



**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. 30/07**

**Date to Members: 27/07/07**

**Member's Deadline: 03/08/07**

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

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

Having considered the reports, those applications that Councillors feel should be referred to an appropriate Area Development Control Committee must be notified to the Development Control section **within five working days of the publication of the schedule (by 12 noon)**. If there has been no member request for referral within the time period, the decision notices will be issued in line with the recommendation in this schedule. **Before referring an item to the Committee, Members may wish to speak to an officer about the issue, in order that any problems can perhaps be resolved without the need for referral to a Committee.**

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

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate Area Committee, please let the Director of Planning, Transportation and Strategic Environment know within 5 working days of the date of this Schedule (by 12 noon) (see cover page for the date). A proforma is attached for your use and should be forwarded by fax to the appropriate Development Control Support Team, or by sending an email with the appropriate details to [PlanningApplications@southglos.gov.uk](mailto:PlanningApplications@southglos.gov.uk)

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

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

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

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

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

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

## CIRCULATED SCHEDULE

**DATE: 27/07/07**

**SCHEDULE NO. 30/07**

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](mailto:Planningapplications@southglos.gov.uk).

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

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

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

**Please note: - Reason for Referral**

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

**SIGNATURE .....**

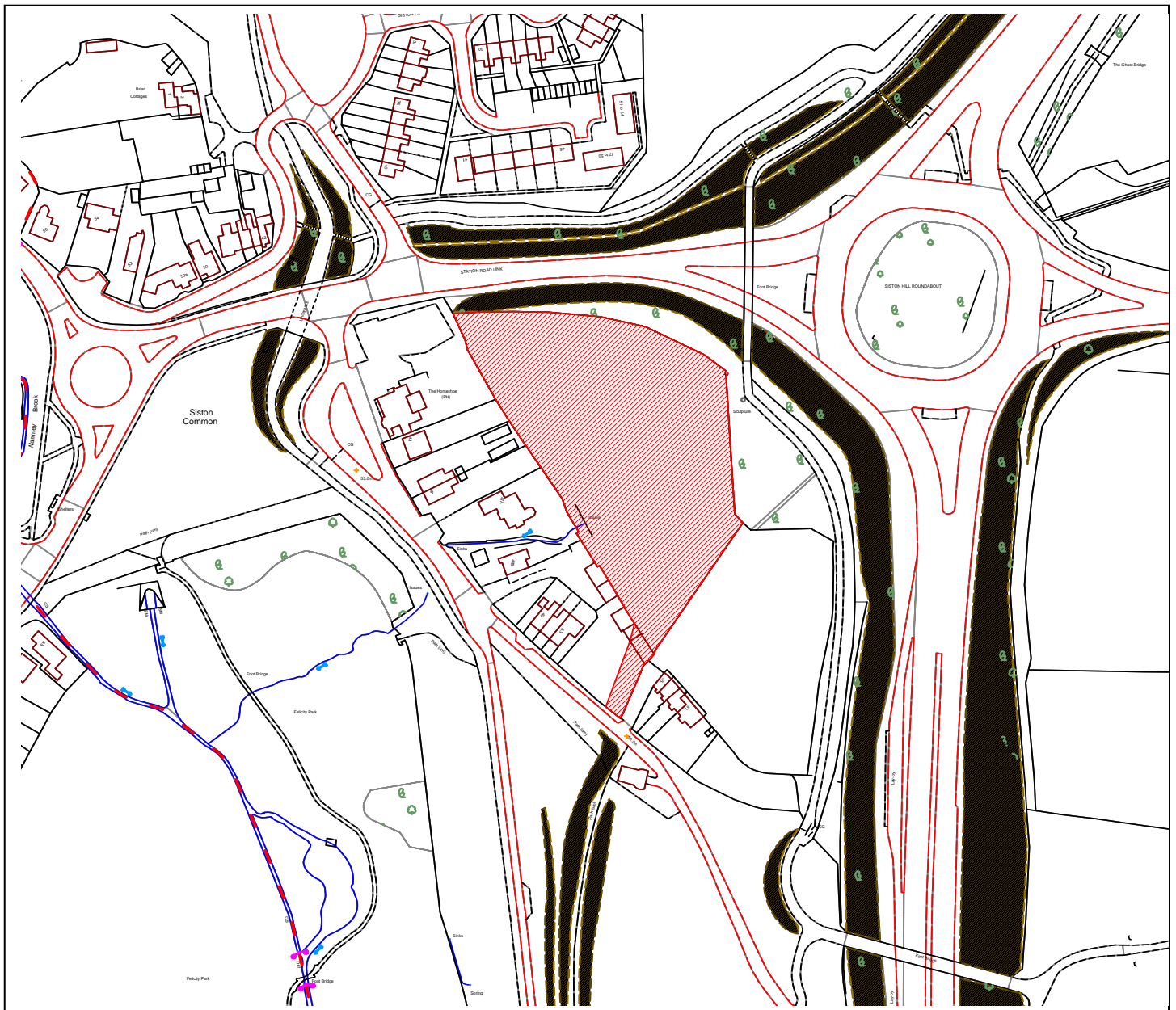
**DATE .....**

# Circulated Schedule 27 July 2007

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATION</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
1	<b>PK05/0792/O</b>	Refusal	Land To The Rear Of 41 To 53 Siston Common Siston South Gloucestershire BS15 4PA	Siston	Siston Parish Council
2	<b>PK06/3268/F</b>	Approve with conditions	Poplar Farm Yate Road Iron Acton BRISTOL South Gloucestershire BS37 9XY	Ladden Brook	Iron Acton Parish Council
3	<b>PK07/1797/LB</b>	Approve with conditions	Barns at Poplar Farm Yate Road Iron Acton South Gloucestershire BS37 9XY	Frampton Cotterell	Iron Acton Parish Council
4	<b>PK07/0592/F</b>	Approve with conditions	Plots 451-455, Siston Hill, Kingswood, South Gloucestershire	Siston	Siston Parish Council
5	<b>PK07/1467/F</b>	Approve with conditions	21 Homefield Yate South Gloucestershire BS37 5US	Yate North	Yate Town Council
6	<b>PK07/1531/F</b>	Approve with conditions	20 Kendall Road Staple Hill South Gloucestershire BS16 4NB	Staple Hill	
7	<b>PK07/1845/F</b>	Approve with conditions	17 Stanbridge Road Downend South Gloucestershire BS16 6AW	Rodway	
8	<b>PK07/1893/F</b>	Approve with conditions	30 Baugh Gardens Downend South Gloucestershire BS16 6PP	Downend	Downend and Bromley Heath
9	<b>PK07/1942/R3F</b>	Approve	Warmley Park School Tower Road North Warmley South Gloucestershire BS30 8XLBS30 8XL	Siston	Siston Parish Council
10	<b>PK07/1978/F</b>	Approve with conditions	13 Sandpits Lane Hawkesbury Upton South Gloucestershire GL9 1BD	Cotswold Edge	Hawkesbury Upton Parish Council
11	<b>PT07/1804/F</b>	Approve with conditions	37 Park Lane Kendleshire Winterbourne South Gloucestershire BS36 1AT	Westerleigh	Westerleigh Parish Council
12	<b>PT07/1956/TCA</b>	No objection	Frenchay Lodge West Beckspool Road Frenchay South Gloucestershire BS16 1NT	Frenchay and Stoke Park	Winterbourne Parish Council

## CIRCULATED SCHEDULE NO. 30/07 - 27 JULY 2007

<b>App No.:</b>	PK05/0792/O	<b>Applicant:</b>	Midshires Estates Ltd
<b>Site:</b>	Land To The Rear Of 41 To 53 Siston Common Siston BRISTOL South Gloucestershire BS15 4PA	<b>Date Reg:</b>	31st March 2005
<b>Proposal:</b>	Residential development on 0.92ha of land (Outline) with siting and means of access to be determined. All other matters to be reserved.	<b>Parish:</b>	Siston Parish Council
<b>Map Ref:</b>	66445 74658	<b>Ward:</b>	Siston



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## **INTRODUCTION**

This application appears on the Circulated Schedule because it is a major application.

### **1. THE PROPOSAL**

- 1.1 The application relates to a 0.92ha plot of pasture land situated to the rear of nos. 41-53 Siston Common. The site is enclosed by the Avon Ring Road noise bund to the north and east, and to the west by the rear gardens of houses along Siston Common. The site contains a hill in the centre with steep slopes to the south, flatter areas lie to the north-west behind the Horseshoe Public House and to the south. The site is bounded to the south-east by The Dramway Footpath (PSN7) beyond which is another open field. Another footway (PSN4) crosses the northern part of the site, linking the Horseshoe Pub car park with the Cycle Path on top of the Ring Road bund. Although lying within the Urban Area, as defined on the South Gloucestershire Local Plan (Adopted) 6th January 2006 proposals map, the site exhibits a semi-rural character, forming the backdrop for Siston Common.
- 1.2 The application seeks outline planning consent for residential development with siting and access to be determined; all matters of external appearance, design and landscaping would be the subject of a subsequent reserved matters application, should outline consent be granted. The originally submitted scheme proposed to erect 29 dwellings but this has now been reduced to 18 dwellings comprising 5 x 2 bed, 4 x 3 bed and 9 x 4 bed units. Vehicular access would be via a new access off Siston Common road with additional cycle/pedestrian links to The Dramway, Footpath PSN4 and to Station Road Link.
- 1.3 The application is supported with a Concept Plan and Statement, Transport Impact Assessment, Landscape Report, Archaeological Desk Top Study, Habitat Survey, Acoustic Report, Mining Report, Pedestrian Assessment and 3D Model.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

RPG10 - Regional Planning for the South West  
PPS1 - Delivering Sustainable Development  
PPS3 - Housing  
PPG9 - Nature Conservation  
PPG13 - Transport  
Circular 1/97 - Planning Obligations

#### **2.2 Development Plans**

##### **Joint Replacement Structure Plan (Adopted Sept 2002)**

Policy 01 - Sustainable Development Objectives  
Policy 02 - Location of Development  
Policy 03 - Landscape Protection (through Local Plans)  
Policy 33 - Housing Provision and Distribution  
Policy 34 - Re-use of Previously Developed Land  
Policy 35 - Housing Density  
Policy 59 - New Development Transport Issues

South Gloucestershire Local Plan (Adopted) 6th January 2006

D1 - Design

H1 - Proposed Sites for New Residential Development and Mixed Use Schemes including Residential Development.

H2 - Residential Development within the existing Urban Area

H6 - Affordable Housing

L1 - Landscape Protection and Enhancement

L5 - Open Areas within existing Urban Areas and Defined Settlements

L8 - SNCI

L9 - Species Protection

L17 & L18 - The Water Environment

EP1 - Environmental Pollution

EP2 - Flood Risk and Development

LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)

LC2 - Provision of Education Facilities

LC8 - Open Space

LC12 - Recreational Routes

LC13 - Public Art

T7 - Cycle Parking Provision

T8 - Parking

T12 - Transportation

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (SPD) (Consultation Draft) Sept 2006

**3. RELEVANT PLANNING HISTORY**

3.1 Between 1978 and 1989 there were numerous applications for residential development or office development relating to this site, all of which were refused.

3.2 P94/4184 - Erection of 1no. detached dwelling.  
Approved 26<sup>th</sup> July 1994

3.3 P95/4586 - Application for Certificate of appropriate Alternative Development  
Granted 5<sup>th</sup> Feb 1996

3.4 P99/4018 - Erection of 1no dwelling (renewal of planning permission K2593/11)  
Approved 22<sup>nd</sup> Feb 1999

3.5 PK04/3528/O - Residential development on 0.49ha of land (Outline) with siting and means of access to be determined. All other matters to be reserved. Re-siting of car park for existing public house.  
Withdrawn

**4. CONSULTATION RESPONSES**

4.1 Siston Parish Council

Response to Original Scheme (29 Dwellings)

Objected on the following grounds:

- The access would be over part of the Common.
- The Yellow pedestrian route is in the wrong position.
- The Horse Shoe Pub is busy and customers will park in proposed access road thus causing congestion for emergency vehicles.
- The site is a landscape buffer for the Avon Ring Road. The development would have a huge environmental impact as it is in full view of Siston Common.
- The Dramway Footpath should be protected.

#### Response to Revised Scheme for 18 Dwellings

Objected on the following grounds:

- Overdevelopment of sensitive rural site visible from footpaths and cycleways.
- The footpath from The Horseshoe to the Dramway should be kept open.
- The character of the Dramway must be protected.
- Access crosses Common land.
- Loss of established hedgerow fronting Siston Common.
- Proposed footpath access onto highway verge at Station Road Link is not acceptable as there is a safe crossing provided by existing underpass.

#### 4.2 Other Consultees

##### 4.3 Wessex Water

The development is located within a foul sewer area, a point of connection will need to be agreed at the detailed design stage. There is a culverted watercourse crossing the site.

##### 4.4 Avon & Somerset Police Community Safety Officer

No objection

##### 4.5 Environment Agency

No objection subject to standard conditions and informatives.

##### 4.6 The Ramblers

Holding objection, the development is on the line of PSN4.

#### **Other Representations**

##### 4.7 Local Residents

#### Response to Original Scheme (29 Dwellings)

9no letters of objection were received. The concerns raised are summarised as follows:

- Increased traffic
- Loss of Common – entrance crosses grass verge.
- Noise and pollution.
- Impact on wildlife.
- Footpaths should be protected.
- Adverse impact on rural setting.
- Loss of rural views.
- Loss of house values.
- Loss of hedgerows.



- Proximity of access road to side windows no.55 Siston Common.
- Dramway Footpath would be narrowed.
- Dangerous Access – poor visibility.
- 3-storey houses and flats not in-keeping.
- Too many houses proposed.

### Response to Revised Scheme for 18 Dwellings

7no additional letters of objection were received. The concerns raised are summarised as follows:

- Owners have allowed land to deteriorate.
- Access crosses common land.
- Previous refusals for a house on land adjacent to no.53.
- Protected hedgerow side of Dramway.
- Bend in the road, highway hazard for access, visibility blocked by barn.
- Impact on wildlife.
- Adverse impact on the Dramway Footpath.
- Increased traffic and noise.
- Noise of traffic over cattle-grid adjacent to no.43.
- Density too high.
- Devalue property.
- Stream floods 47a.
- Adverse impact on Common and Cycleway.
- Diverted footpath to Station Road Link dangerous for pedestrians.
- Pedestrian crossing not needed there is an underpass.
- Window side of no.55 will overlook access.
- Loss of privacy.
- Adverse impact on local facilities e.g. schools.
- Not in-keeping.
- Loss of open space.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy H1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 has adopted a sequential approach to identifying sites to meet the strategic requirement for land for housing, with first priority being given to previously developed land within the principal/main urban area of Bristol. This sequential approach accords with RPG10 (Policy SS2), Structure Plan Locational Strategy (Policy 2), Structure Plan Policy 34 and less specifically to PPS3 (para.38). The development of this previously undeveloped site does not therefore compare favourably with this sequential approach. Having regard however to current housing need targets to be achieved within the lifespan of the Local Plan and the likely shortfall, together with a recent appeal decision relating to land at Lintham Drive (APP/P0119/A/06/2009940/NWF), officers consider that a refusal reason in relation to the above cannot be adequately substantiated in an appeal situation.

Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 states that proposals for residential development, within the existing urban areas, will be permitted, provided that:

- A) Development would not have unacceptable environmental or transportation issues, or significantly prejudice residential amenity
  - B) The maximum density compatible with the sites location, its accessibility and its surroundings is achieved
  - C) The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination
  - D) Provision for education, leisure, recreation and other community facilities within the vicinity is adequate to meet the needs arising from the proposal
- 5.2 In February 1996 a Certificate of Appropriate Alternative Development was granted which established that if the land were not proposed to be acquired by an authority possessing compulsory purchase powers, planning permission would have been granted for residential purposes. This application was necessary to establish the value of an area of land, part of which, was required for highway works to form the Avon Ring Road. The assessment was made on the basis of the ring road not being there (which of course it is now). At that time the development plan comprised The Avon Structure Plan (Second Alteration) and the Kingswood Local Plan adopted 1991. The former has now been replaced by The Joint Replacement Structure Plan (Adopted) September 2002 and the latter by The South Gloucestershire Local Plan (Adopted) 6th January 2006.
- 5.3 The land the subject of the current application has no special designation in the South Gloucestershire Local Plan (Adopted) 6th January 2006 it is simply open land within the Urban Area. An objection was received to the Local Plan designation on the grounds that the land should be allocated for housing. Following the Local Plan Public Inquiry the Inspector addressed this issue in his Decision Report (see page 318) and opined that the site “.... makes a significant contribution to the character of this area and that its development would cause unacceptable harm to that contribution”. The Inspector did not therefore support the identification of the site for housing. Officers consider that this decision carries considerable weight in the determination of the current proposal so much so that it represents an in-principle objection to the proposal.
- 5.4 Notwithstanding this objection, the amenity value of the open space must still be assessed against Policy L5 of the South Gloucestershire Local Plan (Adopted) 6th January 2006. This policy relates to Open Areas within the Existing Urban Areas and Defined Settlements. The Policy states that:
- “Within the existing urban areas and settlements as defined on the proposals map, development will not be permitted where it would adversely affect the contribution that an open area makes to the quality, character, amenity and distinctiveness of the locality.”*
- For an in-depth assessment of the open space in relation to its current landscape character see the landscape section below.
- 5.5 Density  
Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and like PPS3 seeks to avoid development, which makes an inefficient use of land. PPS3 defines an inefficient use as a density of less than 30 units per hectare, and the supporting text to Policy H2 sets out the Council’s expectation that higher densities (in excess of 50 dwellings per hectare) will be achieved in and around existing town centres and at locations well served by public transport.

