



**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. 09/07**

**Date to Members: 02/03/07**

**Member's Deadline: 09/03/07**

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: 02/03/07**

**SCHEDULE NO. 09/07**

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 02 March 2007

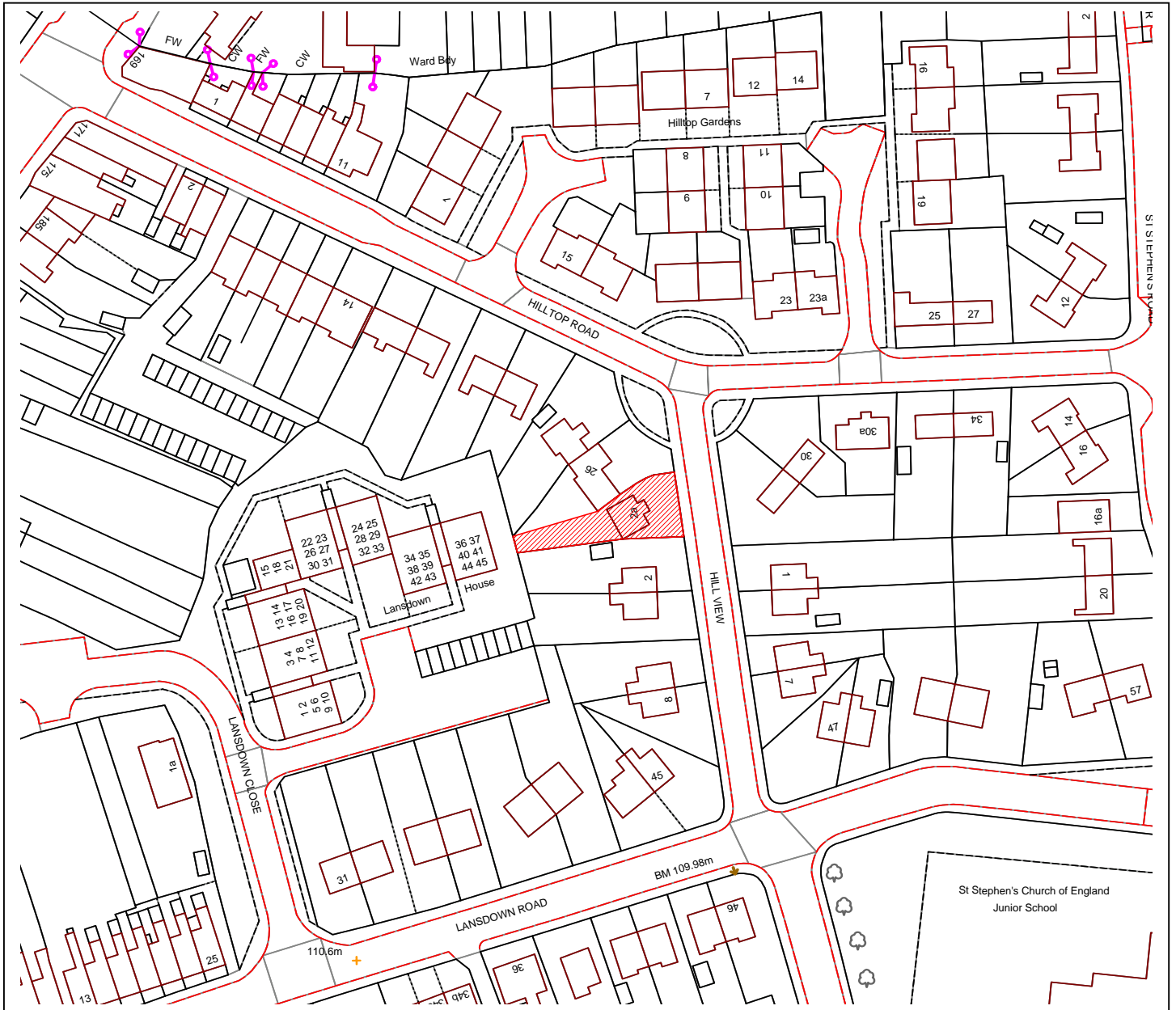
| ITEM NO. | APPLICATION NO | RECOMMENDATION                  | LOCATION                                                                                        | WARD               | PARISH                            |
|----------|----------------|---------------------------------|-------------------------------------------------------------------------------------------------|--------------------|-----------------------------------|
| 1        | PK06/3275/F    | Approve with conditions         | 2a Hill View Soundwell BRISTOL South Gloucestershire BS16 4RW                                   | Kings Chase        |                                   |
| 2        | PK07/0105/F    | Approve with conditions         | 2 Rogers Close Warmley BRISTOL South Gloucestershire BS30 8DZ                                   | Parkwall           | Oldland Parish Council            |
| 3        | PK07/0118/F    | Refusal                         | Pine Cottage Holbrook Lane Wick BRISTOL South Gloucestershire BS30 5NG                          | Boyd Valley        | Wick and Abson Parish Council     |
| 4        | PK07/0119/F    | Approved subject to Section 106 | 148 Hanham Road Kingswood BRISTOL South Gloucestershire BS15 8NR                                | Woodstock          |                                   |
| 5        | PK07/0146/F    | Approve with conditions         | 1 Kestrel Drive Pucklechurch BRISTOL South Gloucestershire BS16 9SY                             | Boyd Valley        | Pucklechurch Parish Council       |
| 6        | PK07/0193/ADV  | Approve                         | Brimsham Park Lark Rise Yate BRISTOL South Gloucestershire BS37 7PJ                             | Yate North         | Yate Town Council                 |
| 7        | PK07/0245/F    | Approve with conditions         | 9 Parnall Crescent Yate BRISTOL South Gloucestershire BS37 5XS                                  | Yate West          | Yate Town Council                 |
| 8        | PK07/0254/R3F  | Deemed consent                  | Redfield Edge Primary School High Street Oldland Common BRISTOL South Gloucestershire BS30 9TL  | Oldland Common     | Bitton Parish Council             |
| 9        | PK07/0257/OHL  | Approve                         | Pumping Station Tormarton Road Acton Turville BADMINTON South Gloucestershire GL9 1HP           | Cotswold Edge      | Acton Turville Parish Council     |
| 10       | PK07/0283/F    | Approve with conditions         | Land rear of 331 Badminton Road Downend BRISTOL South Gloucestershire BS36 1AH                  | Siston             | Downend and Bromley Heath         |
| 11       | PK07/0310/F    | Approve with conditions         | 4 Brayne Court Longwell Green BRISTOL South Gloucestershire BS30 7DS                            | Longwell Green     | Oldland Parish Council            |
| 12       | PK07/0361/ADV  | Approve with conditions         | Yate Shopping Centre Yate BRISTOL South Gloucestershire BS37 4AP                                | Yate North         | Yate Town Council                 |
| 13       | PT05/0489/F    | Refusal                         | Barmers Lands Farm Woodlands Road Tytherington WOTTON UNDER EDGE South Gloucestershire GL12 8UJ | Thornbury South    | Tytherington Parish Council       |
| 14       | PT07/0116/F    | Approve with conditions         | 82/84 Woodend Road Frampton Cotterell BRISTOL South Gloucestershire BS36 2LQ                    | Frampton Cotterell | Frampton Cotterell Parish Council |
| 15       | PT07/0157/F    | Approve with conditions         | 76 Station Road Filton BRISTOL South Gloucestershire BS34 7JJ                                   | Filton             | Filton Town Council               |

