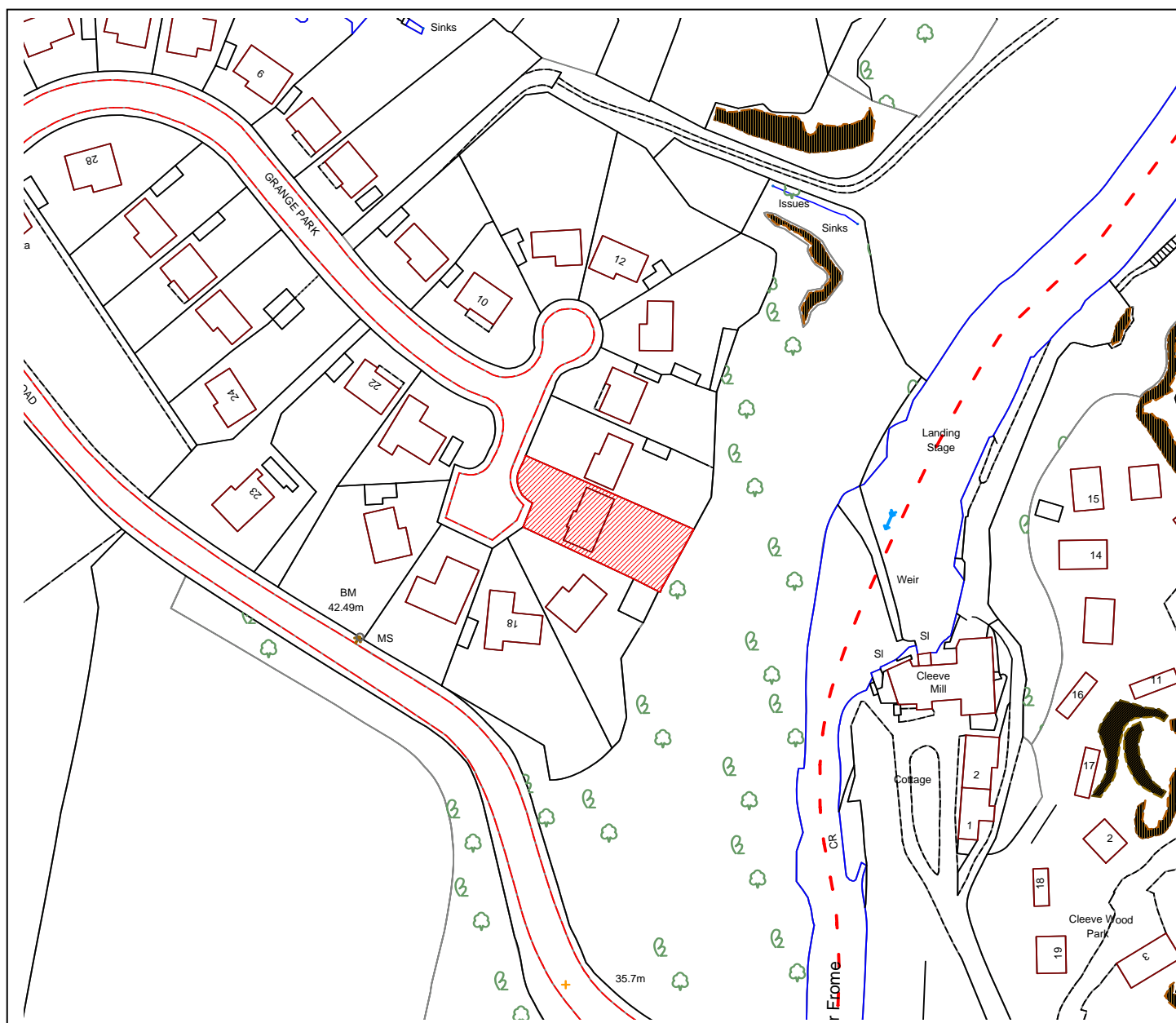
REFUSAL REASONS

1. The evidence submitted with this application does not show that, on the balance of probability, the subject building has been occupied as a dwelling in breach of condition 2 of planning consent PT01/2825/F (Local Authority Reference) for a period of ten years or more.

CIRCULATED SCHEDULE NO. 50/07 – 14 DECEMBER 2007

App No.: PT07/3437/F
Site: 16 Grange Park Frenchay BRISTOL
 South Gloucestershire BS16 2SZ
Proposal: Erection of first floor side and single
 storey rear extension to provide
 additional living accommodation
Map Ref: 64375 77826

Applicant: Mr & Mrs A Downes
Date Reg: 21st November
 2007
Parish: Winterbourne Parish
 Council
Ward: Frenchay and Stoke
 Park



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N.T.S

PT07/3437/F

This report appears on the circulated schedule as there is public comment that is contrary to the officer recommendation.

1. **THE PROPOSAL**

1.1 The site consists of a modern detached dwelling.

1.2 The proposed development consists of the construction of a first floor side and ground floor rear extension.

2. **POLICY CONTEXT**

2.1 National Guidance
PPS1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design in New Development

H4 Development within Residential curtilages

T12 Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. **RELEVANT PLANNING HISTORY**

3.1 None

4. **CONSULTATION RESPONSES**

4.1 Winterbourne Parish Council
Object as the development would damage the street scene. The property is in a prominent position and the development would give a cramped appearance.