- 5.6 In assessing the current proposal therefore, consideration has to be given to whether the density proposed i.e 19.56 units per hectare, is acceptable and whether the siting and likely scale of the buildings would lead to successful integration with the development's surroundings.
- 5.7 Officers consider that given the site constraints relating to topography, public footpaths, proximity of residential dwellings, character of the area and presence of a culverted stream, a density higher than that proposed would not be realistically achievable on this site.
- 5.8 Transportation  
Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 states that new development will be permitted provided that in terms of transportation the proposal:
- Provides adequate, safe, convenient, attractive and secure access for pedestrians, cyclists, and disabled people
  - Provides safe access capable of accommodating the motorised traffic generated by the proposal
  - Would not create or unacceptably exacerbate traffic congestion, or unacceptably affect road safety
  - Would not generate traffic which would unacceptably affect residential amenity
  - Incorporates traffic management/calming measures where improved safety and environmental enhancement are required as a result of the development
  - Provides for or contributes to public transport and pedestrian and cycle links
  - Provides for or does not obstruct existing emergency vehicle access
- 5.9 Adequate off-street car parking space would be provided within the site to satisfy the Council's maximum parking standards listed in Policy T8 of the South Gloucestershire Local Plan (Adopted) 6th January 2006. Various alternative access methods and locations have been considered for the site but officers consider that the priority junction from Siston Common road, as now proposed, is the most preferable option. The proposed access would be located immediately west of The Dramway footpath where it joins Siston Common road. The Council's Highway Officer is satisfied that appropriate visibility splays can be provided.
- 5.10 Footway facilities on Siston Common and at its junction with Station Road are limited. These however would be improved through this application, which proposes a new section of footway on the Siston Common frontage, to link into the existing footway outside no.51; a new footway/cycle link would be provided directly onto Station Road Link; and provision of a pedestrian island and alteration to the corner radius between Station Road Link with Siston Common road. An appropriate condition could be imposed to insure that all new cycle links would be properly surfaced.
- 5.11 Information taken from the TRICS database reveals that the traffic associated with residential development ranges between 6 to 9 two-way movements throughout the day of which, approximately 10% take place during the peak hour. The traffic generation from the 18 dwellings proposed would range between 11 to 16 two-way traffic movements in the morning and afternoon peak

hour. Before it was made into a cul-de-sac, Siston Common road was a through traffic route and used to carry higher numbers of traffic. The Highways Officer considers that the road therefore has capacity to cope with the development traffic.

5.12 Public transport facilities in the area are limited, with some of the bus services being subsidised by the Council. Better access to public transport is essential if reliance on use of private vehicles is to be reduced. Since the proposal would result in additional demand for access to the existing public transport services, a contribution of £1000 per dwelling towards improving the public transport infrastructure i.e. bus shelters, raised pavements etc. is considered justified in this case. Subject therefore to appropriate conditions and a S106 Agreement to secure all of the above, there are no highway objections.

5.13 Design and Layout

All matters of external appearance and detailed design of the dwellings remains to be determined at the reserved matters stage. The siting and layout of the development is however to be determined at the outline stage. The current scheme has been arrived at following close consultation with the Council's Urban Designer. The scheme is now considered to be more structured with far less scattering of houses across the slopes of the hillside, thus creating a greater sense of place. The development is now concentrated on the lower ground, where the grain of the development relates better to that of the existing houses on the Siston Common frontage, furthermore the density is now more appropriate for the location. In the current scheme there are no 3-storey elements or flats proposed.

5.14 Impact Upon Residential Amenity

Adequate areas of private amenity space would be provided for the future occupiers of the proposed dwellings and in this respect the proposal does not represent an overdevelopment of the site. An enclosed play area and informal kick-about area would also be available for future occupants. Officers are also satisfied that the amenity distances between facing habitable room windows, as well as windows and blank elevations, as required by the Council's current Supplementary Planning Guidance notes, could be achieved by the proposed layout. The proposed dwellings would also be sufficiently set back from the existing dwellings as to not have any overbearing impact on them. Whilst there may be some overlooking of neighbouring gardens from the proposed dwellings, this would be from a reasonable distance and some overlooking is only to be expected. The increase in traffic movements, likely to be associated with the 18 new dwellings is not considered to be excessive.

5.15 The proposed new access would be located some 10m from the side elevation of no.55 Siston Common, within which, are habitable room windows. The occupier has objected on the grounds of loss of view but there is in fact no right to a view, so this cannot be used as a reason for refusal. The access road would be a reasonable distance from no.55's side window, which already looks out across the adjacent Dramway Footpath. Any loss of amenity could be mitigated for by an appropriate scheme of landscaping and supplementary hedge planting.

5.16 Whilst there would be disturbance during the development phase, this would be for a temporary period only and hours of working could be controlled by condition. On balance therefore the impact on residential amenity would be acceptable.

5.17 Landscape Issues

The site is pasture land, enclosed by the rear gardens of houses along the western edge, with the noise mound of the Ring Road and link road enclosing the site on the north and east sides. The Bristol/Bath Cycle Path runs to the east of the site, rising to a height of 65m where it crosses the bridge across the link road.

5.18 The site contains a hill in the centre of the site, with steep sided slopes to the south of approximately 1:4/1:5. This natural hill links to the artificial slope created to screen the ring road and carry the cycle path up to the bridge. This artificial slope lies to the east of the site boundary and has a slope of 1:4 and has been recently planted with trees. There are two areas of more level land, to the rear of the pub and in the south-west portion of the site. The site is overlooked by the houses to the south. The southern boundary has a mixture of sheds, walls and remnant hedges.

5.19 The site is crossed by a public footpath from the cycleway to the back of the pub, giving a link to Siston Common. A second path to the south follows the line of the Dramway and is separated from the application site by a hawthorn hedge. This hedge has been unmanaged for a number of years and consists of a line of hawthorn and elder trees.

5.20 Views to the Site

The principal views of the site occur from the well used public footpath that crosses the site. Due to the elevated location of the path, the whole of the site is visible from the path. The cycle way also has views across the site, the most wide ranging being from the cycle path next to the bridge across the application site, to Siston Common and the edge of Kingswood. The Dramway footpath has views across the site, particularly from the elevated eastern section of the path. There are limited views from Siston Common to the site from next to no.49 and through the garden of no.45 and the garden/car park of the Horseshoe pub. Partial views of the southern end of the site exist from Felicity Park.

5.21 The Proposal & Common Land Issues

The scheme creates an access to the site through an existing garden, creating an access onto Siston Common road next to the Dramway Footpath. A pavement is shown along the road frontage and into the site. There has been much debate as to whether or not the grass verge next to the roadway, across which the proposed access runs, is in fact Common Land or not. After protracted investigations, the Council's Senior Legal Officer, having checked the Commons Register, has confirmed that the verge is not Common Land but adopted highway.

5.22 It is proposed to erect 18 houses with private gardens. Unit 11 is shown 1m from the site boundary, not allowing any space for replacement hedge planting. For most part the scheme would require the building platforms to be cut into the slopes with rear gardens with 1:3 slopes. The layout will require cutting and re-grading to accommodate the layout shown .

5.23 Impact of the Development

The principal impact of the development is on the public footpath network and the change in the setting of the Dramway path, the pub path, the Bristol/Bath Cycleway and the Common itself. The semi-rural setting formed by the fields at

present would be changed to an entirely urban outlook. The retention of the area of open space on the high ground would not be sufficient to retain a rural character as the edge of the new development would dominate the views and block the partial views to the common which currently occur. The path network in this area is well used and accessible. With the future increase in population resulting from the recent development at Siston Park, the importance of all of these routes will increase. Sufficient space however has been allowed along the Dramway Footpath to retain the existing hedgerow.

5.24 The creation of the access route from the Common would be prominent in views from the Common, opening up views to the new development. The proposed cyclelink to the site along the edge of the Station Road Link would have a detrimental impact on the character of the Common.

#### 5.25 Policy

The site was considered by the Local Plan Inquiry in 2004 in relation to the allocation of the site for housing and the Inspector's report said the following:

*"In effect, it relates to an area of about a hectare, comprising open land bounded by the embankment of the Ring Road roundabout and the rear of houses facing Siston Common. Together with the open land to the south it forms a bowl of open ground rising behind the houses up to the road embankment and its associated cycleway. Its upper parts are elevated and provide for views across the residential area to the west."*

*"The field to the south is subject to a local nature conservation designation. Together, the higher parts of this land are prominent and provide an attractive feature, adding to the sense of openness created by the Common and other open areas of land alongside the Ring Road corridor. To develop up the sides of this bowl would diminish the character and appearance of this part of the urban area."*

*"In terms of the sequential search for sites I have concluded elsewhere that open land within the PUA should be given priority over extending the urban area. Given my conclusions on the level of housing required I support the principal of developing suitable sites, whether Greenfield or previously developed that are within the PUA. However, in respect of this site I consider that it makes a significant contribution to the character of this area and that its development would cause unacceptable harm to that contribution. For that reason I do not support the identification of the site for housing."*

5.26 Contrary to the applicant's submission, officers consider that the Inspector had clearly considered the whole of the site and its relationship with both existing development and open areas, as well as identifying those attributes of the site which he considered important, these being:

- Prominence of the upper slopes.
- Attractiveness of the hill feature.
- Views out of the site.
- Sense of openness to which the site contributes.

In policy terms these are site attributes that are protected by Policy L5 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 and are also relevant to Policies L1 and D1 in relation to character and distinctiveness. Additionally the site forms part of the setting of The Dramway historic route and

creates the setting and character of the public footpath and cycleway as well as the setting for Siston Common. Furthermore, since the Local Plan Inquiry major development has taken place at nearby Siston Hill, which officers consider merely enhances the importance of the application site as a remaining vestige of open space within this part of the Urban Area.

5.27 The Council's Landscape Architect therefore concludes that the proposal would have an unacceptable impact on the contribution, that the Local Plan Inspector identified, that the site makes to the quality, character, visual amenity and distinctiveness of the locality, which would be contrary to Policy L5 of the South Gloucestershire Local Plan (Adopted) 6th January 2006. Furthermore the proposal would also have a significant adverse impact on the character and setting of the public footpath network also contrary to Policy L5. The case officers concurs with this view and analysis.

5.28 Ecology

The site immediately abuts the northern edge of the Siston Common Site of Nature Conservation Interest (SNCI) demarcated by the Dramway and a mature hedgerow. A Phase 1 ecological survey of the application site and adjoining SNCI has been carried out, albeit in January/March, which is a sub-optimal time for such a survey to be carried out. The grassland of the application site appears to be improved and species poor.

5.29 The Council's Ecologist recommends that, should planning permission be granted, conditions should be imposed to secure an ecological survey for slowworms and badger setts, to be carried out in May/June, with appropriate mitigating measures should any protected species be found.

5.30 Drainage Issues

The Council's Drainage Engineer has raised no objection to the proposal, subject to submission of a full drainage scheme. A Mining Report has been submitted to the satisfaction of the Drainage Engineer. The stream culvert that runs through the site would remain in-tact and the Environment Agency raises no objection to the proposal.

5.31 Environmental Issues

An acoustic report has been submitted to the satisfaction of the Council's Environmental Health Officer, who considers that noise need not be a determining factor. Subject to standard conditions and informatives, there are no objections on environmental health grounds.

5.32 Public Rights of Way

In the current scheme the existing public footpaths are not affected. The proposed new section of footway and footpath links, are considered to be an enhancement to the footpath infrastructure. There are therefore no PROW objections.

5.33 Community Services

The Council's Community Services section have requested the following contributions:

- Provision and maintenance of Formal Public Open Space £32,207.11
- Provision and maintenance of Equipped Children's Play Space £2,235.87
- Provision and maintenance of Non Equipped Children's Play Space £4,024.57
- Informal Open Space £4,471.74

- Library Service £486.86

Making a total of £43,426.15

5.34 Education Services

Education officers have confirmed that due to the development of 450 dwellings at Siston Hill, any current surplus capacity in the primary sector, will be filled. The proposed 18 dwellings would generate 7no primary school places for which a contribution of £55,978.44 is required. Secondary schools in the area are currently full. The development would generate 4 additional secondary school places for which a contribution of £49,357.60 is required. The contributions should be secured by a S106 agreement.

5.35 Affordable Housing

Officers have confirmed that in line with Council Policy, there is a 33.3% affordable housing requirement, which equates to 6 units for this development. The affordable housing mix should be 2 x 2 bed houses, 1 x 3 bed house and 2 x 4 bed houses, all for social rent and 1 x 3 bed house for shared ownership.

5.36 The affordable homes should be distributed across the site in a minimum of 2 clusters and delivered through a Registered Social Landlord, with no public subsidy. All units are to comply fully with SDS, Lifetime Homes, RSL design brief and ECO-Home Very Good. The affordable housing provision to be secured by S106 Agreement.

## 6. CONCLUSION

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

**Background Papers**      **PK05/0792/O**

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

## **REFUSAL REASONS**

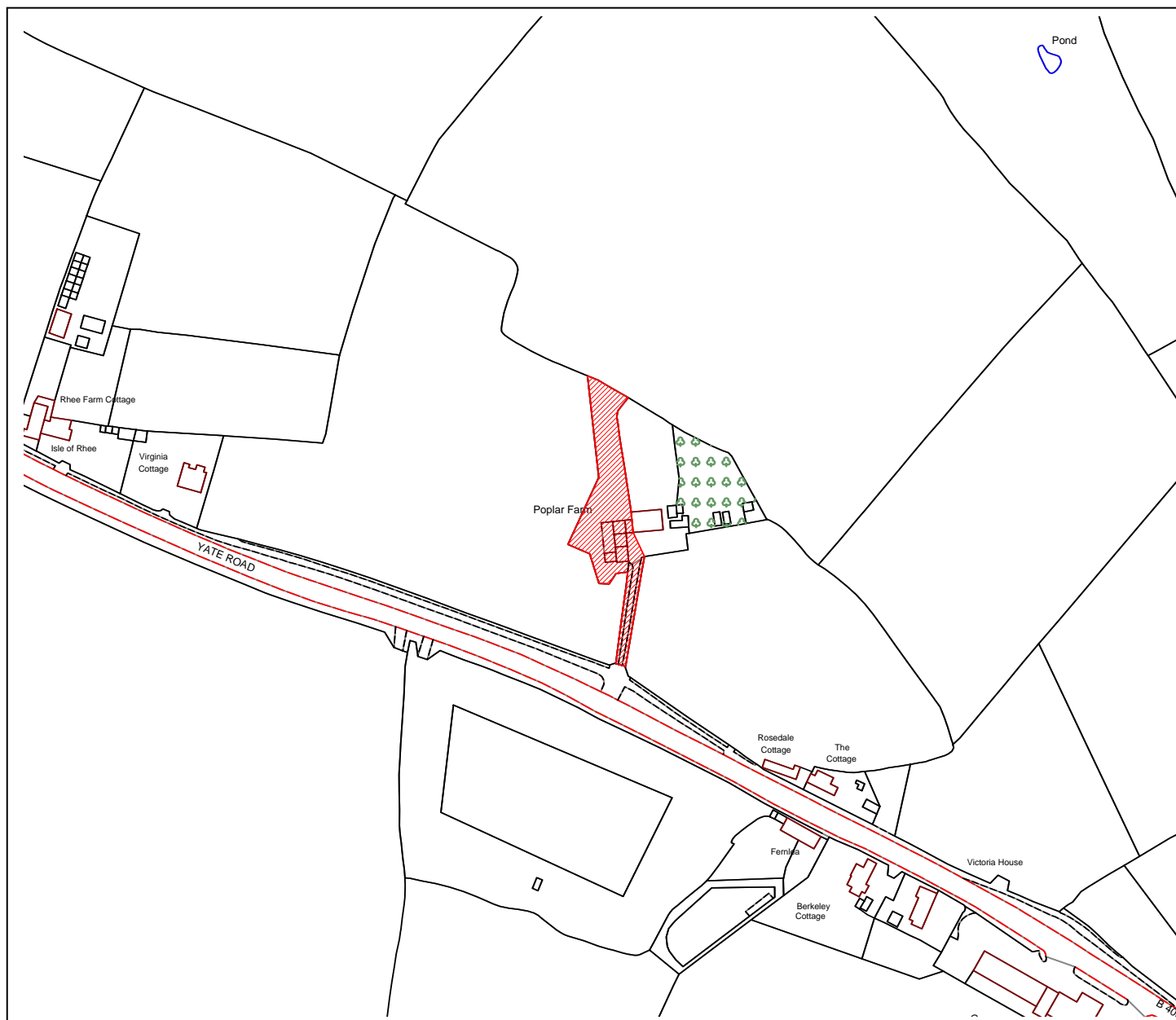
1. In the absence of a Section 106 Agreement or Unilateral Undertaking to secure contributions towards mitigating the under-provision of public open space and childrens play space in the development; and the demand placed on the library, the proposal would be contrary to Policies LC8 and LC01, of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.



2. In the absence of a Section 106 Agreement or Unilateral Undertaking to secure an appropriate level of affordable housing, the proposal would be contrary to Policy H6 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
3. In the absence of a Section 106 Agreement or Unilateral Undertaking to secure contributions towards mitigating the demand placed on the education service; the proposal would be contrary to Policy LC2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
4. In the absence of a Section 106 Agreement or Unilateral Undertaking to secure the provision of appropriate public transportation infrastructure works, the proposal would be contrary to policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
5. The proposed development would result in the loss of an existing open area, that is considered to positively contribute to the landscape quality, visual amenity, character and distinctiveness of the area, most notably the setting of Siston Common and the Dramway Footpath. The proposal is therefore contrary to Policies L5, L1, D1 and H2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

## CIRCULATED SCHEDULE NO. 30/07 - 27 JULY 2007

<b>App No.:</b>	PK06/3268/F	<b>Applicant:</b>	Mr A R Curtis
<b>Site:</b>	Poplar Farm Yate Road Iron Acton BRISTOL South Gloucestershire BS37 9XY	<b>Date Reg:</b>	8th November 2006
<b>Proposal:</b>	Erection of single storey rear extension to facilitate the conversion of barn to form dwelling with associated works.	<b>Parish:</b>	Iron Acton Parish Council
<b>Map Ref:</b>	68755 83426	<b>Ward:</b>	Ladden Brook



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100023410, 2007.

**N.T.S**

**PK06/3268/F**

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

## **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of single storey rear extension to facilitate the conversion of barn to form dwelling with associated works. The application has been amended following comments of the Council's Conservation Officer.
- 1.2 The site consists of a late 18<sup>th</sup> or early 19<sup>th</sup> century barn, part single storey and barn two storey, within the curtilage of Poplar Farm, which is Grade II listed. The barn is included within the listing. The site is within the open countryside and within the Green Belt. It is accessed off Yate Road along a drive and set well back from the road.
- 1.3 The proposals involve the removal of an existing, modern lean-to extension and replacing this with a smaller lean-to extension 3.6m wide, 12.3m long and 3.8m high in vertical timber boarding with second hand clay tiles to match existing. Replacement timber casement windows are proposed in the two storey element of the building, and vertical timber boarding and new timber casement windows and doors are proposed to replace the modern blockwork infill on the single storey section of the barn on the front elevation. The existing roof to the two storey element of barn, currently corrugated sheeting, is proposed to be replaced with clay tiles to match the existing barns. The applicants have also submitted a marketing appraisal of the barns.
- 1.4 There is an outstanding, concurrent listed building application for these works: PK07/1797/LB.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPG15	Planning and the Historic Environment

### **2.2 Development Plans**

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

D1	Design
L1	Landscape Protection and Enhancement
L13	Listed Buildings
L17	The Water Environment
GB1	Development within the Green Belt
T12	Transportation Development Control Policy
H10	Conversion and Re-use of Rural Buildings for Residential Purposes

## **3. RELEVANT PLANNING HISTORY**

- 3.1 The following history relates to the farmhouse only:
- PK05/1308/LB External and internal alterations. Refused June 2005

- PK05/3161/LB External and internal alterations. Approved with conditions Jan 2006
- Pk06/1806/LB Internal alterations and lime render to rear elevation. Approved with conditions August 2006
- PK06/3570/LB: Erection of single storey front extension with internal and external alterations to facilitate the conversion of barn to form dwelling. Refused 29/1/2007 for the following reason: The proposed works, by reason of the erection of a substantial sized extension, and the installation of windows and doorways would fail to preserve the architectural and historic interest of the listed building and is therefore contrary to Policy L13 of the adopted South Gloucestershire Local Plan and PPG15.