|    |                      |                         |                                                                                                          |                           |                                   |
|----|----------------------|-------------------------|----------------------------------------------------------------------------------------------------------|---------------------------|-----------------------------------|
| 16 | <b>PT07/0164/F</b>   | Approve with conditions | Filton Park Service Station 31-39 Gloucester Road North Filton BRISTOL South Gloucestershire BS7 0SH     | Filton                    | Filton Town Council               |
| 17 | <b>PT07/0202/F</b>   | Refusal                 | Bank House Bank Road Pilning BRISTOL South Gloucestershire BS35 4JG                                      | Pilning and Severn Beach  | Pilning and Severn Beach          |
| 18 | <b>PT07/0220/TRE</b> | Approve with conditions | Public Footpath adj. 22 Kelbra Crescent Frampton Cotterell BRISTOL South Gloucestershire BS36 2TS        | Frampton Cotterell        | Frampton Cotterell Parish Council |
| 19 | <b>PT07/0227/TRE</b> | Approve with conditions | Public Footpath Off Lutyens Close Stoke Park South Gloucestershire                                       | Stoke Gifford             | Stoke Gifford Parish Council      |
| 20 | <b>PT07/0238/F</b>   | Approve with conditions | Land at rear of 29-33 Gayner Road Filton BRISTOL South Gloucestershire BS7 0SP                           | Filton                    | Filton Town Council               |
| 21 | <b>PT07/0262/CLP</b> | Refusal                 | Garage to the rear of Corbetts Green Lane Milbury Heath WOTTON UNDER EDGE South Gloucestershire GL12 8QW | Thornbury South           | Tytherington Parish Council       |
| 22 | <b>PT07/0285/R3F</b> | Deemed consent          | Crossways Junior Knapp Road Thornbury BRISTOL South Gloucestershire BS35 2HQ                             | Thornbury North           | Thornbury Town Council            |
| 23 | <b>PT07/0289/TRE</b> | Approve with conditions | 83 Stone Lane Winterbourne Down BRISTOL South Gloucestershire BS36 1DH                                   | Winterbourne              | Winterbourne Parish Council       |
| 24 | <b>PT07/0302/F</b>   | Approve with conditions | 54 The Willows Bradley Stoke BRISTOL South Gloucestershire BS32 8HJ                                      | Bradley Sto Sherbourne    | Bradley Stoke Town Council        |
| 25 | <b>PT07/0334/F</b>   | Approve with conditions | 119 Pursey Drive Bradley Stoke BRISTOL South Gloucestershire BS32 8DP                                    | Bradley Sto Baileys Court | Bradley Stoke Town Council        |
| 26 | <b>PT07/0343/F</b>   | Approve with conditions | Ty Nant The Green Olveston BRISTOL South Gloucestershire BS35 4EJ                                        | Severn                    | Olveston Parish Council           |

**CIRCULATED SCHEDULE NO. 09/07 – 02 MARCH 2007**

**App No.:** PK06/3275/F  
**Site:** 2a Hill View Soundwell BRISTOL South Gloucestershire BS16 4RW  
**Proposal:** Conversion of existing dwelling to form 2 no. self contained flats with 2 no. car parking spaces.  
**Map Ref:** 64863 74867

**Applicant:** Mr M Presland  
**Date Reg:** 9th November 2006  
**Parish:**  
**Ward:** Kings Chase



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**N.T.S**

**PK06/3275/F**

## **INTRODUCTION**

This application appears on the Circulated Schedule as a result of an objection raised by a local resident, the objection being contrary to the officer recommendation.

### **1. PROPOSAL**

- 1.1 The application relates to a 2 bedroom, detached dwelling house, located on the western side of Hill View, Soundwell. The location is suburban and predominantly residential in character. The immediate street-scene is made up of two-storey semi-detached houses, although a complex of apartment blocks lies to the rear of the site.
- 1.2 It is proposed to convert the building into 2no. self-contained one-bedroom flats.
- 1.3 The vehicular access from Hill View would be widened with 2 no. car parking spaces, secure cycle storage and bin storage area provided to the front of the house.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

- PPS1 - General Principles and Policy
- PPG3 - Housing
- PPS3 - Housing
- PPG13 - Transport

#### 2.2 Development Plans

##### Joint Replacement Structure Plan

- Policy 02 - Location of Development
- Policy 33 - Housing Provision and Distribution
- Policy 59 - New Development – Transport Issues

##### South Gloucestershire Local Plan (Adopted ) 6<sup>th</sup> January 2006

- D1 - Design
- H4 - Development within Existing Residential Curtilages
- H5 - Residential Conversions
- T7 - Cycle Parking
- T8 - Parking Standards
- T12 - Transportation Development Control Criteria

#### 2.3 Supplementary Planning Guidance

- Advice Note 1 – “Altering Your Home’
- Advice Note 5 – “Conversion of Houses into Flats”

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

- 3.1 PK00/0026/F - Erection of detached dwelling.  
Approved 4<sup>th</sup> Feb. 2000
- 3.2 PK01/0127/PDR - Erection of a rear conservatory.  
No objection 26<sup>th</sup> Jan 2001

- 3.3 PK01/1019/PDR - Installation of dormer.  
Objection 14<sup>th</sup> June 2001

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

- 4.1 Parish Council  
Not a parished area.

- 4.2 Other Consultees  
None

#### **Other Representations**

- 4.3 Local Residents  
One letter of objection was received from the occupant of 26 Hilltop Road. The concerns raised are summarised as follows:
- The property has been marketed as a 3 bedroom house.
  - Trees to the front of the property have not been retained.
  - Inadequate parking provision.
  - Flats are not in-keeping with the area.
  - Flats will de-value property in the street.
- 4.4 Community Services Department  
The proposal is for 2no. flats only and since this falls below the 10 unit threshold for contributions to Community Services, no contributions are requested in this case.
- 4.5 Education Service  
Due to the relatively small size of the development i.e. only 2 no. flats, it is considered that no contributions to education provision can be justified for this development.
- 4.6 Affordable Housing  
The site area is below 0.5 hectares in area and the proposed number of units (2) 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.
- 4.7 Sustainable Transport  
No objection subject to conditions relating to access and car parking.
- 4.8 Environmental Services  
No objection

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

- 5.1 Principle of Development  
The application site is located within the established residential area of Soundwell. The supporting text to Policy H5 of the South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> January 2006 states that (para.8.179), “the conversion, where appropriate, of larger residential properties and other buildings into smaller units of accommodation can make a valuable contribution to the supply and range of housing provision throughout South Gloucestershire, suitable for



the growing numbers of single person and small households, many of which may not wish or cannot afford to live in larger properties”. The sub-division of the property to provide 2 units of self-contained living accommodation is therefore considered acceptable in principle, subject to compliance with detailed development control criteria outlined within Policy H5 addressed within this report.

5.2 Policy H5 of the South Gloucestershire Local Plan allows for the conversion of existing residential properties into smaller units of self-contained accommodation, subject to the following criteria:

- Would not prejudice the character of the surrounding area
- Would not prejudice the amenities of nearby occupiers
- Would identify an acceptable level of off-street parking
- Would provide adequate amenity space

5.3 Impact upon the Character and Visual Amenity of the Area

The works to convert the dwelling are internal only; the appearance and character of the dwelling itself would not therefore alter from that existing. Parking areas already exist to the front of the property, and although the parking area and access would be re-configured the appearance would not significantly change. Condition 7 attached to planning permission PK00/0026/F for the erection of the original dwelling, sought to retain a 2m hedgerow on the front boundary of the site with Hill View. The reason for this condition was to protect the character and appearance of the area. The hedge has not been retained but a low brick wall erected instead. The brick wall as erected is not considered to adversely affect the character of the area and having regard to the Highway Officers requirements to widen the access and secure adequate visibility, replanting of the hedge is in this case not considered appropriate. A condition to secure some additional soft landscaping to mitigate for the loss of the hedge is however considered justified. On balance therefore the impact of the proposal on the character and visual amenity of the area would be minimal.

5.4 Impact Upon Residential Amenity

Adequate amenity space to serve the flats, would be retained in the existing garden areas. No new windows are proposed, so the existing levels of overlooking of neighbouring property would be maintained.