4.2 Sustainable Transport
No Objection

Other Representations

4.3 Local Residents
Two letters have been received. The letters raise objection on the following grounds

The close proximity of the rear extension to the adjacent dwelling at 15, Grange Park will cause loss of light into the living room of the adjacent dwelling to the detriment of residential amenity.

The development will block light into the kitchen window at 17 Grange Park

The development will cause damage to the street scene, and will impact upon the appearance of the adjacent properties

The development includes the paving of the front garden to provide parking for two vehicles and the garage will be used for other purposes than the parking of vehicles. Two parking spaces is not sufficient.

The proposed development is overdevelopment.

There is concern that the development will become used for commercial purposes

The site is at the edge of the conservation area and the development is of great value to the community and should be protected.

5. **ANALYSIS OF PROPOSAL**

5.1 The proposed development consists of a domestic extension to an existing dwelling.

5.2 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 is relevant to this planning application. The policy indicates that the proposed development is acceptable in principle subject to the following considerations.

5.3 Design

The parish council and local residents have raised concern that the proposed extension would be harmful to the appearance of the dwelling and the character and visual amenity of the surrounding locality.

5.4 Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development should achieve a high standard of design. This approach is supported by the South Gloucestershire Design Checklist (Adopted Supplementary Planning Document).

5.5 In this instance the existing dwelling is a modern dwelling constructed in Bradstone. The site is associated with a distinctive residential development dating from the mid 20th Century located to the East of Frenchay Village itself. The housing development is distinctive because of the consistent use of a limited pallet of materials together with the style and detailing seen throughout the development. There is a relatively limited variation of house types consisting of detached houses and bungalow dwellings standing in relatively large plots. The spacing of these dwellings is a significant element in the character of the area. Notwithstanding the above, the site is not within a conservation area and does not benefit from any other form of protection under the planning act.

5.6 Having regard to the above, it is considered that in this instance there is a relatively constrained design code apparent in the locality as a whole. Nonetheless, the proposed development would provide a single storey rear extension and a first floor extension over the existing integral garage associated with the subject dwelling. The side extension is confined to the extent of the existing foot print of the dwelling and would provide a hipped roof development that is consistent with the 'design code' and detailing within the locality. Given the extent of this element of the proposed development, it is considered that the development would not reduce the sense of space around the dwelling and the distinctive 'gaps' apparent in the locality generally. Visually, it is considered that the proposed first floor extension is a logical extension, has been designed well and takes full account of the style, detailing

- and appearance of the existing dwelling. However, it is considered appropriate to require details and samples of the materials to be used; together with details of the mullions, headers and cills to be used in the new window to the front elevation. This can be dealt with by way appropriately worded condition should this application be approved.
- 5.7 The proposed extension to the rear measures 3 metres deep and covers the full width of the existing dwelling. It should be noted that the width of the building will not increase as a result of the first floor extension over the garage. The design of the rear extension would result in a modest lean-to structure. Very similar development has occurred elsewhere in this locality and its design is considered acceptable.
- 5.8 Subject to the use of a materials condition as referred to above it is considered that the design of the proposed development is acceptable and would not have a detrimental impact upon the visual amenity of the dwelling or the quality and character of the surrounding locality.
- 5.9 Residential Amenity
Concern has been raised as to the impact of the development upon the amenity of occupants the adjoining dwellings through the loss of light into adjacent windows.
- 5.10 Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new domestic extensions would not have a harmful impact upon the privacy and residential amenity of the occupants of the nearby dwellings. In this instance, 15 Grange Park is constructed on the same building line as the subject dwelling and it is positioned approximately 2 metres to the north. The side boundary of rear garden of the subject property is enclosed by a 1.8 metre high fence. Given the relationship of nos. 15 and 16 and that the proposed development to the rear of the dwelling is 3 metres deep and restricted to a single storey, it is not considered that its scale would result an a material impact upon the privacy and residential amenity of the occupants of no.15. Similarly, no. 17 is set back from the subject dwelling and it is located at least 4 metres to the south (approximately). Given this relationship, it is considered that the proposed first floor extension would have no material impact upon the privacy and amenity of the occupants at no 17; and that the rear extension would also have no material impact in that respect.
- 5.11 Creation of hard-standing and use of existing garage
There is concern relating to the surfacing of the front garden of the subject property. This is not detailed within the application, and it is not part of this planning application. Indeed, it should be noted that the creation of a hard standing or the widening of the drive within the curtilage of this dwelling does not require planning permission under the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and as such cannot be considered as part of this application. Similarly, the use of the garage (provided it continues in use as ancillary to the domestic occupation of the dwelling) cannot be controlled through the planning process.
- 5.12 Transportation
Given the nature of the proposed development, it is not considered that there would be any impact in transportation as a result of it.

5.13 Other Matters

Speculation is made by local residents that the scale of the development is such that there may be the intention to use part of the site for commercial purposes. Such a use would require planning permission in its own right. However, officers do not considered that this is the likely intension of the developer and officer are not in a position to consider this as part of this planning application.

5.14 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That Planning Permission is granted subject to the following conditions

Background Papers **PT07/3437/F**

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

CONDITIONS

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

Reason(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 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(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; and the South Gloucestershire Design Checklist (Adopted SPD)

3. No development shall take place until details and samples of the finishes of the mullions, header and cills relating to the new window located in the front elevation of the extension hereby approved 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 of the South Gloucestershire Local Plan (Adopted) January 2006.