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

##### 4.1 Iron Acton Parish Council

The Council objects to the above application for the following reasons:

- The adjoining barn is listed as well as the farmhouse
- the proposed development will have an adverse impact on the farmhouse itself, and overshadow it, since it will be larger than the farmhouse
- site should be left as barn ancillary to the main farmhouse rather than the site turned into a small estate. The barns would be better kept as storage or garaging for the main farmhouse and therefore subservient to the main farmhouse
- the development will alter the historical impact of the main farmhouse
- plans are not detailed enough
- inappropriate development of a site in the Green Belt
- overdevelopment of the site
- the works required seem to be completely underestimated to give the impression that little conversion works are required.
- The proposed parking area is currently agricultural land and a separate change of use application should be made in this regard
- Does this development have a garden of its own? Garden area shown is agricultural land and will require a separate change of use application
- Garden/ parking area will have an adverse impact on the openness of the Green Belt
- It is noted that the barns have been advertised for commercial use. It is not surprising that there has been little interest given that the changes of obtaining planning permission for such use was unlikely to be given and also given the condition of the barns the fact that the tenant was expected to undertake the conversion works

##### 4.2 Other Consultees

Cllr Howard Gawler made the following comments on the application:

I am in receipt of this application concerning the rebuilding of a barn to form another house on this site.

Poplar Farm itself is an imposing Grade 2 listed building set back from the main road. It has not been lived in for some years but now that it has been repaired,

the rebuilding of the adjacent barn into a 4 bedroom house, would totally spoil its appearance and be overpowering.

The site is washed over by the Green Belt and should not be further developed nor any agricultural land used for any other purpose, including car parking. The barns should only be used for the garaging of vehicles or for any other storage the owners may need for themselves.

I therefore ask you to refuse this application

## **Other Representations**

### **4.3 Local Residents**

One local resident has objected to the scheme on the following grounds:

- Development would have adverse impact on the farmhouse itself
- New development will create a dwelling larger than farmhouse itself
- Site should be left ancillary to the main farmhouse- better kept as storage
- Development would alter the historical impact of the main farmhouse
- Inappropriate development within the Green Belt- adverse impact on the openness of the Green Belt
- Parking area is on agricultural land and requires a change of use
- Do not accept that the 12 month period required to satisfy Policy H10 has been achieved
- Roof to main barn is asbestos and would need to be disposed of appropriately
- Development is not of permanent construction and structurally sound and capable of conversion without major and complete reconstruction

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Policy GB1 allows for the change of use of land and existing buildings where:

- It would not have a materially greater impact than the present authorised use on the openness of the Green Belt and would not conflict with the purpose of including land within it
- The buildings are of permanent and substantial construction and are capable of conversion without major and complete reconstruction
- The form, bulk and general design of the buildings are in keeping with their surroundings

5.2 The proposal involves the conversion of an existing outbuilding for residential use, with the demolition of a large lean-to building attached to it and construction of a smaller lean-to extension.

5.3 The Conservation Officer has stated that the barn buildings are in a reasonable condition and are of permanent construction and structurally sound. The conversion would retain the existing stone walling of the barns, as well as the main roof structures and includes replacement of the existing blockwork infill to the front elevation with timber cladding. It is therefore considered that the proposal is capable of conversion without major or complete reconstruction.

5.4 The proposed form of development retains the character of the existing barns, to the satisfaction of the Conservation Officer, and it is considered that the form and bulk of the development is in keeping with its surroundings.

- 5.5 The proposal involves the construction of a new lean-to extension. However, this must be seen in the context of the demolition of the existing, modern lean-to structure, which is substantially larger than the proposed extension. Given this, and the fact that the proposed extension is of a suitable design using appropriate materials, the proposed extension is considered to be a proportionate and appropriate extension to the building in Green Belt terms.
- 5.6 The proposed parking area has been amended following comments from the Conservation Officer. The parking area is now proposed to the south of the barns, rather than to the west (behind the barns). The applicants have proposed a new low dry stone wall around the parking area to differentiate the 'domestic' curtilage from the surrounding agricultural land. This is considered an acceptable approach now that the parking is better related to the existing building than previously proposed, and it not considered that the proposal would have a materially greater impact on the openness of the Green Belt than the existing buildings.
- 5.6 Given the above it is considered that the proposal is in accordance with Policy GB1 and is acceptable in Green Belt terms.
- 5.7 Policy H10 states that the conversion and re-use of existing buildings for residential purpose outside the urban area and boundaries of settlements will not be permitted unless:
- All reasonable attempts have been made to secure a suitable business re-use or the conversion is part of a scheme for business re-use
  - The buildings are of permanent construction and structurally sound and capable of conversion without major and complete reconstruction
  - Buildings are in keeping with their surroundings, in terms of character, form , bulk and overall design
  - The development, including any alterations, extensions or the creation of a residential curtilage would not have a harmful effect on the character of the countryside or the amenities of the surrounding area
  - The building is well related to an existing settlement or other group of buildings.
- 5.8 With regard to the first criterion of Policy H10, the applicants have submitted an appraisal of the buildings, including detailed evidence of a 6 months marketing exercise from David James and Partners. They show that the barns were available to let, subject to the appropriate planning consent for commercial use, with no interest. Whilst the marketing exercise was stated at the time of submission (in December 2006) as 6 months, which is below the 12 month period suggested in the Local Plan para 8.217, given the amount of evidence put forward, and the fact that they state that the property has continued to be marketed for this use, it is considered that the applicants have fulfilled the first criterion of Policy H10, and a reason for refusal on this basis would not, in the officer's opinion, be successfully substantiated at appeal.
- 5.9 With regard to the next three criteria in Policy H10, as stated above, the buildings are of permanent construction and structurally sound and capable of conversion without major and complete reconstruction, and are in keeping with their surroundings, in terms of character, form, bulk and design. The proposed extension and low boundary wall to delineate the domestic curtilage of the development is not considered to have a harmful effect on the character of the countryside.

- 5.10 With regard to the final criterion of Policy H10, it is considered that as the barns are within the courtyard of the existing farmhouse, it is well related to an existing group of buildings.
- 5.11 Given the above it is considered that the proposal is acceptable when assessed by Policy H10.
- 5.12 The proposal is considered to be acceptable in principle, subject to the following detailed assessment.
- 5.13 Listed Buildings  
The Conservation Officer commented that the amendments to the scheme are in line with his comments on the original plans, and that he no longer has any objections to the scheme on listed building grounds. He has recommended conditions relating to details of the new dry stone wall, window, shutter and door joinery details and a sample of vertical timber wall cladding. Subject to the addition of conditions, it is considered that the proposal would preserve the special architectural and historic interest of the listed barns themselves and preserve the setting of the listed farmhouse itself.
- 5.14 Visual Amenity and Landscape  
As stated above, the proposed scheme is considered appropriate in listed building and Green Belt terms. In visual amenity terms the proposed conversion is considered appropriate. The parking area to the south of the barns and the area directly to the rear of the barns is delineated by a low stone wall, and this restricts the domestic curtilage of the barns within the landscape. A garden amenity area is shown to the north of the barns, which is considered appropriate. A landscape condition to include boundary treatments will be recommended. Subject to conditions, it is considered that the proposal is acceptable in visual and landscape terms.
- 5.15 Transportation  
The proposal has room for two parking spaces and there is space for three parking spaces for the existing house. There is also adequate turning to enable the occupiers to egress the site in forward gear. The increased traffic on this access is considered appropriate, given that visibility is acceptable here, as the access leads onto a long narrow area of 'common' land before reaching Yate Road. There are therefore no highway objections to the proposal.
- 5.16 Other matters  
Disposal of asbestos sheeting is a matter for building regulations and not planning.
- 5.17 Design and Access Statement  
The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document (Consultation Draft).

## 5.18 Section 106 Requirements

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

## 6. CONCLUSION

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

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      PK06/3268/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. A new dry stone wall, at least 1.2m high above the finished floor level of the kitchen, in the position as shown on drawing no: 5939-09B, shall be constructed prior to the occupation of the new dwelling, and in accordance with the 'The Cotswold Dry Stone Wall Specification' issued by the Cotswold Conservation Board. The new dry stone wall shall have either a flat stone or curved lime mortar coping.

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. No development shall take place until full details comprising plans at a scale of 1:20 of the window, shutter and joinery details shall be submitted to and agreed in writing with



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

Reason:

To 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. No development shall take place until samples of the vertical timber cladding and the clay roof tiles 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 maintain and enhance the character and setting of the listed building, and to accord with Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. All new external rainwater and soil pipes shall be formed in cast metal and painted black.

Reason:

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

6. 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, L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

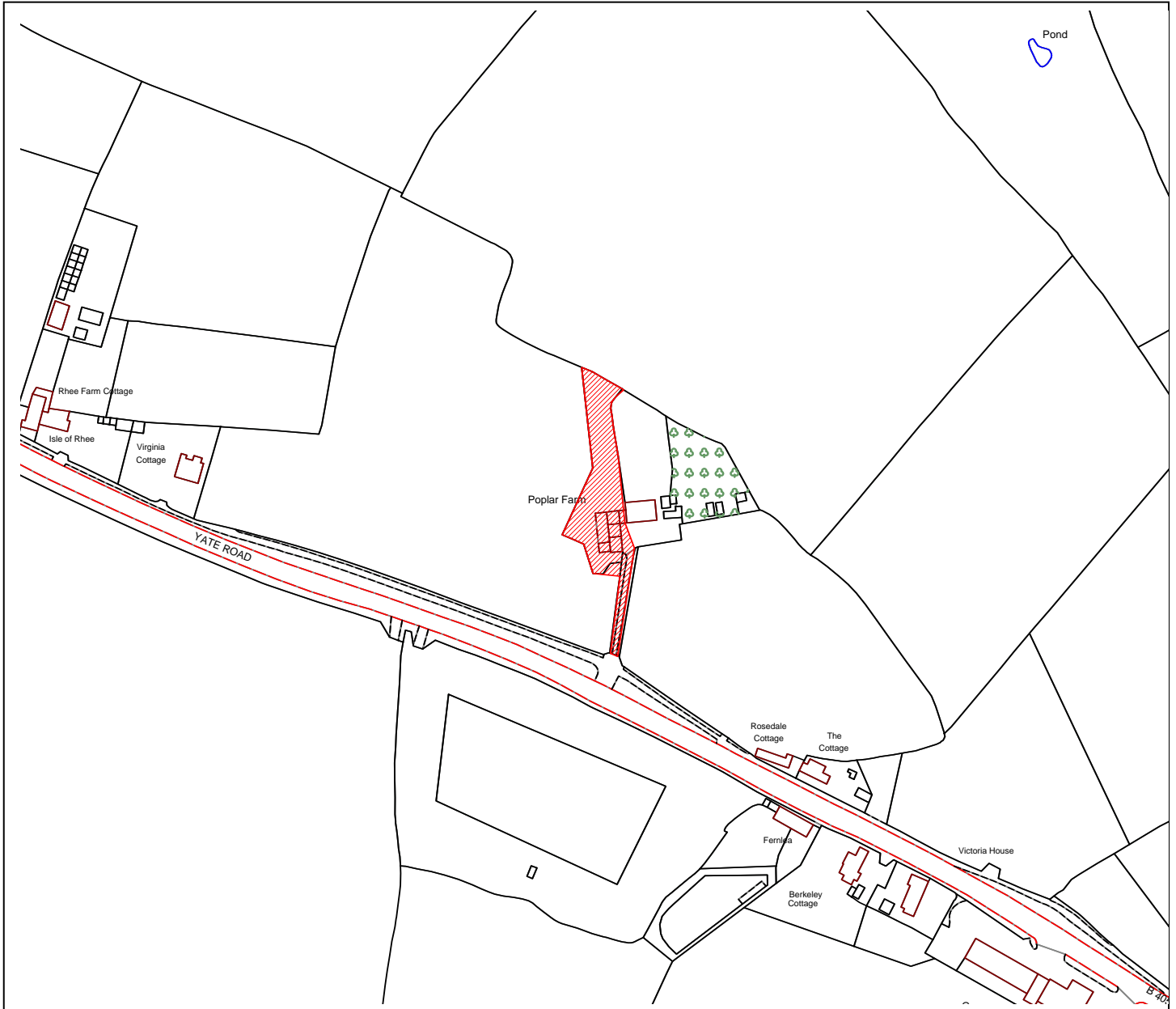
Reason:

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

**CIRCULATED SCHEDULE NO. 30/07 - 27 JULY 2007**

**App No.:** PK07/1797/LB  
**Site:** Barns at Poplar Farm Yate Road Iron Acton South Gloucestershire BS37 9XY  
**Proposal:** Internal and external alterations to existing barns, stable and outbuildings to facilitate the conversion to 1 no. dwelling.  
**Map Ref:** 68754 83426

**Applicant:** Mr A R Curtis  
**Date Reg:** 8th June 2007  
**Parish:** Iron Acton Parish Council  
**Ward:** Frampton Cotterell



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 100023410, 2007.

**N.T.S**

**PK07/1797/LB**

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

## **1. THE PROPOSAL**

- 1.1 The application seeks listed building consent for internal and external alterations to existing barns, stable and outbuildings to facilitate the conversion to 1 no. dwelling. The application has been amended following comments of the Council's Conservation Officer.
- 1.2 The site consists of a late 18<sup>th</sup> or early 19<sup>th</sup> century barn, part single storey and barn two storey, within the curtilage of Poplar Farm, which is Grade II listed. The barn is included within the listing.
- 1.3 The proposals involve the removal of an existing, modern lean-to extension and replacing this with a smaller lean-to extension 3.6m wide, 12.3m long and 3.8m high in vertical timber boarding with second hand clay tiles to match existing. Replacement timber casement windows are proposed in the two storey element of the building, and vertical timber boarding and new timber casement windows and doors are proposed to replace the modern blockwork infill on the single storey section of the barn on the front elevation. The existing roof to the two storey element of barn, currently corrugated sheeting, is proposed to be replaced with clay tiles to match the existing barns. The applicants have also submitted a marketing appraisal of the barns.
- 1.4 There is an outstanding, concurrent planning application for these works: PK06/3268/F.

## **2. POLICY CONTEXT**

### 2.1 National Guidance

PPG15 Planning and the Historic Environment

### 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006  
L13 Listed Buildings

## **3. RELEVANT PLANNING HISTORY**

- 3.1 The following history relates to the farmhouse only:
  - PK05/1308/LB External and internal alterations. Refused June 2005
  - PK05/3161/LB External and internal alterations. Approved with conditions Jan 2006
  - Pk06/1806/LB Internal alterations and lime render to rear elevation. Approved with conditions August 2006
  - PK06/3570/LB: Erection of single storey front extension with internal and external alterations to facilitate the conversion of barn to form dwelling. Refused 29/1/2007 for the following reason: The proposed works, by reason of the erection of a substantial sized extension, and the

installation of windows and doorways would fail to preserve the architectural and historic interest of the listed building and is therefore contrary to Policy L13 of the adopted South Gloucestershire Local Plan and PPG15.

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

##### **4.1 Iron Acton Parish Council**

The Parish Council have no objections to this application. However, following lengthy discussions, the Parish Council would comment that the present proposed development detracts from the overall appearance of the existing dwelling.

#### **Other Representations**

##### **4.2 Local Residents**

One local resident has objected to the scheme, including a number of grounds not relevant to this listed building application, which have been included with the representations recorded for the associated planning application (PK06/3268/F). The relevant objections here are as follows:

- The proposed development will have an adverse impact on the farmhouse itself. It will undermine the importance of the farmhouse and overshadow it
- The proposed development will alter the historical impact of the main farmhouse and will slew which is the important building here

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

##### **5.1 Principle of Development**

The application is for works to a listed building and therefore the only issues that can be taken into account are whether the proposal would preserve the architectural and historic interest of the listed building and whether it would harm the setting of the adjacent listed farmhouse.

5.2 The Conservation Officer has stated that the scheme has been amended in line with his comments on the original scheme, and that he no longer has any objections to the scheme subject to conditions relating to the details of window, shutter and door joinery details and a sample of vertical timber wall cladding.

5.3 The barn buildings are in a reasonable condition and are capable of conversion without major or complete reconstruction. The proposed works are considered to preserve the special architectural and historic interest of the listed barns themselves, and preserve the setting of the listed farmhouse. Subject to the addition of the conditions above, it is considered that the proposal is acceptable.

##### **5.4 Design and Access Statement**

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

## 5.5 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 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 listed building consent be APPROVED subject to the following conditions:

**Background Papers      PK07/1797/LB**

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

### **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. No development shall take place until full details comprising plans at a scale of 1:20 of the window, shutter and joinery details shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason:

To 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. No development shall take place until samples of the vertical timber cladding and the clay roof tiles 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 maintain and enhance the character and setting of the listed building, and to accord with Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. All new external rainwater and soil pipes shall be formed in cast metal and painted black.