5.5 In reaching their recommendation, officers have taken into consideration the latest government guidelines contained in draft PPS3 – Housing, as well as the policies contained in the South Gloucestershire Local Plan, which reflects current government advice contained in PPG3. PPS3 and PPG3 positively support a greater choice and mix of housing type and size. In urban locations such as Soundwell a much higher density of residential development is also supported. Furthermore the majority of projected growth is in one-person households. The government does not accept that different types of housing and tenures make bad neighbours. As regards conversions of existing buildings PPG3 (para. 41) promotes such development by taking a more flexible approach to development plan standards with regard to densities, car parking, amenity space and overlooking.

5.6 With this guidance in mind and having regard to the site’s sustainable location, officers consider that the intensity of development proposed would not justify refusal of planning permission.

- 5.7 There is easily room to store two bins per flat within the existing residential curtilage to the side of the house.
- 5.8 On balance therefore and having regard to the latest government guidelines and Local Plan Policy, officers are satisfied that the proposal would not have a significant adverse impact on residential amenity
- 5.9 Design and Layout  
The conversion would not result in any significant alteration to the appearance of the property. Any further sub-division of the property to create additional units would require planning permission. The conversion of the property is contained entirely within the existing building. The design and layout are therefore considered to be acceptable and would be in line with Policy D1 of the South Gloucestershire Local Plan.
- 5.10 Transportation  
There is existing hard-standing to the front of the property that can be utilised to provide car parking for the flats as well as providing cycle parking facilities. A revised Block Plan has been submitted to show 2no. re-configured parking bays and the access widened to allow direct access to the parking bays from Hill View. Hill View is not a classified road so exit in forward gear is not required, however, the Council's Highway Officer has requested a condition to ensure that the existing front wall remains at its existing height and that no planting or other obstruction higher than the wall is introduced to the front boundary; this is to ensure an adequate amount of visibility for users of the access.
- 5.11 here are parking demands for the existing dwelling, which must be compared with the demand for the proposed flats. In making this comparison, officers must have regard to the Council's adopted maximum parking standards as outlined in Policy T8 of the South Gloucestershire Local Plan, which reflects the latest government guidelines contained in PPG13 – 'Transport'.
- 5.12 The SGC parking policy requirement for a 2/3 bedroom house is 1.5/2 car parking spaces respectively, whilst that for a 1 bedroom flat is 1 car parking space. So for the two flats proposed two spaces are required and this is no different than the existing 2 bedroom house. The car parking demand would therefore remain the same. A secure cycle storage shed would provided.
- 5.13 There are therefore no highway objections to the proposal, which meets the guidance contained within PPG13 and Policies T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> January 2006.
- 5.14 Environmental Issues  
Surface water and foul sewage would be disposed of via the existing system. The Council's Environmental Health Officer raises no objection to the proposal. An appropriate condition to ensure adequate sound proofing between the flats and neighbouring dwellings is considered to be justifiable in this case.
- 5.15 Other Concerns Raised  
Of the concerns raised by the neighbour that have not been addressed above:
- The impact of development on property values is not in fact a material consideration in the determination of planning applications.

- Irrespective of how the property has been marketed in the past, the submitted plans show the property as a two-bedroom dwelling which accords with the original planning permission PK00/0026/F.

#### 5.16 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).

#### 5.17 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 1/97 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 1/97 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) Planning & Compulsory Purchase Act 2004 (as amended), Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The decision to recommend granting of planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

### 7. RECOMMENDATION

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

**Background Papers**      **PK06/3275/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. Details of a proposed scheme of noise protection measures relating to the existing party walls and floors shall be submitted to and approved in writing by the Local

Planning Authority and shall be completed prior to the occupation of the development hereby approved.

Reason

To minimise disturbance to occupiers of nearby buildings, and to accord with Policy H5 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

3. The off-street parking facilities (including the cycle shed) and bin storage facilities, shown on plan no. 50091 Rev B hereby approved shall be provided before the flats are first occupied, and thereafter the car, cycle parking and bin storage facilities shall be retained as such and used only in conjunction with the occupation of the buildings purpose.

Reason

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

4. Prior to the first occupation of the flats hereby approved, the two car parking spaces shown on the approved plan 50091 Rev B, shall be surfaced with bound material and maintained as such thereafter.

Reason

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

5. There shall be no obstruction or planting, on the front boundary of the site with Hill View, that would be higher than the existing front boundary wall, which shall be maintained at its existing height at all times.

Reason

To maintain adequate visibility for users of the access arrangement hereby approved, in the interests of highway safety, and to accord with Policy T12 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 H4/D1/L1/LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

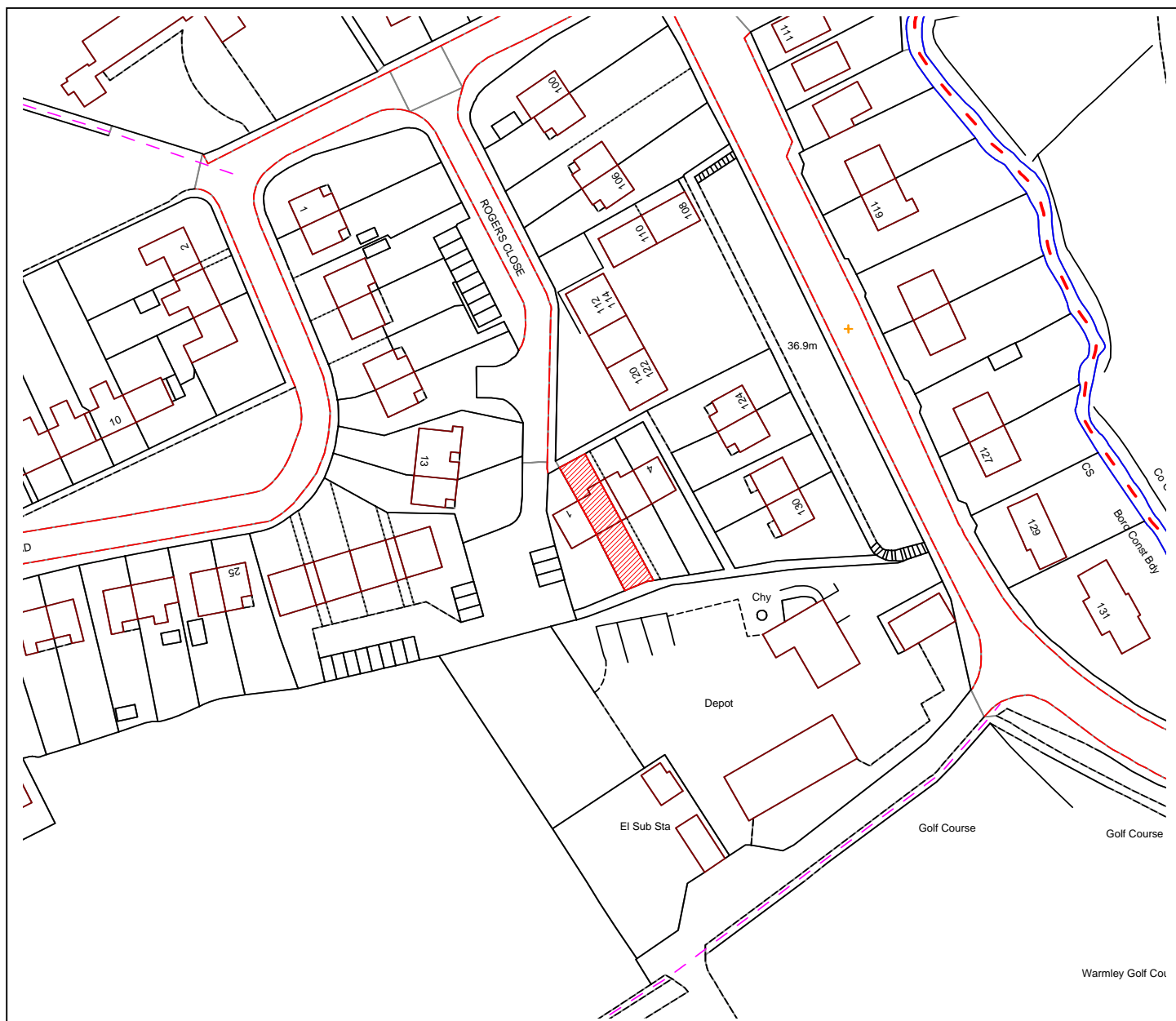
7. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason

To protect the character and appearance of the area to accord with Policies H4/D1/L1/LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 09/07 – 2<sup>ND</sup> MARCH 2007**

|                                                                                                                                                                  |                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| <b>App No.:</b> PK07/0105/F                                                                                                                                      | <b>Applicant:</b> Mr G Hardwell          |
| <b>Site:</b> 2 Rogers Close Warmley BRISTOL<br>South Gloucestershire BS30 8DZ                                                                                    | <b>Date Reg:</b> 12th January 2007       |
| <b>Proposal:</b> Conversion of existing dwelling and<br>erection of single storey front extension<br>to form 2no. self contained flats with<br>associated works. | <b>Parish:</b> Oldland Parish<br>Council |
| <b>Map Ref:</b> 66915 72073                                                                                                                                      | <b>Ward:</b> Parkwall                    |



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**N.T.S**

**PK07/0105/F**

## **INTRODUCTION**

This application has been referred to the Circulated Schedule due to the receipt of an objection from the Oldland Parish Council.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the conversion of existing dwelling and the erection of a single storey front extension at No. 2 Rogers Close, Warmley. The proposed extension would measure 1.2 metres deep by 2.9 metres wide and 2.9 metres high.
- 1.2 The property is a two-storey mid-terraced dwelling and lies within a residential amenity of Warmley.

### **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  
H5 Residential Conversions
- 2.3 Supplementary Planning Guidance  
Advice No. 5 Conversion of Houses into flats

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

- 3.1 None.

### **4. CONSULTATION RESPONSES**

- 4.1 Oldland Parish Council  
The Parish Council objects as the proposal would result in over-development.
- 4.2 Sustainable Transport  
No objection.
- 4.3 Environmental Services  
No objection.

#### **Other Representations**

- 4.4 Local residents  
No response received.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan allows for extensions to existing dwellings and development within existing curtilages, subject to there being no adverse impact on existing visual and residential amenity. In addition, Policy H4 requires that the proposal would not prejudice highway safety and the retention of an acceptable level of parking provision.

Policy H5 of the adopted Local Plan allows for proposals for conversion of existing residential properties into smaller units of self contained residential accommodation provided that they:

- A. would not prejudice the character of the surrounding area; and
- B. would not prejudice the amenity of nearby occupiers; and
- C. would identify an acceptable level of off-street parking; and
- D. would provide adequate amenity space.

### 5.2 Visual Amenity

The proposal is to erect a small single storey extension at the front of the dwelling and to convert the dwelling into 2 self-contained flats.

The existing dwelling has a single storey flat roof addition in the front. Although it is the general rule that flat roof design would not be considered favourably, the proposed extension, due to its modest scale and the existence of the existing flat roof, officers felt that the proposal would not result in significant harm to the character of the principal dwelling to warrant a refusal of this application.

### 5.3 Residential Amenity

No window is proposed in the side elevation of the extension, and the extension would be approximately 1.3 metres deep. It is considered that the proposal would not cause significant overlooking nor overbearing impact upon the residential amenity of the neighbouring properties.

A bin or recycling store area, which would be screened by lower level timber boarding, would be allocated in the front garden. The screened area is set back from Roger Close and would not have significant impact upon the street scene.

Both flats are allocated private amenity spaces, which are considered acceptable.

### 5.4 Highway Issues

The proposal is to convert the existing three-bed house into two one-bed flats. A small extension to the rear of the property is proposed as part of this development. No off-street parking is proposed but there is currently none provided as part of the existing dwelling.

The existing outbuilding would be used for keeping bicycles.

Based on the above, there is no basis for a transportation objection on this proposal.

## 5.5 Design and Access Statement

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

## 5.6 Section 106 Requirements

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

**Background Papers**      **PK07/0105/F**

**Contact Officer:**    **Olivia Tresise**  
**Tel. No.**                **01454 863761**

## 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 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.



3. Prior to the first occupation of the proposed development hereby permitted, the refuse bin storage and cycle storage shall be provided and thereafter permanently retained for the storage of refuse and cycles only.

Reason:

To safeguard the amenity of the locality, and to accord with Policy T7 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 09/07 - 02 MARCH 2007**

**App No.:** PK07/0118/F  
**Site:** Pine Cottage Holbrook Lane Wick  
 BRISTOL South Gloucestershire BS30  
 5NG

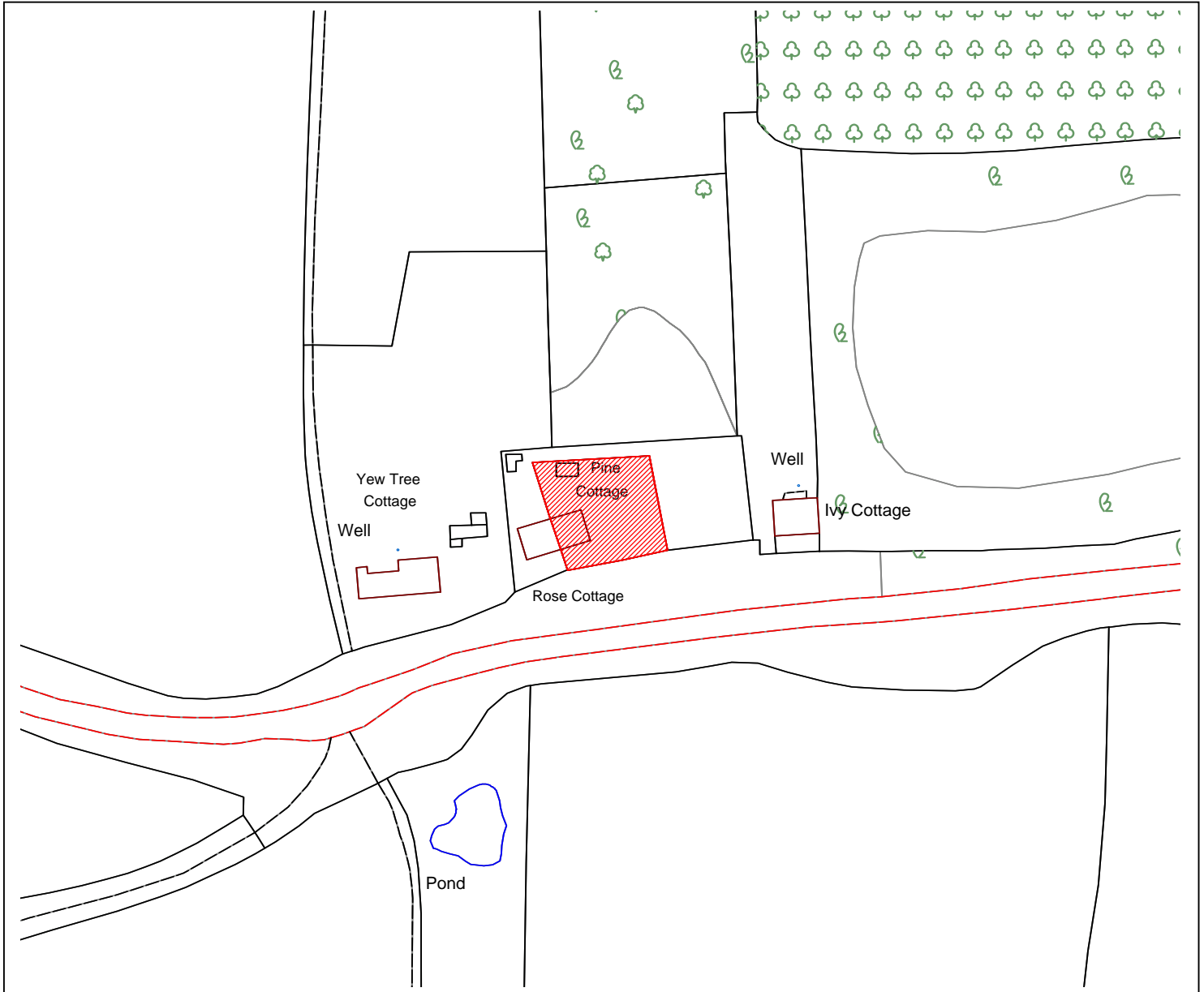
**Applicant:** Mr N Dodridge  
**Date Reg:** 16th January 2007