Reason:

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

**CIRCULATED SCHEDULE NO. 30/07 - 27JULY 2007**

**App No.:** PK07/0592/F

**Applicant:** David Wilson Homes (South West) Ltd

**Site:** Plots 451-455, Siston Hill, Kingswood, BRISTOL, South Gloucestershire

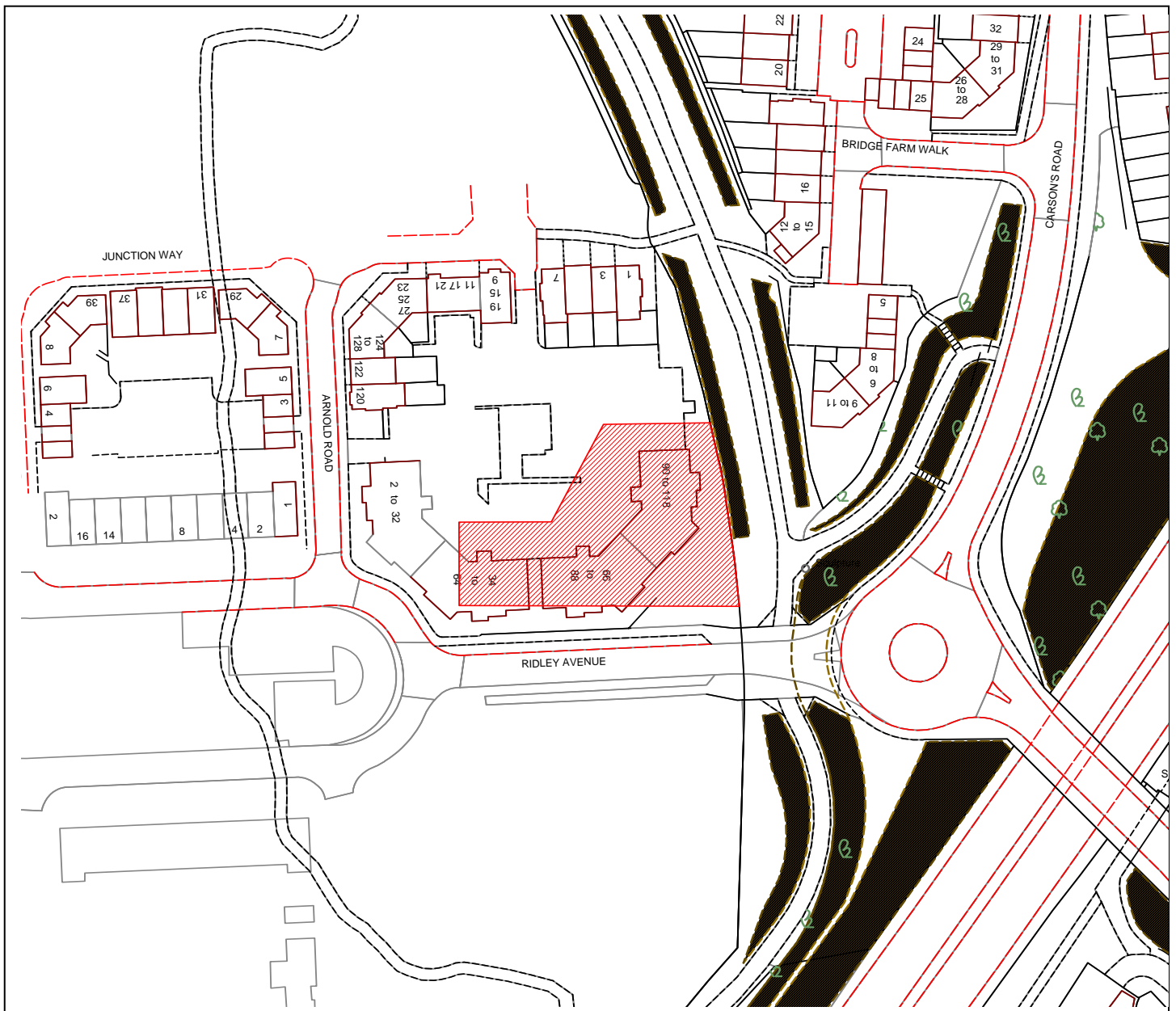
**Date Reg:** 22nd February 2007

**Proposal:** Erection of 5 additional no. 1 bed flats to ground floor of approved flat block V (Planning Permission PK04/1745/RM).

**Parish:** Siston Parish Council

**Map Ref:** 66635 75051

**Ward:** Siston



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**N.T.S**

**PK07/0592/F**

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

## **1. THE PROPOSAL**

- 1.1 The proposal seeks full planning permission for the erection of 5 additional no. 1 bed flats to ground floor of approved flat block V (Planning Permission PK04/1745/RM).
- 1.2 The site consists of part of the Land at Siston Hill development, currently under construction, approved in outline under application no: P98/4880 in 2001, and reserved matters application PK04/1745/RM in 2005. The proposal seeks to increase the total number of dwellings on site from 499 to 504.
- 1.3 The applicants have stated that originally the approved design showed a sloping gradient from the elevated highway to Block V, so that the ground floor wall of Block V was essentially a retaining structure, and the internal space an unusable void. However, following discussions with the Council's Highway Dept, they have now created a retaining wall abutting the elevated section of highway, so that there is now a gap between the retaining wall of the highway and the ground floor of Block V, so that the internal space can be used for residential accommodation and there is room for windows/doors and amenity space for this accommodation.
- 1.4 The applicant is implementing PK04/1745/RM which was given permission by the High Court in 2006 following the Secretary of States refusal in 2005. This permission is for 525 dwellings and the applicant has fulfilled the requirements of the unilateral undertaking associated with this (which the Secretary of State considered as acceptable). As the total number of dwellings proposed overall still falls below 525, there is no requirement for further S106 requirements as a result of the development.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

PPS1            Delivering Sustainable Development

### **2.2 Development Plans**

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

D1            Design  
T7            Cycle Parking  
T8            Parking Standards  
T12          Transportation Development Control Policy for New Development  
H2            Proposals for Residential Development within the Existing Urban Area

## **3. RELEVANT PLANNING HISTORY**

- 3.1 Lots. The most relevant: PK04/1745/RM Erection of 525 no. dwellings with access roads, parking, landscaping, open space provision and associated works. (Reserved matters to be read in conjunction with outline planning



permission P98/4880 dated 10 September 2001. High Court decision overturning Secretary of State's decision 2006.

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

##### **4.1 Siston Parish Council**

Object- as this is overdevelopment of a site which already dominates the local skyline and will over-shadow the rural location. Over the years the numbers of properties in this development has doubled and the site is already at saturation point with no facilities for the residents.

##### **4.2 Other Consultees**

Cllr Valerie Lee has made the following comment: My main objection to this planning application is overdevelopment resulting in unacceptably high density.

#### **Other Representations**

##### **4.3 Local Residents**

No response

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

##### **5.1 Principle of Development**

The proposed seeks to increase the number of dwellings on site from 499 to 504. The building that is proposed to house these proposed flats has already been constructed under the previous permission- this application seeks to use internal space for flats that would have, under the previous scheme, been just a void.

5.2 Given that the applicants are implementing PK04/1745/RM, which has permission for 525 dwellings, the issue of an increase in density, or overdevelopment, is not considered to have much weight, since the total number erected on site is below the overall number approved.

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

##### **5.4 Visual Amenity**

The proposed alterations to the elevations to provide windows and doors to the proposed flats are considered acceptable.

##### **5.5 Residential Amenity**

There would not affect on the residential amenity of the area as a result of the proposal. The flats have appropriate bin storage, and there is amenity space provided to the rear of the flats.

##### **5.6 Transportation**

The Highway Officer has raised no objection to the scheme, other than requiring that the applicants provide details of 5 off-street car parking spaces. Given that the site has permission for 525 dwellings, it is highly likely that the site can accommodate 5 extra car parking spaces, and details of these are required by condition. The proposal provides adequate cycle storage.

### 5.7 Design and Access Statement

The application was submitted prior to the requirement for Design and Access Statements.

### 5.8 Section 106 Requirements

The Section 106 requirements were dealt with under application no: PK04/1745/RM as explained in para 1.4 above.

## 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      **PK07/0592/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).

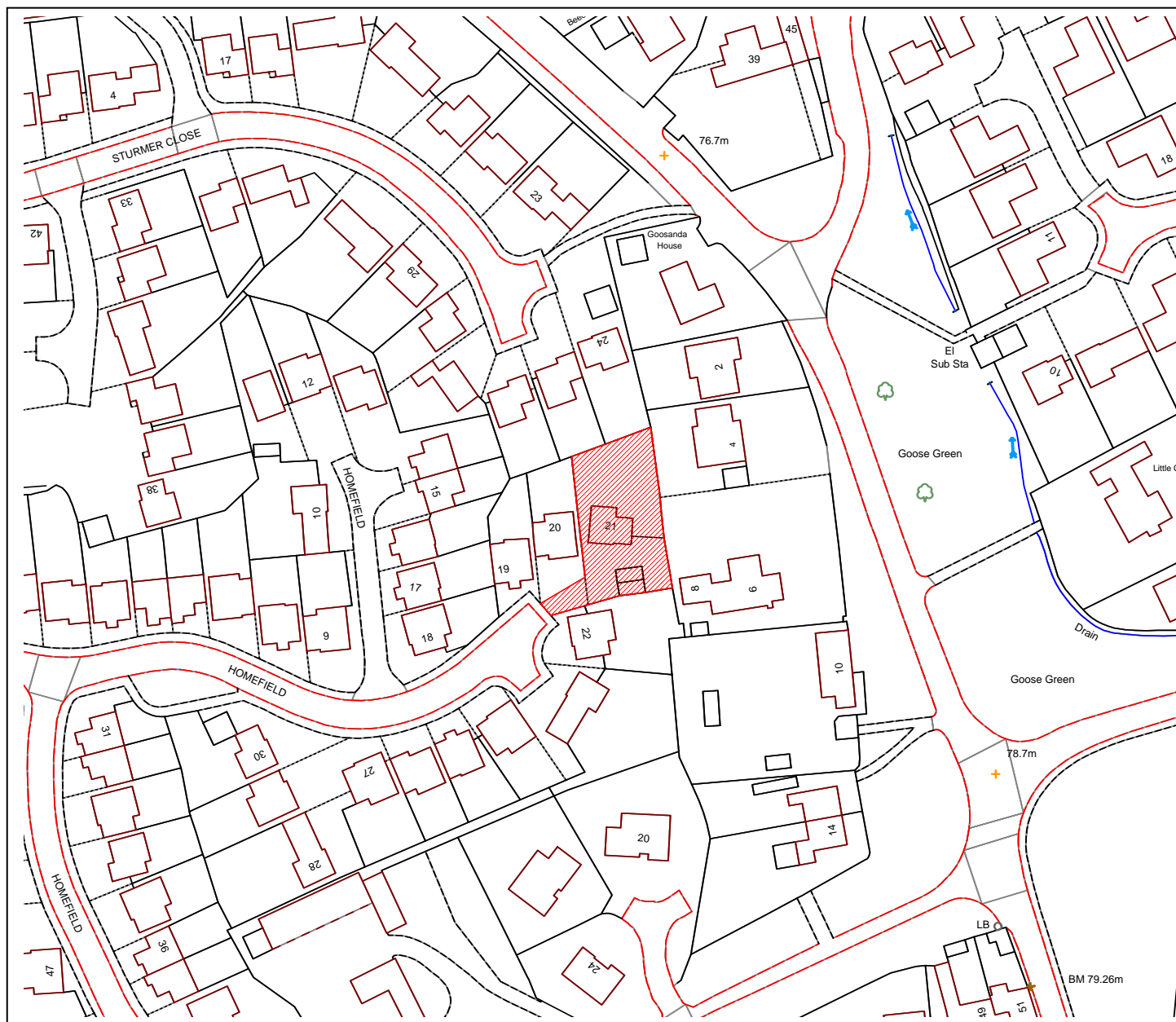
2. Within 3 months of the date of this permission, detailed plans showing the provision of car parking facilities in accordance with the standards set out in Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006 shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; and thereafter retained for that purpose.

Reason:

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

**CIRCULATED SCHEDULE NO. 30/07 - 27 JULY 2007**

<b>App No.:</b> PK07/1467/F	<b>Applicant:</b> Mr C Wiltshire
<b>Site:</b> 21 Homefield Yate BRISTOL South Gloucestershire BS37 5US	<b>Date Reg:</b> 10th May 2007
<b>Proposal:</b> Erection of two storey side extension and rear conservatory to form additional living accommodation.	<b>Parish:</b> Yate Town Council
<b>Map Ref:</b> 71319 83504	<b>Ward:</b> Yate North



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**N.T.S**

**PK07/1467/F**

## **INTRODUCTION**

This planning application has been referred to the Council's Circulated Schedule Procedure as a 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/rear extension and single storey rear conservatory.
- 1.2 The application site relates to a two storey detached dwelling which is 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 PK07/0368/F                      Erection of two storey sided extension  
Withdrawn

### **4. CONSULTATION RESPONSES**

4.1 Yate Town Council  
No objection

#### **Other Representations**

4.2 Local Residents  
3 letters have been received from local residents raising the following objections regarding the original and amended plans, which have been summarised as follows:

- Overlooking
- Overbearing impact.
- Impact on existing trees
- Proposed works excessively large

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy H4 of the SGLP (Adopted) January 2006 allows for extensions to existing dwellings subject to there being no adverse impact on existing visual and residential amenities.

### 5.2 Visual Amenity

The application site relates to a modern two storey detached dwelling sited at the end of a cul-de-sac within the residential area of Yate and is set within a large domestic curtilage. The property is characterised by a two storey gable frontage measuring 5.30m in width and the overall width of the property measures 8.60m with a gable end roof. The two storey gable element projects beyond the existing front building line of the dwelling by 0.40m and beyond the rear building line by 1.70m.

5.3 The application proposes to extend the eastern end gable with a 3.90m wide extension. This addition will also project beyond the existing rear building line by 1.70m and will be designed on the rear with a gable to match the existing rear elevation. The application also proposes the addition of a conservatory.

5.4 Members are advised to consider that concerns were raised by the Planning Officer regarding the original submitted plans with this application, which proposed a 4.50m wide extension with a hip end roof. An objection was raised regarding the overall scale and design of the extension on the grounds that it failed to reflect the character of the existing dwelling and read as a subservient extension.

5.5 It is considered that the revised two storey side extension and rear conservatory by reason of their scale and design would not have such an adverse impact on the character of the existing dwelling or immediate surrounding area, so as to warrant refusal of the application. It should be noted that this proposed scheme is similar to that approved at no.23 Homefield (Pk02/2536/F).

### 5.6 Residential Amenity

Objections have been received from local residents on the grounds that the proposed two storey side extension in particular will have an overbearing impact and result in a loss of privacy. The proposed extension if allowed will be set back from the adjoining boundary of no.8 by 1.0m at the nearest point and 2.0m at the furthest. As it will be sited toward the lower end of the garden belonging to no.8, it is considered that it will not have an overbearing impact or result in a loss of privacy as the proposed first floor bedroom window will be positioned at an oblique angle and therefore will not allow for direct overlooking.

5.7 With regards the impact of the extension on no.4, as the proposed extension will not be sited near the adjoining boundary and as the applicant has proposed that the rear second bedroom window have obscure glazing, it is considered that it will not have an overbearing impact or result in loss of privacy.

5.8 Objections have also been raised by the occupiers of no.24 who are sited to the rear of the application site. It is considered that as the application site property is set back from the adjoining rear garden boundary by 12.0m and 28m from the rear elevation of no.24, that the proposed two storey extension would not have an adverse impact.

### 5.9 Section 106 Requirements

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

**Background Papers**      **PK07/1467/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. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed first floor window on the rear elevation shall be glazed with obscure glass only.

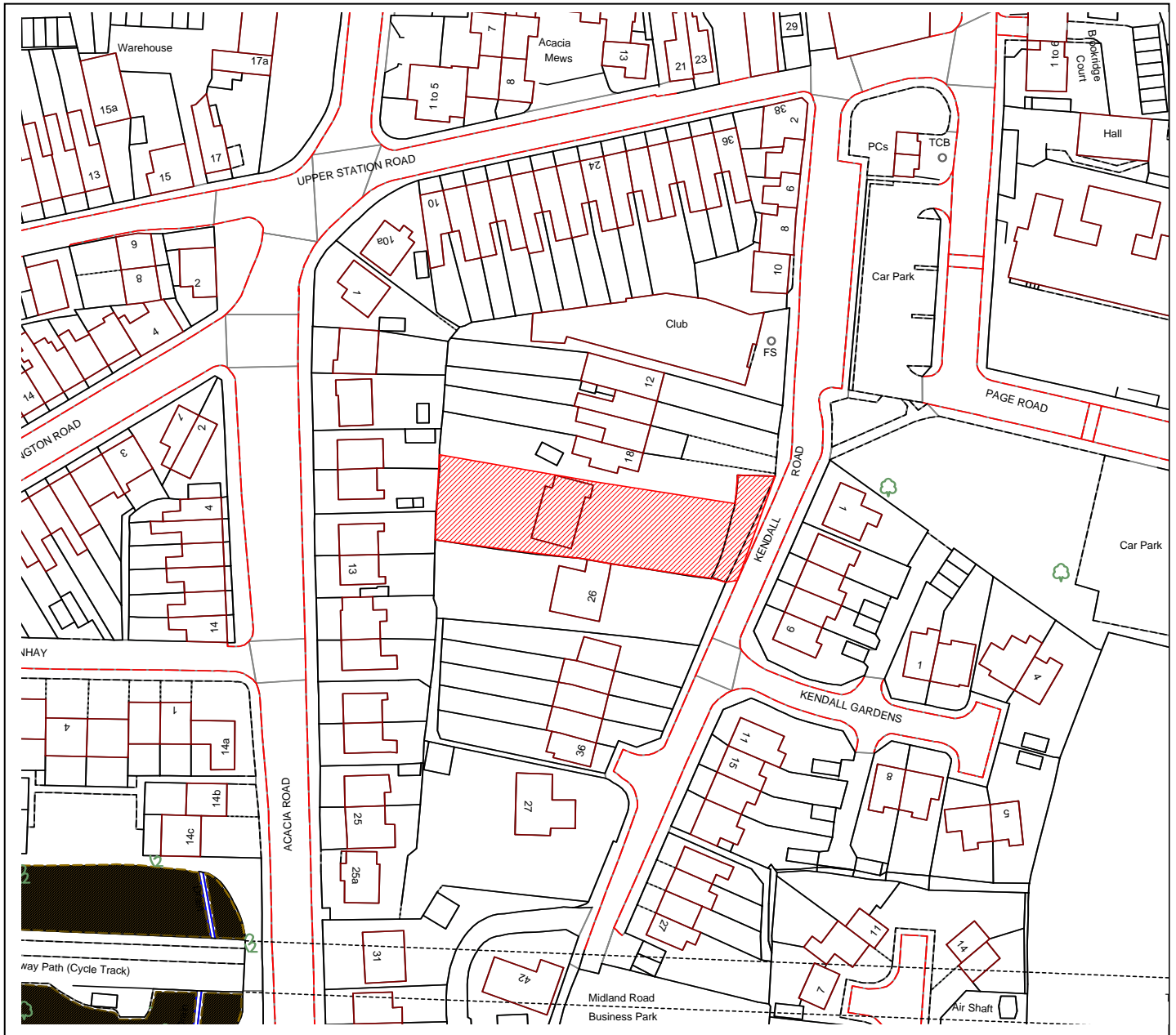
Reason:

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. 30/07 - 27 JULY 2007**

**App No.:** PK07/1531/F  
**Site:** 20 Kendall Road Staple Hill BRISTOL  
 South Gloucestershire BS16 4NB  
**Proposal:** Demolition of existing bungalow to  
 facilitate the erection of 6 no. self  
 contained flats with 6 no. car parking  
 spaces, access and associated works.  
**Map Ref:** 64669 75795

**Applicant:** Mr A Massey  
**Date Reg:** 17th May 2007  
**Parish:**  
**Ward:** Staple Hill



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 100023410, 2007.

**N.T.S**

**PK07/1531/F**

This application appears on the Circulated Schedule following objections raised by local residents, which are contrary to the Officer recommendation.

- 1.1 The application relates to a detached bungalow situated to the west of Kendall Road in the heart of Staple Hill. A lawn and fruit trees lie to the rear of the bungalow with another lawn and parking area to the front, the total area of the site is 0.115 ha. The front boundary comprises a number of trees on an earth bank, which screens the site in views from Kendall Road. The site is flanked by a large modern detached house to the south, with an older terrace of modest dwellings to the north, beyond which is the British Legion Club. Two-storey semi-detached houses lie to the rear (west) with two-storey terraced houses on the opposite side of Kendall Road. A public car park and a Junior School are situated in nearby Page Road. Vehicular access to the site is afforded from Kendall Road via a shared driveway.
- 1.2 It is proposed to demolish the existing bungalow and erect 6no. x 1 bed flats in a single block. A new central access would be introduced to Kendall Road with 6no car parking spaces provided to the front of the building with bin and cycle stores to the northern side.
- 1.3 Outline planning consent PK06/1665/O was previously granted for a very similar scheme. The only differences with the current proposal are that the block has been moved a little further away from no. 26 to avoid the erection of scaffolding within the garden of this neighbouring property. Also the driveway is moved to a more central position on the site frontage so as to avoid rights of way issues over an existing shared driveway with neighbouring no.18.

## **2. POLICY CONTEXT**

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

- 2.2 Development Plans

Joint Replacement Structure Plan

- Policy 1 - Sustainable development objectives.
- Policy 2 - Location of development.
- Policy 33 - Housing provision and distribution.
- Policy 34 - Re-use of previously developed land.

South Gloucestershire Local Plan (Adopted) January 2006

- D1 - Design
- L1 - Landscape Protection and Enhancement
- L17 & L18 - The Water Environment
- EP1 - Environmental Pollution
- EP2 - Flood Risk and Development
- EP7 - Unstable Land
- H2 - Residential Development within the existing Urban Area
- H4 - Development within Existing Residential Curtilages
- H6 - Affordable Housing
- LC2 - Provision of Education Facilities
- T7 - Cycle Parking Provision



T8 - Parking Standards  
T12 - Transportation Development Control Policy for New Development  
LC4 - Proposals for Educational and Community Facilities Within the Existing Urban Area.

2.3 Supplementary Planning Guidance  
Trees

The South Gloucestershire Design Checklist (SPD) Consultation Draft - Sept. 2006.

**3. RELEVANT PLANNING HISTORY**

- 3.1 PK06/1665/O - Demolition of existing bungalow. Erection of 6 no. flats (outline) with siting and access to be determined. All other matters to be reserved.  
Approved 29<sup>th</sup> Sept. 2006

**4. CONSULTATION RESPONSES**

- 4.1 Parish Council  
Not a parished area.

- 4.2 Other Consultees

**Other Representations**

- 4.3 Local Residents

Three responses objecting to the proposal were received. The concerns raised are summarised as follows:

- Loss of trees.
- Adverse impact on trees from driveway and car park.
- Dangerous access for pedestrians.
- A fence should be erected on boundary with property to the rear.
- Overdevelopment.
- Insufficient parking provision will lead to on-street car parking.
- Overlooking of houses to the rear and of no.18 Kendall Road.
- Out of character.
- Noise and disturbance.
- Disturbance during development phase.

**5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development

The acceptance in principle of the erection of a block of 6no. x 1 bedroom flats of the scale now proposed with access off Kendall Road, albeit a different access to that now proposed, was established with the grant of PK06/1665/O. The site is located within the established urban area and comprises an existing bungalow. The site is therefore classed as a previously developed, or brownfield site. The site has no special designation in the Local Plan and the existing building has no special architectural or historical significance. There is therefore no in-principle objection to the demolition of the existing building.

- 5.2 Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 allow for residential development within the Defined Settlement

Boundaries and within curtilages of dwellings respectively, subject to certain detailed criteria which are discussed below. The site is within the Defined Settlement Boundary as defined in the South Gloucestershire Local Plan (Adopted) 6th January 2006. Government advice contained in PPS3 – ‘Housing’ supports a more efficient and sustainable use of land in the urban area, with a provision for more intensive housing development in and around existing centres and close to public transport nodes. The South Gloucestershire Local Plan (Adopted) 6th January 2006 (para.8.26) seeks to “..increase the proportion of smaller dwellings, reflecting the projected growth in one-person households and the existing disproportionate provision of smaller dwellings in South Gloucestershire.”

- 5.3 Having regard to the adopted Joint Replacement Structure Plan, Policy 34, supports the re-use of previously developed land and infill development in existing built up areas. JRSP Policy 19 requires development to be managed in a manner that respects local character and distinctiveness through good design.
- 5.4 The proposal falls to be determined under Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits the residential development proposed, subject to the following criteria:
- A. Development would not have unacceptable environmental or transportation effects, and would not significantly prejudice residential amenity; and
  - B. The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved. The expectation is that all developments will achieve a minimum density of 30 dwellings per hectare and that higher densities will be achieved where local circumstances permit. Not least, in and around existing town centres and locations well served by public transport, where densities of upwards of 50 dwellings per hectare should be achieved.
  - C. The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination; and
  - D. Provision for education, leisure, recreation and other community facilities within the vicinity is adequate to meet the needs arising from the proposals.
- 5.5 Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 seeks to secure good quality designs.
- 5.6 The site is not subject to unacceptable levels of disturbance, noise, air pollution, smell, dust or contamination. There is adequate provision in the locality for Education, Leisure, Recreation and other Community Facilities to meet the needs arising from the proposal.
- 5.7 Whilst these matters will be discussed in detail in the following paragraphs, at this point it should be noted that, having regard to the latest revised scheme officers are now of the opinion that there is no in-principle reason for refusal of the scheme proposed.
- 5.8 Density  
Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and like PPS3 seeks to avoid development, which makes an inefficient use of land. PPS3 (para.47) indicates that a national

indicative minimum density of 30 dwellings per hectare should be used and whilst not prescribing any maximum figure the PPS encourages the highest density that can be achieved within the various local considerations that need to be taken into account. The proposal equates to 52 dwellings per hectare but this higher figure merely reflects the fact that the development would comprise of 6 flats as opposed to individual dwelling houses. Densities of over 50 dwellings per hectare would not be out of place in and around Town Centre locations.

5.9 PPS3 (para.50) states that *“The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.”* Officers consider that given the site’s location in the heart of Staple Hill, where higher density development is to be expected, and the fact that the site is in a highly sustainable location close to the High Street with its associated shopping area and regular bus routes, the site is well capable of accommodating a development of the density proposed. Other apartment blocks are to be found within the wider locality e.g. Brookridge Court and developments further down the High Street. The size of the proposed building is however constrained by the need for it to relate, in terms of scale, to the houses within the street scene. The elevational drawing does show a building that satisfies this criterion. In principle therefore it is considered that the proposal would integrate adequately within the locality. Officers are satisfied that efficient use of the site in terms of density would be achieved by the proposal without the proposal being out of character with its immediate surroundings. The proposal therefore accords with government guidelines and in terms of its density the development is not considered to be an overdevelopment of the site.

#### 5.10 Scale and Design

The proposed building would be two-storeys and of similar height to the houses on either side. Whilst the proposed building’s foot-print would be larger than that of the existing bungalow, the additional area would lie to the front of where the bungalow lies, otherwise the building is to be sited in much the same position as the existing bungalow. Despite the additional foot-print area, the front of the proposed building would not protrude in front of the established building line on Kendall Road, being flush with the front elevation of neighbouring no. 26 and then stepping back to give the appearance of two semi-detached houses with gable ended frontages. Having considered the number of proposed units to be contained in the block i.e. 6no., officers are satisfied that the building needs to be two-storey and a building of this scale and design would not look out of place in this location.

#### 5.11 Impact Upon Residential Amenity

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

5.12 For prospective occupiers of the proposed flats, a communal amenity area would be provided within the large back garden. The bin store for 12 bins and a cycle store would be situated to the northern side of the building. The site is within easy reach of community facilities within the area including Page Park and the shopping areas on High Street. Appropriate boundary treatments would

provide adequate screening and privacy for both future and neighbouring occupiers and would be the subject of a condition.

- 5.13 Having had regard to the current impact of the existing building and boundary walls/fences, officers do not consider that the siting of the proposed building would be so overbearing on the neighbouring properties as to justify refusal of planning permission. Whilst there are some secondary windows in the side elevation of neighbouring no.18, these would still be a reasonable distance from the proposed building. Other than an obscurely glazed landing window, the side elevation of no.26 is blank. On balance therefore the proposed building would not be excessively overbearing for neighbouring occupiers.
- 5.14 In terms of overlooking, inter-visibility and any loss of privacy that might occur, it is noted that the submitted floor plans and elevations show only modest horizontal kitchen windows in the side elevations of the proposed building; a condition to obscurely glaze the first floor kitchen windows and to prevent the future insertion of windows in these elevations can be reasonably justified. To the rear, the existing boundary treatment is low, already allowing easy overlooking of the rear gardens of houses in Acacia Avenue. Concerns about overlooking can to some extent be mitigated for by the erection of higher boundary fences to enhance privacy. There would be comfortably more than the requisite 21m between the facing habitable room windows in the rear elevation of the proposed building and those to the rear of houses in Acacia Avenue. Notwithstanding the presence of the high vegetation to the front of the site, most of which would be retained, there are similar distances to the houses on the opposite side of Kendall Road. There would therefore be no significant loss of privacy to result from inter-visibility between facing habitable room windows. Whilst the introduction of a two-storey property on the site would allow further overlooking of the houses to the rear, this would be from a considerable distance. Furthermore officers consider that some overlooking of gardens from first floor windows is inevitable in a densely populated urban area such as this and should not in this instance justify refusal of planning permission; indeed what is proposed is no different than the relationship that already exists between existing properties in this location.
- 5.15 The proposed flats are to be sold on the open market and would provide a valuable contribution to the low cost open market housing stock, which is increasingly in demand by single people or first time buyers. Any excessive noise issues emanating from future occupants would be subject to the usual controls under Environmental Protection Legislation and building control. Cars already access the site and can park on the hard-standing to the front of the bungalow or access the garage down the side of the bungalow and directly in front of the side windows in neighbouring no.18. Whilst it is acknowledged that the proposal has the potential to increase disturbance from the increased traffic accessing the site, this would be offset by re-locating all of the parking to the front of the site and introducing the central access as is proposed, rather than using the shared access with no.18 as currently exists. New boundary fencing would prevent use of the shared access by future occupants of the flats. With this arrangement in place there would be no longer any traffic passing directly in front of the windows in the side of no18 which is considered to be a significant enhancement in residential amenity terms for the occupant of no.18.
- 5.16 On balance therefore, officers are satisfied that, subject to conditions to control the fenestration and secure appropriate boundary treatments, that the impact of

the proposed development upon neighbouring residential amenity, would be acceptable.

5.17 Conservation Issues

The existing building has no special designation and is not considered to be of any special historical significance. Any demolition works would be the subject of a waste audit and it may be possible to re-cycle some of the materials into the new building.

5.18 Transportation

The Council's Highway Engineer is satisfied that the proposed 6no. off-street car parking spaces satisfies the Council's adopted maximum parking standards and that adequate access and turning facilities are proposed. A secure cycle store would also be provided. A 2.4m x 2.4m visibility splay has been incorporated within the access to ensure pedestrian safety is maintained, where cars exit onto Kendall Road. It is also proposed to drop the curb at the cross-over point with the footpath and carriageway. It is not proposed to adopt the driveway. There would be adequate access for an emergency vehicle. The access as now proposed, rather than utilising the existing shared access, is considered less hazardous for pedestrians to cross because it would not be so wide. Auto-track information has been submitted to satisfy officers that car parking spaces 5 and 6 are accessible. Furthermore the bin store has been relocated closer to the front of the site and therefore nearer to the collection point. There are therefore no highway objections to the proposal.

5.19 Landscaping and Tree Issues

The submitted drawings indicate the retention of most of the trees within the site, with some supplementary planting. Officers consider it desirable to retain the trees to the front of the site because cumulatively they provide a good screen for the parking areas and also provide a green feature within the road, which is otherwise dominated by housing. There is sufficient room on the site to provide the parking spaces and retain most of the vegetation. The only trees to be lost would be either small saplings or diseased sycamores. The Councils Landscape Architect and Tree Officer have considered the landscaping plan submitted and concluded that subject to the submission and agreement in writing of a full landscape scheme, to include protective fencing information and a method statement for the car park works under the canopies of the retained trees, there are no objections in landscape terms to the principle of the proposal.

5.20 Drainage Issues

The Council's Drainage Engineer has raised no objections to the principle of the development, which would also be the subject of Building Control. The submission of a mining report is however required to demonstrate that mine drainage levels or culverts would not be blocked by grouting mine shafts or adits.

5.21 Environmental Issues

The Council's Environmental Health Officer has raised no objection to the proposal. Whilst it is acknowledged that there would be some disturbance for neighbours during the development phase, this would be on a temporary basis only. A condition can be imposed to control the hours of working on the site.

#### 5.22 Community Services

The proposal for 6 flats is below the Council threshold (10) for contributions towards open space etc.

#### 5.23 Education

No contributions are required towards Education facilities from these one-bed flats.

#### 5.24 Affordable Housing

The site area i.e. 0.115ha is below 0.5 hectares and the proposed number of units (6) is below local and national policy guidance on the threshold for requiring affordable housing (15). There is therefore no requirement for the provision of affordable housing in this case.

#### 5.25 Design and Access Statement

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

#### 5.26 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 planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) 6th January 2006 set out above, and to all the relevant material considerations set out in the report.

### 7. RECOMMENDATION

That planning permission be GRANTED subject to the following conditions:

**Background Papers**      **PK07/1531/F**

**Contact Officer:**      **Roger Hemming**

**Tel. No.**                      **01454 863537**

## **CONDITIONS**

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

Reason:

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

2. No development shall take place until details/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 the satisfactory standard of external appearance of the development in the interests of visual amenity and to accord with Policies D1/H2/H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

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

4. Prior to the use or occupation of the building hereby permitted, and at all times thereafter, the proposed first floor kitchen windows on the side elevations of the building hereby approved, shall be glazed with obscure glass only.

Reason:

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

5. The residential units hereby approved shall not be occupied until a scheme for the management of the communal areas of the development for the first 2 years of occupation 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.

6. Before the development hereby permitted is commenced details of the proposed finished floor levels of the building relative to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure a satisfactory standard of external appearance and to ensure that the development would, in terms of scale and massing, respect the character and visual amenity of the location in accordance with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. The hours of working on the site for the period of construction of the development hereby approved, shall be restricted to 07.30 to 18.00 Monday to Friday and 07.30 to 13.00 Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason:

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

8. 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 and a method statement for the car park works under the canopies of the retained trees; 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 H4/D1/L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

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

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

Reason:

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

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

Reason:

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



12. Prior to the commencement of the development hereby approved a Coal Mining Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the development can be safely implemented having regard to past coal mining in the area and to identify the possible presence of shafts, adits, drainage levels and culverts, in accordance with Policies EP2 and EP7 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

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

Reason:

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

14. The development hereby permitted shall not be occupied nor the use commenced until the means of vehicular access has been constructed and is available for use in accordance with the approved plans. There shall be no obstructions to visibility exceeding 0.9 metres in height within the splayed areas.

Reason:

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

15. The 6 no. car parking spaces shown on the approved 'Proposed Site Plan' numbered P1 Rev E, shall be allocated on the basis of no more than one space per flat (whichever they may be) and maintained as such unless the Local Planning Authority gives written consent to any variation.

Reason:

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

16. Prior to the commencement of the development a Waste Management Audit shall be submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:

(a) The volume and nature of the waste which will be generated through the demolition and/or excavation process.

(b) The volume of that waste which will be utilised within the site in establishing pre-construction levels, landscaping features, noise attenuation mounds etc.

(c) Proposals for recycling/recovering materials of value from the waste not used in schemes identified in (b), including as appropriate proposals for the production of secondary aggregates on the site using mobile screen plant.

(d) The volume of additional fill material which may be required to achieve, for example, permitted ground contours or the surcharging of land prior to construction.

(e) The probable destination of that waste which needs to be removed from the site and the steps that have been taken to identify a productive use for it as an alternative to landfill.

The approved works shall subsequently be carried out in accordance with the agreed details.

Reason:

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

17. Prior to the first occupation of the new flats hereby approved, evidence that the building has been tested and achieved a minimum standard of level 2 of the Code for Sustainable Homes shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

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

18. The development hereby approved shall not be occupied until the access and parking bays have been surfaced with bound material. The access and parking bays shall be maintained as such thereafter

Reason:

To avoid stone scatter on the highway in the interests of highway safety in accordance with Policy T12 of the South Gloucestershire Local Plan (adopted) 6th Jan 2006.

19. Notwithstanding the information shown on the plans hereby approved, the bin store shall be located in accordance with the position shown on the Vehicle Tracking Plan received by the Council on the 26th June 2007 and retained as such thereafter.