**Proposal:** Erection of two storey side extension to  
 form additional living accommodation and  
 erection of front porch. (Resubmission of  
 PK06/2297/F)

**Parish:** Wick and Abson  
 Parish Council

**Map Ref:** 69392 73453

**Ward:** Boyd Valley



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**N.T.S**

**PK07/0118/F**

## **INTRODUCTION**

This application is referred to the Circulated Schedule following letters of support for the proposed scheme being received from local residents

### **1. THE PROPOSAL**

- 1.1 This application concerns a modest two-storey semi-detached cottage situation within a rural location set within the Bristol/ Bath Green Belt. Of significance is an existing two-storey side extension with a flat roof. It is noted that the adjoining property has also been extended with a two-storey side extension, which although has a roof form in keeping with the main ridged roof, the apex of the extension's roof is unusually set slightly higher than the main roof as opposed to the standard practice of setting an additions roof down.
- 1.2 This application follows a previous scheme that also sought consent for a detached garage. There was a Green Belt objection to the principle of the garage and it is noted that this has now been deleted from the scheme. The previous extension however was to have a width of 6.7 metres following the demolition of the existing 2.7 metre wide extension.
- 1.3 In light of the guidance within PPG2 and Policy GB1 of the adopted local plan with respect to residential extensions, it was considered that as the original house had only a 5.15 metre width, the proposed extension constituted a disproportionate extension to a dwelling within the Green Belt, contrary to the fore mentioned guidance and policy. It was also considered that by virtue of its scale, if allowed the extension would detract from the visual amenity of the existing dwellinghouse and would destroy any sense of symmetry between the pair of cottages.
- 1.4 The previous scheme was consequently refused permission for the above reasons (as noted below).
- 1.5 Following the refusal of the scheme, the proposed scheme now seeks to retain the existing extension but erect a pitched roof in replacement of the existing flat roof. A further extension is also proposed with a width of 3.7 metres – gives a cumulative side extension width of approximately 6.3 metres.
- 1.6 It is noted also that in support of the application, the applicant's agent submitted a number of approved schemes which they consider evidence of approved "disproportionate additions" within the authority. Whilst the examples are noted, it is considered that every application has to be considered on their own merits and so it is not the case that the examples submitted carry such weight that they can be used to override national guidance and local plan policy if required.

### **2. POLICY CONTEXT**

- 2.1 National Guidance

|      |                                    |
|------|------------------------------------|
| PPS1 | Delivering Sustainable Development |
| PPG2 | Green Belts                        |

## 2.2 Development Plans

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

|     |                                                                         |
|-----|-------------------------------------------------------------------------|
| D1  | Design                                                                  |
| H4  | Development within Existing Residential Curtilages including Extensions |
| GB1 | Development within the Green Belt.                                      |

## 2.3 Supplementary Planning Guidance

South Gloucestershire Council Advice Note 2 – “House Extensions”

## 3. RELEVANT PLANNING HISTORY

3.1 PK06/2297/F - Erection of two storey side extension to form additional living accommodation and erection of front porch. Erection of detached garage. Refused 27/09/06 for the following reasons:

1. The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt because the proposed extension would result in a disproportionate addition over and above the size of the original building. The applicant has not demonstrated that very special circumstances apply such that the normal presumption against development within the Green Belt should be overridden. The proposal is therefore contrary to the provisions of PPG2, and Policies GB.1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.
2. The site is located within the Bristol/Bath Green Belt and the proposed detached garage does not fall within the limited categories of development normally considered appropriate within the Green Belt. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of PPG2 and Policy GB.1 of South Gloucestershire Local Plan (Adopted) January 2006
3. The proposed extension, by reason of its scale, would be out of keeping with the existing dwellinghouse and the adjoining property and, if allowed, would detract from the visual amenities of the existing property and the immediate locality. The proposal is therefore considered contrary to PPS1, Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and advice given in South Gloucestershire Council Supplementary Planning Guidance Advice Note 2 - "House Extensions".
4. The erection of a two-storey extension as proposed, would adversely affect the appearance this pair of semi-detached by reason of the loss of the remaining symmetry that exists between the two semi-detached properties to the detriment of the visual amenities of the locality. The proposal is therefore considered contrary to PPS1 and Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

## 4. CONSULTATION RESPONSES

- 4.1 Wick and Abson Parish Council  
No consultation replies were received

### Other Representations

- 4.2 Local Residents  
4no. consultation responses were received from local residents which expressed the following summarised comments of support for the proposed scheme:
- The proposed visual effect from the neighbouring property is vastly improved;
  - The proposal shows an effort to match to the attached cottage;
  - The proposed would create a home suitable for a family;
  - The property and area could only be improved by the proposed work; and
  - The proposal would be in keeping with the character of the proposal and compliment next doors property;

## 5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development  
Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for extensions to existing dwellings subject to criteria relating to scale and design, highways, and impact upon visual and residential amenity.
- 5.2 Policy GB1 of the South Gloucestershire Local Plan (Revised Deposit Draft) embraces the broad thrust of the advice on new development in the Green Belt contained within PPG2. Policy GB.1 states that permission will only be given for *“limited extension...provided that it does not result in a disproportionate addition over and above the size of the original building”*. [Criterion 4]
- 5.3 As stated previously within this report and unlike the previous scheme, the existing extension is to be retained, but presumably refurbished and with a new pitched roof to replace the existing flat one. The roof ridge of the new roof is also be set flush with the main roof.
- 5.4 With a 2.7 and 3.7 metres side extensions, the cumulative level of extension is 6.3 metres. It is considered that even though the scale of extension has been reduced from the previous scheme, considering the width of the frontage of the existing property is only 5.15 metres, it is considered that no other conclusion can be reached other that the proposed scheme still represents a disproportionate addition to a dwelling within the Green Belt. Therefore the principle of the scheme is considered to be inappropriate development within the Green Belt, contrary to both national guidance and local plan policy. Moreover, it is considered that the sheer scale of the extension would have a harmful effect on the amenity and openness of the Green Belt.

### Design/ Visual Amenity

- 5.5 As laid out within adopted SPG, extensions to residential properties should strive to appear subservient to the principle block. It is also considered in light of the modest nature of this “cottage”, such an approach is appropriate in this case.

- 5.6 In contrast to the previous scheme, the existing extension is maintained but with its new roof would be set flush with the main roof ridge. It is considered that this may be an attempt to integrate the extension into the existing dwelling, so leaving the proposed extension the only addition discernable. However the existing level of extension would remain clearly readable and at a scale that would subsume the scale of the original house. Subsequently it is maintained that due to the existing and proposed levels of extension, the resultant building would be out of character with the modest scale of the original house.
- 5.7 It is noted that the applicant has submitted in support of the application a number of photographs illustrating similar designed extensions within the locality. These examples do illustrate what is considered an acceptable subservient approach in terms of “set down and set back” designs, but none of the examples represent the “addition-upon-addition” that this scheme proposes.
- 5.8 The scale of the proposed extensions would continue to have a negative effect on the levels of symmetry that is shared between the two adjoining dwelling. In addition to this, the re-modelling of the front elevation would further destroy any sense of symmetry and far from a balanced and symmetrical appearance the relationship between the buildings would be one of a disparate nature in terms of appearance and scale. It is considered therefore that if allowed the opportunity to regain a stronger sense of symmetry than currently exists by proposing an extension of similar scale as the neighbouring cottage, would be completely lost.
- 5.9 It is maintained that the loss of the flat roof would be a design gain and the refurbishment of this property would improve the existing levels of visual amenity, but this cannot be used to justify an approval of such a level of extension. Therefore an extension with a similar width to the adjoining neighbour’s with a dual pitched roof (not though set higher than the main roof) would be an acceptable solution.