Reason:

To ensure that the bin store is close enough to the point of collection in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

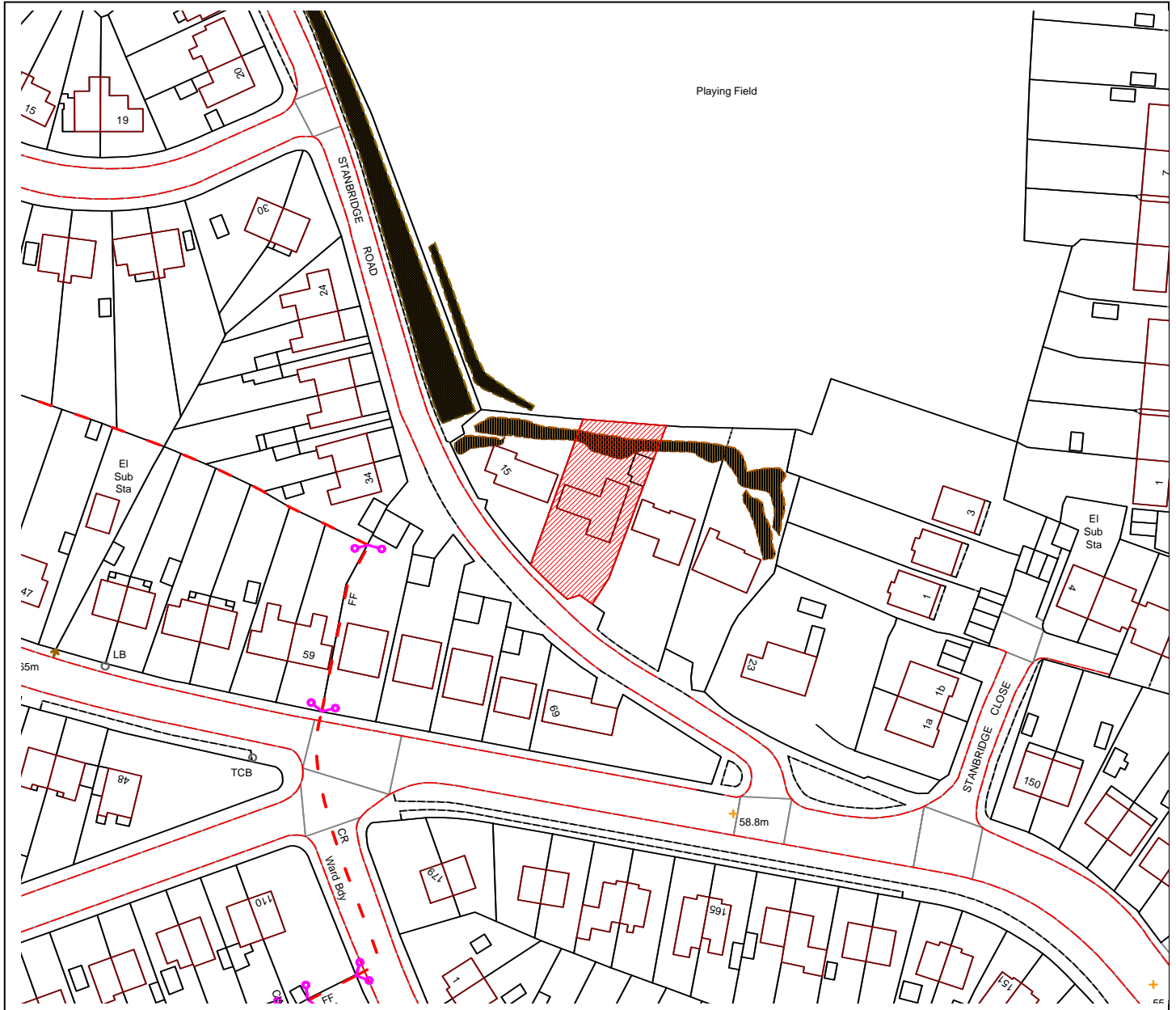
CIRCULATED SCHEDULE NO. 30/07 - 27JULY 2007

**App No.:** PK07/1845/F  
**Site:** 17 Stanbridge Road Downend BRISTOL  
South Gloucestershire BS16 6AW

**Applicant:** Mr G Underwood  
**Date Reg:** 15th June 2007

**Proposal:** Erection of detached garage.  
**Map Ref:** 65755 76744

**Parish:**  
**Ward:** Rodway



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N.T.S

PK07/1845/F

## **INTRODUCTION**

This application appears on the Circulated Schedule as a result of comments received resultant from the consultation process.

### **1. THE PROPOSAL**

- 1.1 The application seeks permission for a single detached garage with pitched roof, within the side and rear curtilage of the existing property. The development would effectively replace an existing single garage that exists largely within the same footprint. The existing garage measures 2.55 metres in width and 7.2 metres in length and is flat roofed. The proposed garage would be to a width of 4.4 metres and a length of 7 metres. The eastern wall of the garage runs along the shared boundary with the adjacent property.
- 1.2 The property itself consists of a detached dwellinghouse set in a private curtilage that extends to the front, side and rear of the property. A driveway exists along the eastern side of the property which runs alongside between the dwelling and the neighbouring curtilage to the existing single garage. The property is one of a row of four detached dwellings on this side of the road and therefore has detached properties to either side.

### **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  
T8 – Parking Standards
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Advice Note 2 – House Extensions

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

- 3.1 None relevant

### **4. CONSULTATION RESPONSES**

- 4.1 Parish Council  
Un-parished area
- 4.2 Other Consultees  
No comments received

#### **Other Representations**

- 4.4 Local Residents  
One letter of objection has been received. This raises a number of concerns based on:  
- the actual demolition of the garage and the possibility of encountering asbestos

- Clarity as to whether a workshop is proposed and the noise implications this may have
- Concerns over the entrance to the proposed garage and the difficulties of access to it requiring a lot of manoeuvring of cars and the disturbance and emissions that this may cause
- The plans show overhanging of guttering along the side of the proposed garage over the neighbouring property

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

A garage of similar scale currently exists on the site. The proposal for the development for a replacement garage 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, subject to detailed consideration of the individual application.

### 5.2 Residential Amenity

The garage would be slightly shorter in length along the shared boundary, the addition of the pitched roof would not create any significant additional impact. The garage would be of an acceptable scale for this location. There is not considered to be any additional overbearing impact or issues of overlooking associated with any other neighbouring properties.

One local resident raised a number of concerns regarding the proposal as outlined above. Planning permission is not required for the demolition of the garage and safe disposal of any asbestos, in the event that it is encountered would be subject to different legislation. This planning application is for a domestic garage associated with the existing dwelling, the owners of the property would be entitled to use it for domestic uses, but not commercial, which would be subject to further, separate consideration. Any excess or nuisance noise, if demonstrated as such would be subject to other legislation dealing with such matters. The principle of the garage here or indeed the utilisation of the driveway area for parking purposes is not at stake under the terms of this planning application, what is being considered is its design, scale and impact or effect on the local area and the maintenance of adequate off-street parking spaces. A further issue was raised on the basis of the overhanging drainage pipe. Amended plans have now been received which show the side gutter incorporated within the roof and wholly within the building line of the proposed garage and therefore within the control of the applicants property. This has led to an increase in the side wall by approximately 20 cm. This alteration is not considered to give rise to any further material effect in terms of impact upon the adjoining property.

### 5.3 Design

The design, scale and materials to be used are considered to be an acceptable form of development at this location and would not be out keeping with the existing property or the street scene as a whole. The proposed materials used would be acceptable.

### 5.4 Transport/Parking

No off-street parking spaces would effectively be lost under the terms of this application.

## 5.6 Section 106 Requirements

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

## 6. CONCLUSION

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

The decision to grant 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      **PK07/1845/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. The tiles to be used in the development hereby permitted shall match those of the existing dwelling in colour, texture and profile.

Reason:

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

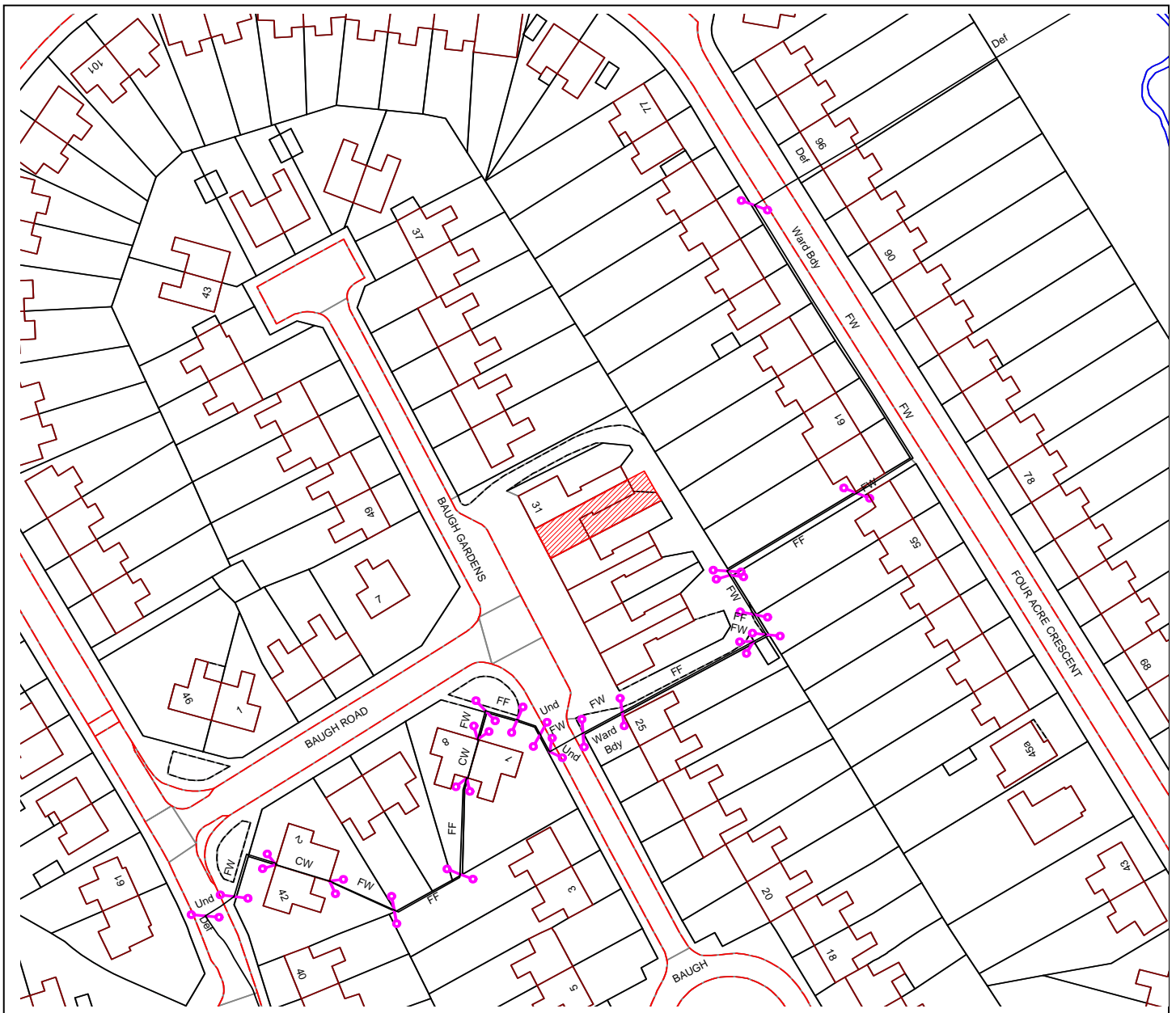
3. The colour, type and texture of the rendered finish to the external walls of the proposed extension shall match that of the existing dwelling.

Reason:

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

**CIRCULATED SCHEDULE NO. 30/07 - 27 JULY 2007**

<b>App No.:</b>	PK07/1893/F	<b>Applicant:</b>	S A Capital Properties Ltd
<b>Site:</b>	30 Baugh Gardens Downend BRISTOL South Gloucestershire BS16 6PP	<b>Date Reg:</b>	21st June 2007
<b>Proposal:</b>	Change of use of part ground floor from retail (Class A1) to professional office (Class A2) as defined in Town and Country Planning (Use Classes Order) 1987 (as amended). Erection of single storey rear extension to form wc.	<b>Parish:</b>	Downend and Bromley Heath
<b>Map Ref:</b>	65444 78086	<b>Ward:</b>	Downend



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The application appears on the circulated schedule as there are representations received that are contrary to the officer's recommendation.

## **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the change of use of part ground floor from retail (Class A1) to professional office (Class A2) as defined in Town and Country Planning (Use Classes Order) 1987 (as amended). Proposed also is the erection of single storey rear extension to form wc.
- 1.2 The site consists of an empty shop in a row of shops and residential conversions in the suburban area of Downend. The Adopted South Gloucestershire Local Plan January 2006 defines Baugh Gardens as a 'local centre'. The rear of the shop is retained as a self contained flat.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPS6	Planning for Town Centres

### **2.2 Development Plans**

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

D1	Design
H5	Residential Conversions, Houses in Multiple Occupation and Re-use of Buildings for Residential Purposes
RT11	Retention of Local Shops, Parades, Villages Shops and Public Houses
T12	Transportation Development Control Policy

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PK06/0023/F Conversion of ground floor from Retail (A1) to Residential (C3) as defined in (The Town and Country Planning Use Classes (Amendment) Order 2005) and associated external alterations. Refused on 16/2/2006 for the following reason: 'The proposed change of use fails to comply with the requirements of policy RT11 of the South Gloucestershire Local Plan (Adopted) January 2006 for the following reasons. The loss of the existing retail facility adversely affects the vitality and viability of the Baugh Gardens Local Parade, that no satisfactory alternative retail facilities are available in the locality due to concerns raised regarding the future viability of the Quakers Road facility and the requirement for local residents to walk in excess of 400m to the closest retail facility in Quakers Road. Finally, it has not been demonstrated that the premises would be incapable of supporting a retail use.'
- 3.2 PK06/2791/F Conversion of garage and part retail unit to create 1 no. dwelling. Construction of new vehicular access. Approved with conditions 26/10/2006



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

4.1 Downend and Bromley Heath Parish Council  
No objection

4.2 Other Consultees  
Cllr David Upjohn has objected to the application on the grounds that it should remain a retail unit.

#### **Other Representations**

4.3 Local Residents

Eleven objections have been received, as follows:

- Should remain a shop
- Long term effect on adjacent retail units is likely to be devastating
- The good of community should come first, not making money for the owner
- Community needs retail units to stop spread of out-of-town retail parks
- Council should be encouraging local shopping to decrease need to drive
- WC extension already in place
- Pensioners in district rely on local shops which are slowly diminishing
- Local Plan states that all residents should have convenient access to a reasonable choice of retail, community and service facilities
- Shop was extremely popular and successful DIY shop for 30 years until new owners took it over and ran it too the ground, so they could sell it for a more profitable use
- Planning committee have already rejected previous application
- Community fought long and hard to retain this property as retail

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

5.1 Principle of Development

Policy RT11 of the Adopted South Gloucestershire Local Plan January 2006 states that the change of use of existing retail premises within local shopping parades will not be permitted unless:

- A. The proposed use would not result in an over concentration of non-shop uses in a local centre or be detrimental to the vitality, viability, retail and social function of that centre; *or*
- B. There are satisfactory alternative retail facilities available in the locality; *or*
- C. It can be demonstrated that the premises would be incapable of supporting a retail use; *and*
- D. The proposed use would not result in unacceptable environmental or transportation effects, and would not prejudice residential amenity.

5.2 It is of importance to note that for a development to be acceptable in principle when assessed under Policy RT11, it would have to accord with *only* one of criteria A, B or C.

5.3 The site consists of retail unit within a local centre as defined in the Adopted South Gloucestershire Local Plan January 2006. The Baugh Gardens rank now consists of the following: no. 31 – residential (granted permission 2004 with a temporary condition), no. 29 – newsagent (Use Class A1), no. 28- unauthorised

residential, no. 27 hairdressers (Use Class A1), no. 26- day nursery (Use Class D1).

5.4 Within a short walking distance, approx. 280m away, is Quaker's Road Parade, also defined in the Adopted South Gloucestershire Local Plan January 2006 as a local centre. Quaker's Road Parade has a number of trading retail units, plus a post office and a pub. It is therefore considered that the proposal accords with criterion B of Policy RT11, in that there are satisfactory alternative retail facilities available in the locality. Certainly it is the view of officers that the Quaker's Road Parade seems more vibrant than Baugh Gardens. The proposal accords with Policy RT11, as it satisfies criterion B, and is therefore acceptable in principle.

5.5 It is acknowledged that concerns have been raised regarding the loss of a shop that served the local community. However, given that Baugh Gardens is not protected in the Adopted South Gloucestershire Local Plan January 2006 as a primary or secondary shopping frontage, and as there are satisfactory alternative retail facilities within walking distance, officers conclude it would not be possible to sustain an argument for refusal of the proposal on in principle grounds at appeal.

5.6 It is acknowledged that a previous application for the change of use of the scheme from (A1) retail to (C3) residential was refused by Members at the Development Control East Committee for the reason given above in the planning history. However, as stated in the above paragraph, officers do not consider that an in principle objection to this scheme on the basis of Policy RT11 could not be successfully defended at an appeal.

5.7 Residential Amenity

There are no residential amenity issues arising as a result of the proposed change of use or the erection of an extension to house a WC.

5.8 Visual Amenity

There are no visual amenity issues arising as a result of the proposal. No change is proposed to the shopfront.

5.9 Transportation

There are no transportation issues arising as a result of the proposal .

5.10 Design and Access Statement

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

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 condition(s):

**Background Papers      PK07/1893/F**

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

## **CONDITIONS**

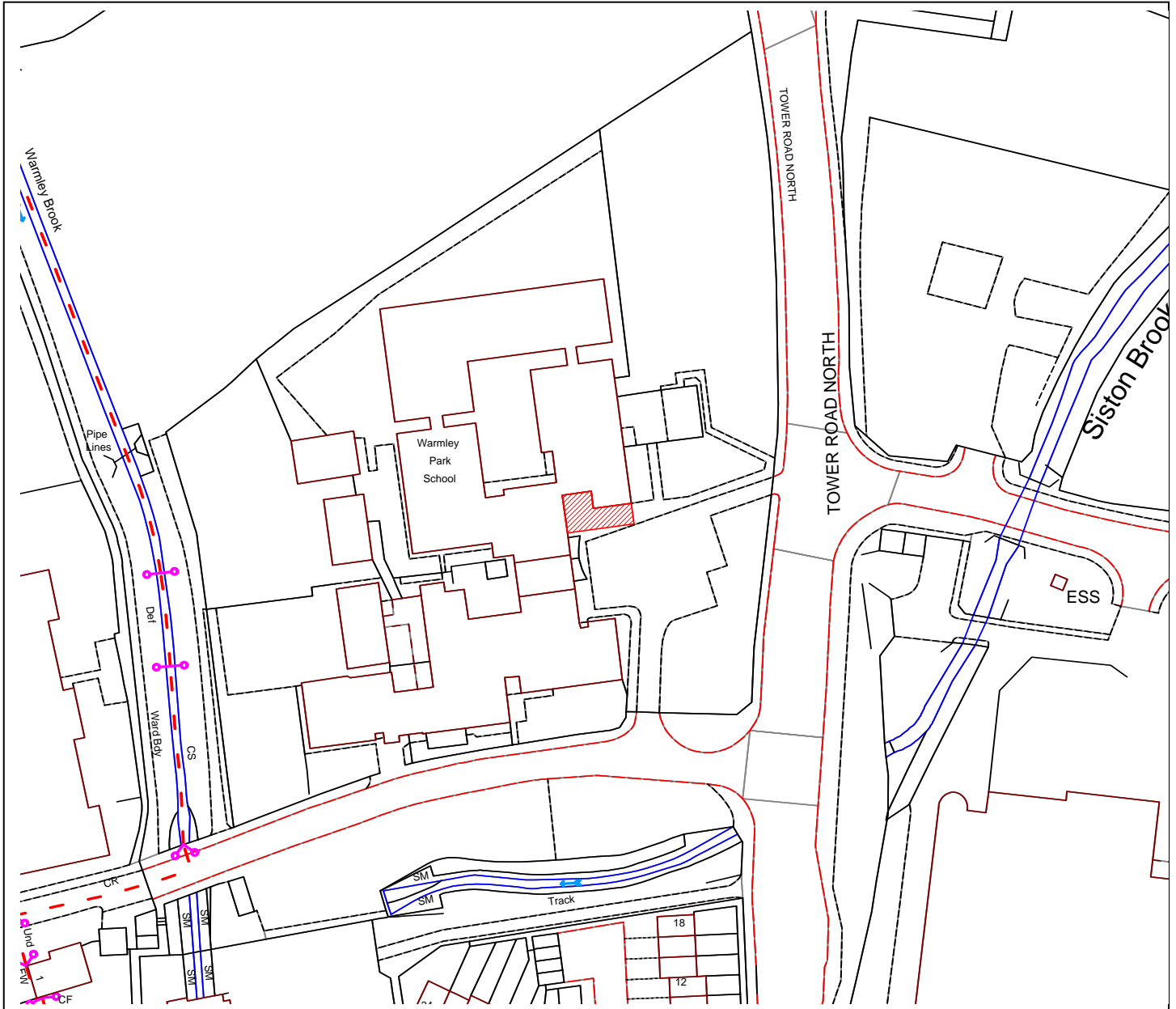
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:

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

**CIRCULATED SCHEDULE NO. 30/07 – 27 JULY 2007**

<b>App No.:</b>	PK07/1942/R3F	<b>Applicant:</b>	Warmley Park School
<b>Site:</b>	Warmley Park School Tower Road North Warmley BRISTOL South Gloucestershire BS30 8XLBS30 8XL	<b>Date Reg:</b>	26th June 2007
<b>Proposal:</b>	Erection of single storey extension to form entrance block and cafe area.	<b>Parish:</b>	Siston Parish Council
<b>Map Ref:</b>	66957 73263	<b>Ward:</b>	Siston



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**N.T.S**

**PK07/1942/R3F**

## **INTRODUCTION**

This application is placed on the Circulated Schedule to Council Members in accordance with procedure given that the applicant is South Gloucestershire Council.