#### Residential Amenity

- 5.10 It is considered that due to siting, the proposed scheme would not impact upon the neighbours existing levels of amenity.

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

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

## **7. RECOMMENDATION**

7.1 Planning permission is to be REFUSED for the following reasons.

### **Background Papers**      **PK07/0118/F**

**Contact Officer:**    **Robert Nicholson**  
**Tel. No.**                **01454 863536**

### **REFUSAL REASONS**

1. The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt because the proposed extension would result in a cumulative level of disproportionate additions over and above the size of the original building. The applicant has not demonstrated that very special circumstances apply such that the normal presumption against development within the Green Belt should be overridden. The proposal is therefore contrary to the provisions of PPG2, and Policies GB1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.
2. By reason of the proposed cumulative level of extensions, the proposal would be out of keeping with the scale and character of the existing dwellinghouse and the adjoining property and, if allowed, would detract from the visual amenities of the existing property and the immediate locality. The proposal is therefore considered contrary to PPS1, Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and advice given in South Gloucestershire Council Supplementary Planning Guidance Advice Note 2 - "House Extensions".
3. The erection of a two-storey extension as proposed, would adversely affect the appearance this pair of semi-detached by reason of the loss of the remaining symmetry that exists between the two properties to the detriment of the visual amenities of the locality. The proposal is therefore considered contrary to PPS1 and Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

### **DESCRIPTION OF PROPOSAL**

No data found





## INTRODUCTION

This application is reported on the Circulated Schedule in accordance with the Council procedure for determining Major applications.

### 1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of two buildings, one residential in L shaped form which would form six houses and eight flats and the other a two storey office building. The office building would front parallel to the access road into the site, which then continues to serve the residential element. Amenity space to serve the flats and houses would be provided at the southern and western ends of the site. The site is currently used as a vehicle repair workshop, with a single access off Hanham Road. The access would effectively be retained through this proposal. The residential element is proposed to comprise of two storey town houses facing east with the attic space converted for habitation, forming front and rear-facing gables. This would be linked into a two storey element containing eight flats. The office building is proposed at two storey, although the central section of the first floor would cover 6 parking spaces, to be used to service the offices in the daytime and to provide overspill and visitors parking in the evenings and at weekends.
- 1.2 As stated above, this proposal is a full planning application. This application has been submitted following the refusal of two earlier outline schemes in 2005 and 2006. The first scheme was generally similar in layout, albeit with two separate office buildings and only flats, to that now proposed as a full application, but the two office buildings were proposed to span the access road. This scheme was refused for eight reasons:
1. The access road width was inadequate for two way traffic
  2. The access road did not safely allow for pedestrians and cyclists
  3. The archway was too low to accommodate delivery vehicles
  4. Lack of a turning area for larger vehicles
  5. Inadequate size and poor location of bin store
  6. Design reasons including the poor relationship between the buildings, the separation between the flats and one of the communal gardens and the uncomfortable arrangement between the two parts of the flats building
  7. Lack of public open space and library Section 106 contributions to mitigate the effects of the development
  8. The absence of sectional drawings to demonstrate that there would be no harm to the residential amenity of surrounding properties
- 1.3 The subsequent scheme, in outline form again, had a layout similar to that previously refused. This was refused for three reasons:
1. Lack of adequate sized bin store
  2. Height and mass of the proposed office building and block of flats would harm visual amenity and the street scene
  3. Lack of a Section 106 Agreement to cover under-provision of public open space, libraries, traffic management and highway safety.
- 1.4 The current use of the site is as a vehicle repair workshop and ancillary office accommodation.

## **2. POLICY CONTEXT**

### 2.1 National Guidance

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

### 2.2 Development Plans

#### South Gloucestershire Local Plan January 2006

|     |                                                    |
|-----|----------------------------------------------------|
| D1  | Design                                             |
| EP1 | Environmental Pollution                            |
| EP6 | Contaminated Land                                  |
| T7  | Cycle Parking                                      |
| T8  | Vehicle parking                                    |
| T12 | Transportation                                     |
| E1  | Mixed use schemes including employment development |
| H2  | Residential Development within the urban area      |
| L1  | Landscape                                          |
| L17 | Water Environment                                  |
| L18 | Water Environment                                  |

## **3. RELEVANT PLANNING HISTORY**

- 3.1 P88/4551 Extension to industrial unit and retention of extension to parking area. Approved
- 3.2 PK05/0820/O 14 flats and two office buildings with siting, means of access and landscaping to be determined (outline). Refused as detailed above
- 3.3 PK05/3186/O Resubmission of the above Refused as detailed above

## **4. CONSULTATION RESPONSES**

### 4.1 Parish/Town Council

No parish

### 4.2 Other Consultees

#### Wessex Water

No objection in principle, subject to suggested informatives

#### Environment Agency

No objection in principle, subject to suggested informatives and conditions

#### Technical Services Unit

No objection in principle, subject to a condition requiring drainage details and various informatives to be appended to an approval

#### Environmental Protection

No objection in principle, subject to informatives

### **Other Representations**

#### 4.3 Local Residents

1 letter of objection was received as a result of the consultation process, within the consultation period, citing the following points:

- Shortage of parking when many homes have more than one car
- Although the bus service is well used, there are still more drivers than public transport users

- Although there is a local school, but often local children cannot obtain places and have to be driven to other schools
- Object to any window overlooking no. 156 in the elevation which is shown as blank on the plans
- There must be suitable on-site parking for all contractors' vehicles

NB The last point is not a valid planning concern relevant to the determination of this application.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations, under the following headings. The site is considered to be previously developed when assessed against the provisions of PPG3, in that the land has a previous (existing) use as a vehicle repair workshop. The South Gloucestershire Local Plan has indicated that the site and land surrounding it is not safeguarded for employment purposes. It is considered that this proposal, for a mixed use, complies with the Local Plan policy and, given government policy promoting a finer grain of development in urban areas, it is considered that it is acceptable in principle. The task of this application therefore is to overcome the reasons for refusal that were applied to the previous submission. In this respect, it should be noted that the current proposal is a full planning application. The previous refusal reasons are covered in the appropriate sections below, along with detailed analysis of this amended proposal.

### 5.2 Townscape & Visual Amenity

*Achieving an Appropriate Amount of Development in the Right Location.*

The application form states that the site is 0.19 hectares. The government in PPG3 has set a minimum target of 30 dwellings per hectare and the density of this proposal (over the whole site, including the land taken up by offices) would be 68 dwellings per hectare, which meets this target. Excluding the area taken up by the offices, this density would be 73 dwellings per hectare.

PPS1, its draft supplement Planning and Climate Change and PPS3 emphasise the need for housing to be in the right location in order to reduce the need to travel by car. Local Plan Policy H2(B) follows the central government advice and requires:

“the maximum density compatible with the site, its location, its accessibility and its surroundings is achieved. The expectation is that all developments will achieve a minimum density of 30 dwellings per hectare and that higher densities will be achieved where local circumstances permit. Not least, in and around existing town centres and locations well served by public transport, where densities upwards of 50 dwelling per hectare should be achieved”

Question 16 of the draft South Gloucestershire Design Checklist is related to achieving an appropriate density and asks:

“Is the density of the development appropriate to the accessibility of local services and facilities as well as public transport routes?”

From the appraisal of the relative position of the site in its spatial context, it is considered that the site is acceptable for high density development at a density target up to 50 -75 dwellings per hectare.

The site area is approx 0.19 hectares (area taken from application form). A development of 14 units will provide a density of 73 units per hectare. The proposed density is therefore well in excess of the minimum density standard of Policy H2(B) and is towards the upper limits of the densities which would be expected for the site's location.