### **1. THE PROPOSAL**

- 1.1 The application seeks consent for the erection of a single storey extension situated towards the front of the school. The development would create a main entrance and staff/administration facilities. The extension would be attached to the existing structure with a width on the southern (front) elevation of 14 metres. The roof pitch would largely be flat to match the adjoining area. There would be a small canopy over the front entrance. The application is made on behalf of South Gloucestershire Council. The application site comprises Warmley Park School. The site is situated within Flood Zone 3 as defined by the Environment Agency. A Flood Risk Assessment has been submitted with the application.
- 1.2 In support of the application the applicant has submitted the following information:
- The entrance provides a covered waiting area for disabled pupils
  - The existing entrance is small for wheel chair use and difficult to heat
  - The area will provide an area where staff and parents can meet informally
  - The serving area/café will be staffed by pupils giving them social and work skills
  - A larger office is needed for the school secretary

### **2. POLICY CONTEXT**

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS 25	Flood Risk and Development

2.2 South Gloucestershire Local Plan (Adopted) January 2006

LC4	Proposals for the Development, expansion or improvement of Education and Community Facilities within existing Urban Areas
D1	Achieving Good Design
EP2	Flood Risk and Development

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

3.1 There is no relevant planning history

### **4. CONSULTATION RESPONSES**

4.1 Siston Parish Council  
No objection raised

4.2 Sustainable Transport

The site is located off the C classified Tower Road North, which serves as access to the application site. The proposal features the construction of a new single storey entrance block. After considering this current application there is

no evidence that there will be any proposed extra staff or loss of car parking within the curtilage of the application site, therefore, I have no transportation objection to this current proposal.

- 4.3 Local Residents  
No objections raised

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy LC4 supports the expansion and improvement of education and community facilities within existing urban areas and within the boundaries of settlements subject to the impact upon adjoining residential occupiers, environmental impact and subject to the facilities being easily accessible. The current proposal is quite a minor alteration in relation to the overall size of the school and will not involve any additional pupils. The school is situated within Flood Zone 3 as defined by the Environment Agency, Policy EP2 supported by PPS25 considers the issue of flood risk and development. The proposal is supported in principle subject to the following considerations.

### 5.2 Residential Amenity

Given the scale and the location of the proposed development and the distance to residential properties it is not considered that there will be any impact upon the amenity of residential occupiers.

### 5.3 Transportation

Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 considers the impact of development upon the surrounding highway network. It not considered that there will be any transportation implications from the development and therefore there is no transportation objection to the proposal.

### 5.4 Design/Visual Amenity

Policy D1 considers the design of all new development having regard to the relationship with the original building and the wider context. It is considered that the proposed extension will integrate successfully with the new building. A condition will be attached to the decision notice to require new materials to match those existing.

### 5.5 Flood Risk

The site is situated within Flood Zone 3. A Flood Risk Assessment has been submitted with the application. No objection has been raised by the Environment Agency.

## 6. CONCLUSION

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

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

## **7. RECOMMENDATION**

7.1 Planning Permission be granted subject to the following conditions

**Background Papers**      **PK07/1942/R3F**

**Contact Officer:**    **David Stockdale**

**Tel. No.**                **01454 863131**

### **CONDITIONS**

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

Reason:

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

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

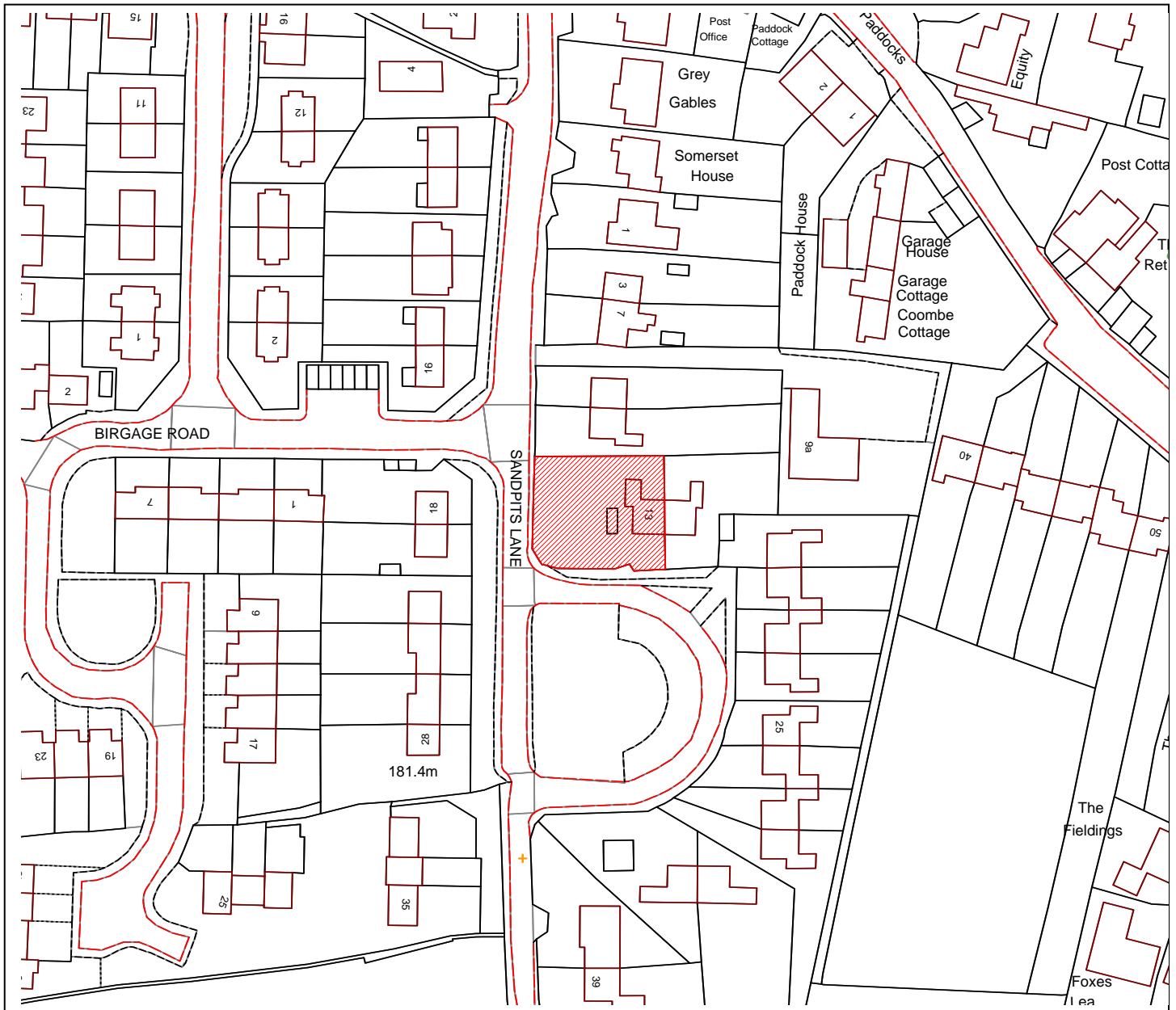
Reason:

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. 30/07 - 27 JULY 2007**

**App No.:** PK07/1978/F  
**Site:** 13 Sandpits Lane Hawkesbury Upton  
 BADMINTON South Gloucestershire  
 GL9 1BD  
**Proposal:** Erection of 1 no. dwelling with access  
 and associated works  
**Map Ref:** 78012 86731

**Applicant:** Mrs C Templeton  
**Date Reg:** 29th June 2007  
**Parish:** Hawkesbury Upton  
 Parish Council  
**Ward:** Cotswold Edge



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**N.T.S**

**PK07/1978/F**



## **INTRODUCTION**

This application is placed on the Circulated Schedule in accordance with procedure given that objections to the development have been raised.

### **1. PROPOSAL**

- 1.1 The applicant seeks consent for the erection of a single dwelling with an access and associated works. The two-storey detached dwelling would be situated within part of the current garden area associated with No.13 Sandpits Lane. The front elevation would front onto a small crescent serving properties off Sandpits Lane while, the side elevation would face onto the lane. The drive/access would be from the front (this represents an amendment – see analysis).
- 1.2 The detached dwelling would have a height of 8.2 metres to match the adjoining semi- detached pair. The structure would also have a width of 7 metres and depth of 10 metres. The building line (aside from a front porch) would match that of properties on either side. The proposed dwelling would have a front and rear garden, while garden space is retained by the original property No.13.
- 1.3 The application site is situated within the settlement boundary of Hawksbury Upton and within the Cotswold Area of Outstanding Natural Beauty (AONB)

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

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

D1	Achieving Good Quality Design in New Development
H2	Proposals for Residential Development within Existing Urban Area and Defined Settlement Boundaries
T8	Parking Standards
T12	Transportation Development Control Policy for New Developments
L17/L18	The Water Environment
L2	Cotswold Area of Outstanding Natural Beauty

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

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

P88/1092 (Outline) Erection of detached dwelling, construction of vehicular and pedestrian access (Refusal)

P98/1577 Erection of side conservatory (Approved)

## 4. **CONSULTATION RESPONSES**

### 4.1 **Hawksbury Upton Parish Council**

The Parish council object because of (a) the access/reversing onto a busy road and (b) it is too close to the existing house and thereby impacts on their residential amenity

### 4.2 **Sustainable Transport**

The proposed driveway for the new dwelling is very close to the junction with Birgage Road. Its current location will involve the occupants having to walk some distance to their front door. The maximum parking for a two bed dwelling is 1.5 so one space would be considered acceptable. I suggest that this space is relocated to the front of the dwelling on the loop as far from the junction as possible.

This proposal is considered a betterment over the existing as it will give the occupants a larger rear garden and the loop road only serves a small number of dwellings compared to the main part of Sandpits Lane.

## **Other Representations**

### 4.3 **Local Residents**

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

- (i) The front elevation should face onto Sandpits Lane
- (ii) The position of the access would result in detriment to highway safety given its position opposite Birgage Close
- (iii) The proposal would have an adverse impact upon water supply and sewerage system
- (iv) The proposal would involve the removal of an area of dry stone wall onto Sandpits Lane as a result of the positioning of the new access

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 **Principle of Development**

Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 states that infilling and small groups of dwellings will normally be permitted within the village development boundaries, provided that the character of the settlement is not affected and subject to conforming with other policies in the plan. The application is also for residential development on a site currently in residential use. The erection of an additional unit equates to a density of approximately 32 dwellings per hectare which is considered appropriate within this location (compatible with the size of the site, relationship with adjoining properties and accessibility requirements) and therefore in accord with Policy H2 and the guidance set out in PPS3 The principle of the development is therefore acceptable, subject to addressing the issues below.

### 5.2 **Impact on the Character and Appearance of Area**

The proposed dwelling is sited such that it follows the building line established by No.13, the original property and to the side the property adopts the building

line established by No.11 Sandpits Lane. It should be noted that a previous outline application in 1988 was rejected on the grounds that the building line along Sandpits Lane would have been adversely affected; in contrast, facilitated by the removal of a garage associated with No.13, the current proposal is able to maintain this building line. Concern has been raised that the development would result in the side elevation of the building facing onto Sandpits Lane, however, it is considered more important that the front elevation faces onto the crescent, given that this enables building lines to be maintained and given also that this is the location of the revised accessway. It is considered that the siting of the proposal is appropriate.

The proposal adopts a simple design and this is considered to ensure that the building integrates successfully with adjoining properties. The height of the building will match that of the original property. The use of roughcast painted render as well as matching tiles will also ensure the integration of the property into the street scene. Concern has been raised that the development would adversely affect the stone boundary wall; whilst there would be some impact, the amendment to the position of the access will be of benefit in this respect.

It is considered that the proposal is in accord with the aims and objectives of Policies H2 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

### 5.3 Impact on Neighbouring Amenities/ Amenity Provision for Proposed Occupants

Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 requires consideration to be made of the impact of a development upon the amenity of neighbouring occupiers as well as the amenity of future occupiers. It is not considered that there would be any adverse impact upon No. 11 Sandpits lane. Concern has been raised that the proposal would adversely result in the loss of amenity to the original property. It is considered however that there is a normal residential relationship between these properties and any impact would not be significant. It should be noted that the single storey element to the rear of the proposed house would abut the single storey element to the rear of the original property.

In order to preserve residential amenity, conditions will be attached to the decision notice requiring consent for any future additional windows at first floor level on the west elevation in order to allow an assessment of their impact and in addition a condition would be attached to the decision notice requiring the proposed side window at first floor level to be obscure glazed.

It is considered that sufficient amenity space is retained for the occupiers of No.13 and that sufficient space is provided for the new dwelling. A condition is recommended to ensure that the new boundary treatment between the properties is in place prior to the first occupation of the new dwelling.

It is therefore considered that in this respect the proposal is in accord with the aims and objectives of Local Plan Policy.

### 5.4 Transportation

Policy H2 and Policy T12 more specifically of the South Gloucestershire Local Plan (Adopted) January 2006 considers the impact of development upon the surrounding highway network.

Concern has been raised that the siting of the parking space and associated access almost directly opposite the junction between Birgage Road and Sandpits Lane would result in detriment to highway safety. This is a transportation concern and following negotiations the parking space has been moved to the front of the house (onto the crescent). It is considered that sufficient parking has been allocated.

Subject to this amendment, there is no transportation objection to the proposal and the proposal is considered in accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

#### 5.5 Drainage

The Council Drainage Engineer's raise no objection to the proposal. A condition will be attached to the decision notice to require the use of best drainage practice.

#### 5.6 Cotswold Area of Outstanding Natural Beauty (AONB)

It is not considered that the proposed development would adversely affect the Cotswold Area of Outstanding Natural Beauty.

#### 5.7 Other Issues

Concern has been raised that the proposed development would have an adverse impact upon the water supply and sewerage system. It should be noted that these are not material planning consideration and would be a matter for agreement between the applicant and the relevant utility body.

#### 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 (Consultation Draft).

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

- 7.1 Planning Permission be granted subject to the following conditions

**Background Papers**      **PK07/1978/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. No windows other than those shown on the plans hereby approved shall be inserted at any time in the first floor [east] elevation of the property.

Reason:

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

3. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed first floor window on the [east] elevation shall be glazed with obscure glass only.

Reason:

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H2 and H4 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 L17 and L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

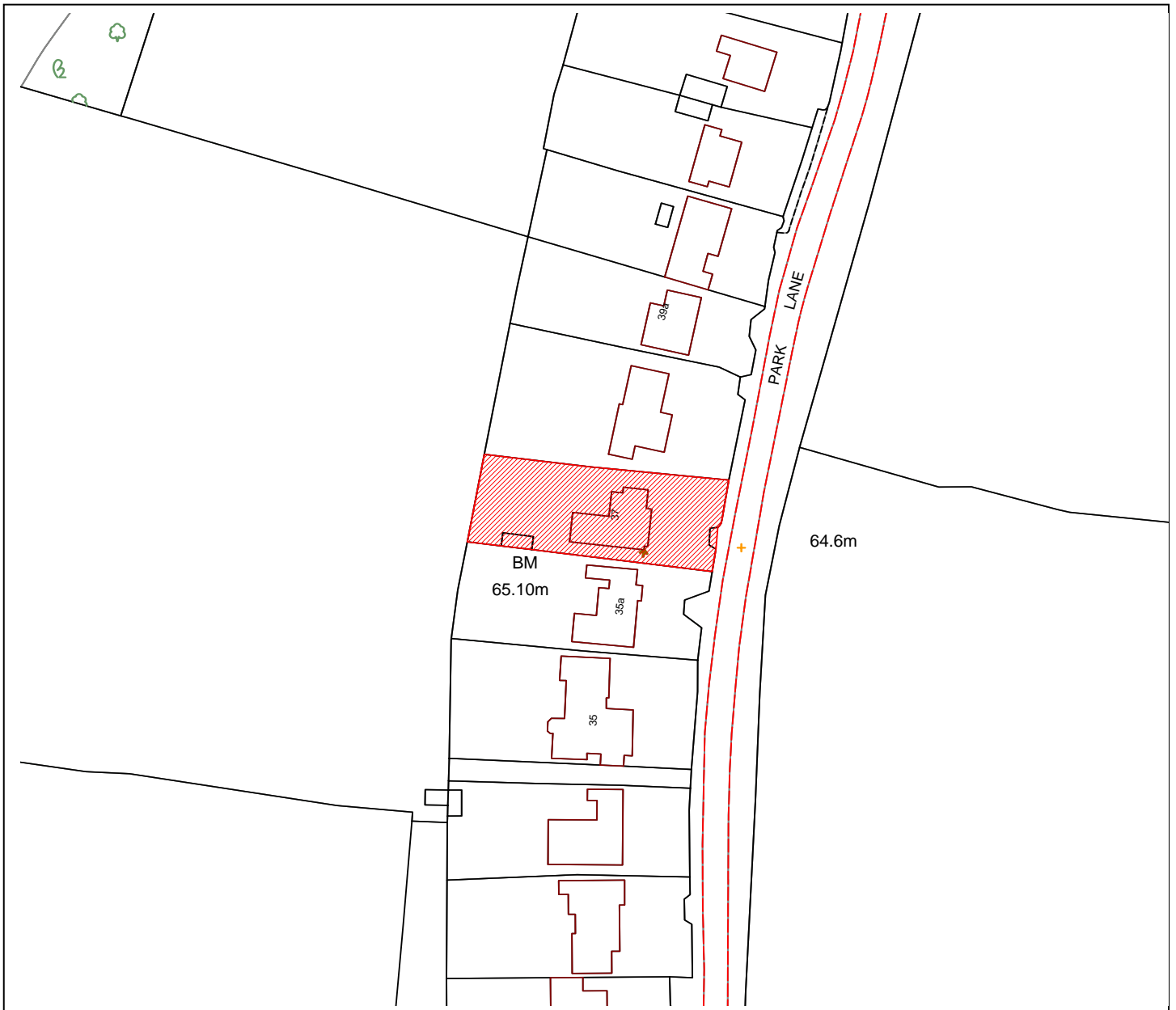
5. Details of the boundary treatment between the existing and proposed dwelling shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and shall be installed in accordance with the approved details prior to the first occupation of the new dwelling.

Reason:

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

**CIRCULATED SCHEDULE NO. 30/07 – 27 JULY 2007**

<b>App No.:</b> PT07/1804/F	<b>Applicant:</b> Mr M Jakeways
<b>Site:</b> 37 Park Lane Kendleshire Winterbourne BRISTOL South Gloucestershire BS36 1AT	<b>Date Reg:</b> 11th June 2007
<b>Proposal:</b> Demolition of existing dwelling to facilitate erection of new dwelling with associated works. (Resubmission of planning application PT07/0844/F)	<b>Parish:</b> Westerleigh Parish Council
<b>Map Ref:</b> 66359 80459	<b>Ward:</b> Westerleigh



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The application appears on the Circulated Schedule in view of two objection letters received from a neighbouring resident.

## **1. THE PROPOSAL**

- 1.1 The application seeks planning permission for the erection of a new chalet style dwelling to replace a single-storey property.
- 1.2 This application is a resubmission of PT07/0844/F that allowed the demolition of the original property and its replacement with a chalet style unit. However, a further application is now required to address a number of anomalies between the approved plans and the proposal as being constructed; most notably an increase in the size of the build.
- 1.3 The application site originally comprised a single-storey dwelling that benefited from one room within the roof space and extensive rear single-storey flat roofed extensions. However, in view of the lengthening planning history, the site now hosts a partly built dwelling with works having stopped pending the outcome of this application.
- 1.4 The site is positioned on the west side of Park Lane to the south of the Winterbourne settlement boundary within the open Green Belt.
- 1.5 Corrected/ amended plans form part of the application allowing some internal alterations (with the proposed utility and WC swapped) and with changes made to the side porch. Corrections have also been made to ensure that the plans scale correctly.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1: Delivering Sustainable Development  
PPG2: Green Belts
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1: Achieving Good Quality Design in New Development  
H3: Residential Development in the Countryside  
H4: Development within Residential Curtilages  
GB1: Development within the Green Belt  
T8: Parking Standards  
T12: Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Advice Note 2: House Extensions  
Development in the Green Belt: June 2007  
South Gloucestershire Urban Design Checklist (Consultation Draft) Sept 06

## **3. RELEVANT PLANNING HISTORY**

- 3.1 N8978: Insertion of first floor dormer window. Permitted: 1 Dec 1983
- 3.2 P86/1523: Single-storey rear extension to provide shower room and WC. Permitted: 4 June 1986

- 3.3 P88/1567: Single-storey side/ rear extension to provide additional dining/ sitting room accommodation for disabled person. Permitted: 11 May 1988
- 3.4 PT06/1669/F: Demolition of outbuilding and part of ground floor and erection of two-storey and first floor extension to create two-storey dwelling. Refused: 14 July 2006
- 3.5 PT06/2865/F: Demolition of part of ground floor and erection of two-storey and first floor extension to create two-storey dwelling. Permitted: 31 January 2007
- 3.6 PT07/0844/F: Demolition of existing dwelling; erection of new dwelling in line with the previously approved planning permission PT06/2865/F. Permitted: 20 April 2007

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

4.1 Westerleigh Parish Council  
No comments received

4.2 Other Consultees  
Environmental Services: no adverse comments

4.3 Summary of Local Residents Comments:

One letter received '*strongly opposing*' the proposal (original plans):

- The writer fails to understand what site conditions would necessitate an increase in size;
- The reference to the front building line is irrelevant;
- Alterations to the side entrance provide little benefit with the neighbour still overlooked;
- It would appear larger in size than a previously refused application;
- The omission of the garage is a concern given that it is likely that one will be required in future;
- '*...it is my opinion, that as the applicant has already reached 1<sup>st</sup> floor level, he knowingly and intentionally constructed the property larger than the approved application, on the basis that he thought he would get away with it*'.

4.4 One further letter received in support of the proposal (original plans):  
*'I have supported previous proposals for this property. I also support this one. The changes to the previous applications are in my opinion improvements, and the 800mm change in size is trivial and in so far as it makes any difference, is beneficial. This neighbourhood needs young families; they should be helped and encouraged. I hope the committee will approve this quickly.'*

4.5 An additional letter has also been received in response to the amended plans:

- There is a small gain in privacy by swapping the utility and cloakroom;
- Overall, the situation has been made far worse with the porch turned around providing a side exit and meaning the neighbour is more on view;
- The whole situation has arisen by virtue of the building having been built too big. From a privacy viewpoint, the last application was just about acceptable but with the size increase, it has become totally unacceptable.

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

5.1 Principle of Development



- Policy H3 cites that the proposals for new residential development outside of the existing urban areas and settlement boundaries will not be permitted unless it falls within one of three categories; one of which allows for the principle of replacement dwellings.
- 5.2 Further, policy H4 allows for the principle of new residential development within residential curtilages subject to considerations of design, residential amenity and highway safety.
- 5.3 Finally, policy GB1 provides for the replacement of dwellings within the Green Belt provided that the proposal does not result in a disproportionate increase in size over and above that of the original dwelling.
- 5.4 Design/ Visual Amenity  
The application site originally provided for a single-storey build that benefited from extensive single-storey flat roofed rear extensions and one room within the roof served by a dormer. The site lies within a line of ribbon development along the west side of Park Lane with properties of differing size and design; many appear to have been altered and extended.
- 5.5 This submission follows two previous consents on this site, both of which would have resulted in the same dwelling but with one comprising extensions to the former dwelling and the second comprising a new build. In this regard, this latter submission was necessary with it noted that the existing foundations were wholly inadequate to support the building works as previously approved.
- 5.6 Having regard to this third application, this was requested after it was brought to the Councils attention that the proposal was not being built in accordance with the approved plans. The most notably anomaly comprises an increase in the size of the dwelling with the build measuring 800mm longer than approved. Further changes comprised alterations to the side porch, deletion of the integral garage in favour of an extended living room and the possible introduction of a side facing utility window (contrary to condition 2 of the most recent approval).
- 5.7 Subsequently, amended plans have been received with the side porch changed to reflect that which was approved as part of the previous scheme. Visually, the proposal would therefore appear almost identical to the approved scheme with only subtle changes to the area around the intended garage (dummy doors are proposed) and with a marginal increase in ridge height. Adequate parking space is shown on the frontage of the property to accommodate the loss of the proposed garage.
- 5.8 In the light of the above, the proposal is considered acceptable and in keeping with the general character of the area.
- 5.9 Impact on the Openness of the Green Belt  
The proposal would allow the erection of a chalet style unit of similar size to many of the neighbouring properties and marginally larger than that previously approved. In this regard, it is acknowledged that the approved increase in size was within the upper limits of acceptability having regard to the limitations of green belt policy. Nonetheless, in view of the further marginal increase shown, it is considered that any related refusal is unlikely to prove sustainable.
- 5.10 Further to the above and in response to the concerns raised, the previously refused application (PT06/1669/F) comprised a fully expressed two-storey unit

which was refused having regard to its resultant impact on the openness of the Green Belt. Further, it is recommended that a condition is imposed restricting the erection of outbuildings given the size of the dwelling proposed.

5.11 Residential Amenity

The property to the north forms a two-storey unit with its main outlook towards the front and rear and only two windows (that appear obscured) facing the application site. It is further noted that an attached single-storey utility room stands closest to the boundary whilst views between are limited by close-boarded boundary fencing.

5.12 In view of the above, it is not considered that any significant adverse impact in residential amenity would be caused. This is having regard to the absence of habitable room side facing windows and the distance between this existing and proposed dwelling. Further, the porch design is now as approved as part of the previous application.

5.13 The property to the south forms a chalet style dwelling although benefits from a two-storey gable at the rear. No first floor facing windows are contained whilst a 2m high (approx.) boundary wall screens this property at ground floor. The increase in bulk of the proposal would be apparent when viewed from this dwelling although it is not considered that this would cause any significant adverse impact in residential amenity.

5.14 Design and Access Statement

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

5.15 Section 106 Requirements

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

### Background Papers      **PT07/1804/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. 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(s):

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

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

Reason(s):

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

4. The bathroom window within the north elevation shall at all times be of obscured glass.

Reason(s):

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

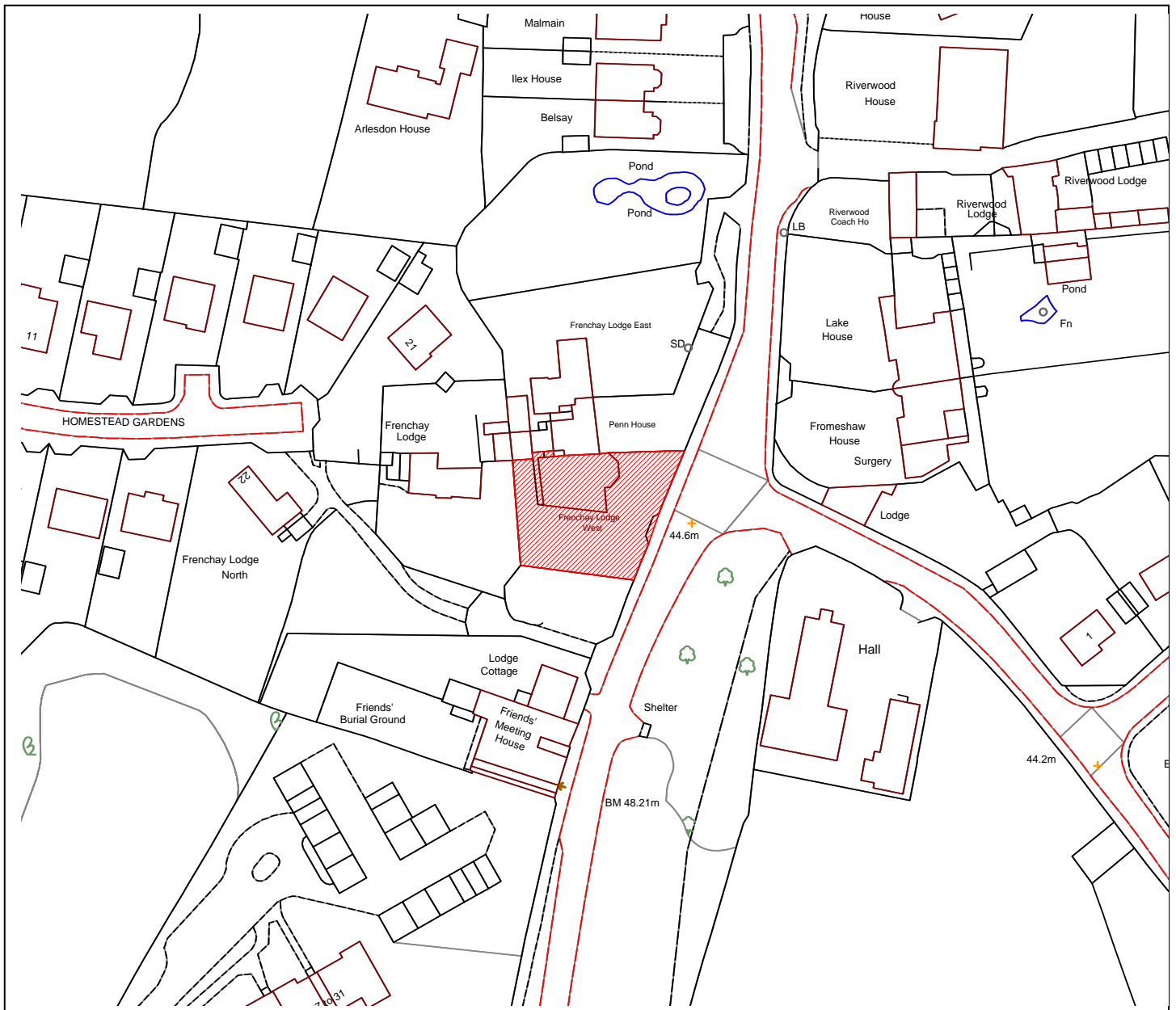
5. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, and E), 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 ensure the satisfactory external appearance of the development in the interests of visual amenity, to protect the residential amenity of the neighbouring occupiers and in view of the position of the application site within the Green Belt; all to accord with Policies D1, H2, H4 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 30/07 – 27 JULY 2007**

<b>App No.:</b> PT07/1956/TCA	<b>Applicant:</b> Frenchay Lodge West
<b>Site:</b> Frenchay Lodge West Beckspool Road Frenchay BRISTOL South Gloucestershire BS16 1NT	<b>Date Reg:</b> 27th June 2007
<b>Proposal:</b> Works to fell and prune various trees situated within Frenchay Conservation Area.	<b>Parish:</b> Winterbourne Parish Council
<b>Map Ref:</b> 64131 77936	<b>Ward:</b> Frenchay and Stoke Park



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The application appears on the Circulated Schedule following a letter of concern from the Parish Council.

## **1. THE PROPOSAL**

1.1 The applicant seeks permission for works to trees within Frenchay Conservation Area, the following works being

1. Front boundary 7 x Holly growing as hedge – reduce 50%
2. Lilac under storey next to gateway – coppice
3. 12m Beech approx 1.5m from boundary wall – fell
4. Holly reduce 50%
5. 15m Sycamore – crown lift to 4m – reduce laterals towards house and thin by 15%.
6. 15m Lawson’s cypress-fell
7. 16m lime adjacent to wall – Pollard (as agreed on site with owner)
8. 3 Sycamore saplings next to bay – Fell
9. Bay – reduce 50%
- 10 Scots pine x3 – Fell
11. Cherry in neighbour’s garden – cut back all overhanging branches
12. Laurel in neighbours garden – Cut back all overhanging branches to driveway
13. Ash & Sycamore front right boundary growing out of hedge - fell

1.2 The application site relates to a dwelling within the conservation area, there is some visibility of the trees from the road, a high stone wall bounds the site.

## **2. POLICY CONTEXT**

2.1 National Guidance  
PPG15 Planning and the Historic Environment

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006  
L1 Landscape Protection and Enhancement  
L12 Conservation Areas

## **3. RELEVANT PLANNING HISTORY**

3.1 PT07/1391/TCA Works to fell and reduce various trees within Frenchay Conservation Area. Withdrawn 29 May 2007

## **4. CONSULTATION RESPONSES**

4.1 Winterbourne Parish Council  
Original planning application (1391) withdrawn. New application has no application form and shows no owner. Although there are a large amount of trees, one of which is a historic tulip tree within the grounds, the Parish Council felt that the proposal was an excessive removal of trees. The Parish Council would like the advice of the South Gloucestershire Council Tree Officer regarding this.

*With regards to the comments of ownership the notice is served under Section 211(3)(a) of the Town and Country Planning Act 1990, this section does not require that the person who serves the notice must be the owner of the land.*

- 4.2 Tree Officer  
No objection

### **Other Representations**

- 4.3 Local Residents  
No comments received

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Under the Planning (Listed Building and Conservation Areas) Act 1990 it is recognised that trees can make a special contribution to the character and appearance of a conservation area. This act makes special provision for trees in conservation areas which are not the subject of a Tree Preservation Order (TPO). Under Section 211, subject to a range of exceptions, planning permission is required for proposals to cut down, top or lop a tree in a conservation area. The purpose of this requirement is to provide the Local Planning Authority an opportunity to consider bringing any tree under their general control by making a TPO in respect of it. When considering whether trees are worthy of protection in conservation areas, the visual historic and amenity contribution of the tree should be taken into account.

### **5.2 Assessment of Proposals**

The Council's Tree Officer has made the following comments:

The trees are growing within the grounds of Frenchay Lodge west, Beckspool Road, Frenchay. The garden boundaries are very overgrown.

1. The proposal to reduce the holly by 50% will revert the holly to a hedgerow.
2. The lilac has become outgrown and the proposal to coppice should ensure that the re-growth will form a bushy specimen.
3. The Beech is in poor condition and is not worthy of a Tree Preservation Order. It appears to be damaging the wall of the garden which is listed.
4. The reduction of the holly should produce a healthier more dense tree and will help keep some amenity to the boundary.
5. The crown lift will allow clearance underneath the tree and allow for under planting. The reduction of the laterals towards the house will re shape the crown where it has been suppressed by the boundary trees. The reduction and thin should not be detrimental to the health of the tree.
6. The Lawson's cypress is non-native to the conservation area and does not fulfil the criteria for a Tree Preservation Order.
7. Lime- the original proposal was to fell this tree as it is in poor condition however after discussion it has been decided that the lime should be pollarded in order to keep the amenity of the roadside boundary.

8. The saplings provide little amenity and have poor form.
9. The reduction of the Bay should produce an increase in sympodial growth.
10. The Scots pines are situated adjacent to the shed and the electricity sub-station. The trees are semi-mature. It appears that they will have little room to develop to full maturity given their current position. Under common law the applicant has the right to cut back to their boundary as long as they offer the neighbour the arising.
11. Ash & Sycamore- these trees are growing out of the hedgerow and do not fulfil the criteria for a Tree Preservation Order.

The garden is very overgrown and is in need of remedial works. The applicant and new owner of the site will be establishing a variety of re-plants within the garden and intends to manage the trees and the garden appropriately. Given this the proposal raises no objections, and the tree are not considered worthy of a Tree Preservation Order.

## **6. CONCLUSION**

- 6.1 The decision to raise no objection has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 No objection to the proposed tree works.

**Background Papers**      **PT07/1956/TCA**

**Contact Officer:**      **Charlene Baker**  
**Tel. No.**                      **01454 863819**