However, it must be noted that due to the small site area and number of units, the density figure can be easily distorted. For example a development of only 10 units will provide 52 units per hectare. It is therefore important to focus on whether the proposal respects and enhance the character of the area (Policy D1) and will not significantly affect existing amenity (Policy H2) rather than abstract density figures.

#### Layout.

Policy D1(A) requires amongst others that the:

“siting, overall layout [and] density ... are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.”

The layout follows a simple form to create a ‘public’ courtyard, within which cars are parked. It is considered that the courtyard has been appropriately designed so that those cars are integrated into the landscape. The courtyard therefore becomes a space designed at the human scale rather being designed for vehicles.

The buildings are used to separate the courtyard (public space) from the rear garden (private space). The proposal therefore effectively separates public spaces from private space, which benefits legibility and security. There is therefore no objection to the layout.

#### Scale.

Policy D1(A) requires amongst others that the:

“form, scale, height [and] massing ... are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.”

Question 18 of the draft South Gloucestershire Design Checklist is related to how development maximises development potential whilst respecting and enhancing the physical characteristics of the site and its surroundings, asks:

“Does the proposal maximise development potential whilst respecting and enhancing the physical characteristics of the site and its surroundings without prejudice to adjoining amenities?”

It is considered that the overall scale of the building is sufficient to integrate with its surroundings in a manner that meet the requirements of Policy D1 and H2. In this respect it is considered that the height (two and a half storeys in a location of predominately two storey development), can be justified because the buildings will effectively enclose the courtyard. The design proposed will emphasise built form only up to eaves level, with an expanse of glazing above this line. There is therefore no objection raised to the scale of the proposed buildings.

#### Appearance.

No objection is raised to the detailed design of the elevations, together with the proposed materials and their detailing. The design shows terraced form of the houses, which wraps round to form an ‘L’ shape incorporating the flats. The form echoes the nearby residential development and therefore the elevations

similarly follow the Victorian style of vertical emphasis, utilising elements which separate the units. The materials to be used are render and tile, which is considered to compliment the surroundings. These materials are picked up again in the proposed office building, where the windows will be in a colour which allows them to stand out from the elevation and thereby break up what is a largely horizontal building, flowing the length of the first floor element. Overall, it is considered that the elevations of the proposed buildings are appropriate to the locality and would enhance the appearance of the local area in accordance with government guidance in PPS1 as well as policy D1 of the South Gloucestershire Local Plan.

#### Minimising the Use of Energy and Natural Resources.

Policy D1(G) states:

“ Proposals will be expected to demonstrate that: the design, density, orientation and location of buildings and associated landscape proposals incorporate measures to achieve energy conservation and the protection of environmental resources”

Questions 11 to 15 of the South Gloucestershire Design Checklist are related to minimising the use of energy and natural resources. In particular Question 14 asks if the development achieves a minimum EcoHomes standard of ‘very good’. (Note: the Checklist will be updated to take account of the Supplement to PPS1 – Planning and Climate Change)

In order to: objectively assess the impact the development will have on the environment; allow the developer maximum flexibility; and to ensure the development achieves the maximum viable standard of resource and energy efficiency (PPS: Planning and Climate Change paragraph 6 bullet point 2); it is required that the proposals achieve as a minimum standard, EcoHomes ‘very good’ / Level 3 of the Code for Sustainable Homes, and this is appended as a condition below.

NB from April 2007, BREEAM EcoHomes will be replaced with the Code for Sustainable Homes and Level 3 of the Code for Sustainable Homes is equivalent to BREEAM/EcoHomes ‘very good.’

Suggested condition:

The development hereby approved shall be constructed to an EcoHomes/Code for Sustainable Homes standard of ‘very good’/Level 3. A formal assessment pre-construction or following construction, shall be undertaken by a licensed BREEAM assessor and a copy of the assessors report and the certificate shall be submitted to the Local Planning Authority prior to occupation of the building.

Reason: to ensure the development minimises the use of energy and resources in accordance with PPS1, PPS3 and Policy D1 of the Local Plan.

#### Urban Design Conclusions

It is considered that the proposed development represents an innovative approach to accommodate a high density residential development on a constrained site. Subject to a condition requiring the development to achieve an EcoHomes/Code for Sustainable Homes rating of ‘very good’ / Level 3, there is no objection in Urban Design terms to the proposal. It is therefore considered that this revised scheme, in full rather than outline form, has overcome the objection on urban design grounds to the previous refusal reason.

### 5.3 Residential Amenity

The development proposed is backland in character, however the site is currently used for vehicle repairs therefore it is not backland development in its true sense which is being proposed here. Therefore, in terms of any noise and disturbance issues, the impact on residential amenity of this proposal is therefore limited to the effect on the surrounding houses and stands to be balanced against the continuation of the existing use.

It is necessary to consider whether there would be any overbearing impact or intervisibility, would be felt at the eastern and southern boundaries, as well as the effect on No. 146 Hanham Road. To the east is a terrace of two storey houses with habitable room windows facing west. To the south, in Oakfield Road, which is slightly downhill from the site, No. 2b is a two storey dwelling, with habitable room windows facing to the north. Next to it is No. 20, a bungalow, in a recessed position within the street frontage, much closer to the site's southern boundary. The side of No. 146 Hanham Road would be in line with the proposed front office block, separated by a 3 metre wide access to that site. No. 146 has only non-habitable room windows in this elevation. No. 150 on the other side of the site entrance has a hall window and a secondary dining room window facing the site. The buildings proposed for the site have been sited away from these critical boundaries, leaving the issue of whether there is any overbearing impact on the bungalow at No. 20 Oakfield Road and the effect of the first floor element of the proposed office building on the side-facing windows of No. 146.

With regard to the effect on the bungalow, the distance here is 19 metres from the proposed two storey block to the rear of the bungalow, but 12 metres to the boundary. However the above siting is considered to overcome any likely overbearing impact on the garden, (significant because it is the only private amenity space to serve the bungalow).

No. 146 has been converted into flats, leaving a habitable room window facing the site at ground floor level, with its view curtailed by an existing low level wall. Part of the proposal would involve a replacement wall, but above this would be a view of the parked vehicles underneath the first floor office accommodation. This is considered essentially to maintain the status quo when assessing any overbearing impact from the development upon the habitable room in the ground floor flat of No. 146.

The initial application was refused on residential amenity grounds. As a result of this, changes were made to the height of the proposed buildings as part of the second application, which was accompanied by site section drawings to indicate the effect of the proposal on the bungalow to the south at that time, this part of the development was three storeys high. This current scheme would extend further towards that bungalow, but at a height of two storeys and at a distance of 19.5 metres. A similar sectional drawing has been requested in order to confirm that the effect would be no greater than that of the second application, which was not refused in residential amenity terms. Given the distance of 19.5 metres between the bungalow and the two storey flat building, it is considered that there would be no harm to residential amenity of the bungalow through overbearing impact in this instance.

Regarding the Hanham Road frontage south of the site entrance, the wall facing these houses – the side of the two storey flats building - is blank at

present and the condition shown below would prevent the insertion of windows at a later date.

The plans give details of a continuous boundary treatment which would be expected with a development of this type, retaining the existing boundary wall. A planting scheme has been proposed, featuring trees alongside the boundary wall, allocated at one for each garden.

#### Amenity Space for Flats

The amenity space indicated on the landscaping plan to serve the 6 proposed houses would amount to approximately 45 square metres each. The eight flats, comprising of six one beds and two 2 beds, are proposed to share approximately 200 square metres and this area indicated is considered to be adequate to meet the needs of future occupiers. The amenity area, shown to the south and west of the flats is considered to be suitably related to serve the flats. It should be noted that due to divisions within the garden area of the flats, not all occupiers would be sharing the whole 200 square metres.

#### Noise and Disturbance Potential

The industrial area to the rear of this site has been allocated for Housing in the Local Plan. At present there may be some potential for noise and disturbance emanating from this source, but it is considered that this would not prejudice the residential amenity of future occupiers to such a degree as to warrant a refusal reason for this scheme. Noise generated by the offices at the front of the site is considered to be potentially minimal and the residential amenity of all surrounding occupiers would be protected by the operating hours condition shown below, which will also ensure that the overspill parking provision becomes available at evenings and weekends. The Council's Environmental Protection team have raised no objection to the proposal, subject to the inclusion of conditions and informatives.

In conclusion, as mentioned above, the entire effect of this proposal upon residential amenity needs to be assessed against the continuation of the present use, i.e. car repairs, carried out in close proximity to residential properties. On balance it is considered that the proposal would benefit the residential amenity of adjoining occupiers.

#### 5.4 Means of Access/ Transportation Issues

The proposal is to demolish the existing commercial building on the site and to redevelop the site at a relatively high density, as a mixed use scheme comprising 14no. houses and flats and 2no. office buildings with associated access and car parking.

#### Access

Access to the new development site will be from Hanham Road and that would be approximately in the same location as its current access. A revised plan has now been submitted and that indicates a 5.5m wide access road, which would be used as shared access road. The proposed access road will have to be constructed (in construction depth) to adoptable standards. It is recommended, however, that its future maintenance will be carried out under a private management company, all to be set up by the developer. The access will terminate with a large hammerhead formed at the end of the office building in front of the town houses and that is considered adequate for visits by service vehicles.

### Parking

A total of 20 parking spaces are proposed for the new development. Each residential unit on site will have access to one parking space and six spaces will be provided for the offices on the site. Parking provision on the site as proposed, falls below the maximum standards but complies with the parking policy T8 in the Local Plan. It is envisaged that the parking facilities for the offices will be used as visitors/ overspill parking in the evenings and at weekends when the office building will not be in use. The hours of operation will be set by the condition shown below. To encourage alternatives modes of transport to the motor car, cycle parking is requested at a ratio of one per dwelling. These should be located in a secured, covered and overlooked position (Cyclesafe or similar). A plan showing the proposed location needs to be submitted and approved by the Council. It is possible that such provision could be made within the flats, houses and offices.

### Turning area

A new turning area will be provided on site and that will ensure all vehicles that visit the site will be able to turn around and exit the access in forward gear. The auto-track drawing requested and supplied show that this facility would also be adequate for service vehicles.

In view of all the above therefore, there are no highway objections subject to the imposition of the following conditions;

- The access shall be constructed (in construction depth and materials to adoptable standard) to the full satisfaction of the Council.
- Prior to occupation of any building on site, all parking and turning areas shall be provided in accordance with the submitted and approved details and these shall be maintained satisfactory thereafter.
- Provide cycle parking in accordance with the submitted and approved details and these shall be maintained on site satisfactory thereafter.
- Development shall not begin until drainage details incorporating best management practices and the hydrological context of the development have been submitted to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details.
- Prior to the commencement of development, full details of a management company to be set up in order to maintain the access road in a satisfactory condition shall be submitted to and approved in writing by the planning authority.
- To mitigate against the impact of this development, the applicant is required to make a financial contribution of £1,000 per each residential dwelling on site towards future traffic management, road safety measures and improvements to public transport facilities in the area. These contributions will be secured via an appropriate legal agreement.



### 5.5 Landscaping

The submitted landscaping plan takes the approach of ensuring that dense planting occurs mainly at the edges of the site. The trees shown on the plan are mainly small trees and they would be located at the edges of the site. The comments from the Council's Landscape Officer are that the planting plan and specification for the proposed development will be attractive and easy to maintain. It is considered that the planting proposals and landscape layout are in accordance with the policies D1 and L1 of the local plan.

### 5.6 Bin stores

The proposal shows bin storage for the development located next to parking space No. 7. The proposed bin area was a previous refusal reason for similar development on this site. The bin area is considered to be located at a reasonable distance from the residential part of the site as well as the office building. The current scheme allocates adequate space to the bin storage area to overcome the previous reason for refusal.

### 5.7 Other Issues

The proposal has indicated an area of approximately 21 square metres (including internally opening gate) for a bin storage area, to be located in a corner of the site opposite office block 2. This area would have to cope with the bins for the 14 dwellings as well as the offices. It is considered that the bin storage area is adequate to take enough bins to function for the site. The store which has been shown is considered to be located too far from the dwellings, but the design precludes any location closer to the houses and flats where parking has been concentrated. For these reasons, it is considered that the previous refusal reason has been overcome.

The site, given its present use, may well be subject to contamination. This has been conditioned for remedial works.

Subject to the condition shown below requiring the submission of a drainage plan and the inclusion of informatives regarding highway drainage and flood risk to mines, there is no objection on drainage or flooding grounds to this proposal.

It is likely that there may be ground stability issues, given the history of mining in the locality. This issue would also be overcome through the imposition of the condition shown below for a ground stability survey.

### 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).

### 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 1/97 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 1/97 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 also necessary. With the previous two applications on this site there were deficiencies in the schemes. Accordingly S106 requirements were not sought and the failure to agree to meet these requirements was added as a refusal reason. This refusal reason has been overcome with the agreement of the applicants to offer a Unilateral Section 106 to cover the following issues, in order to mitigate effects of the development.

### Community Services

Using current data, it is estimated that this development of 6 houses and 8 flats would generate an average population increase of 26.7 people. If the development is implemented it would create a need for extra public open space. To offset the increased demand on existing public open space we would request a financial contribution towards enhancing existing public open space:

### Public Open Space

Guidelines from the National Playing Field Association recommend a minimum of 24m<sup>2</sup> of public open space per person and policy LC8 of the adopted South Gloucestershire local plan additionally requires provision for informal open space. We have estimated 5sq.m. per person of informal open space to be a reasonable requirement for this development. The public open space required from this development equates to 702.3sq.m. We would request a contribution from the developer of £16,504.05 to enhance nearby public open space, to offset increased demand on facilities. Arrangements must be made to secure the future maintenance of enhanced public open space. This equates to £14,755.32. The public open space contribution equates to £31,259.37, which is valid based on the information currently available and therefore must be index-linked. The monies would be used for formal provision on Court Road east and west open spaces as part of the works, following consultation. The informal open space provision would be used towards open space enhancement at Hanham Mount.

### Library Service

A contribution of £21.04 per resident would be required for book / IT and audio equipment towards Kingswood Library to offset increased demand on its facilities. This equates to £561.77.

### Education

Education have not identified an oversubscription of class sizes and a contribution has not been required in this instance.

### Transportation

The development would be likely to increase local reliance and pressure on the public transport system, with the site functioning as both a destination and a point of departure. It is relevant to note that some existing bus services in the area are subsidised services (in evenings and Sundays) and the continued subsidisation of such services is dependent on funds being available. Clearly, the development would benefit from these existing public transport facilities. Both central government and Local Plan policies include advice and measures to encourage changing travel behaviour. In line with those aspirations, the council will be seeking to change the decisions that people make about their mode of travel through a raft of measures and initiatives. In view of all the above therefore, it is considered appropriate for the council to seek a contribution towards better access to public transport which includes improving access for disabled people at the bus stops near to this site. The

required and agreed contribution of £1,000 per residential unit will go towards achieving these measures.

### Affordable Housing

The number of dwellings on a site which would require a contribution towards affordable housing is 15. This scheme has been designed to fall beneath this threshold, with only 14 dwellings formed by the building proposed for the rear of the site. It is noted that the office block at the front of the site is shown as located 15 metres from the proposed houses, presenting a partially glazed elevation in that direction. This distance does not meet the Council's standard intervisibility distance between habitable rooms and therefore it would potentially compromise the residential amenity of the proposed houses, should the office building be used residentially. Through blocking up these windows it may however be possible for the office building to be converted for residential use. It is important to note that each application is treated on its own merits and the proposed office building has been applied for in an office use. However, if this building were to be converted later, this would involve circumventing Council policy on affordable housing. Policy H6 'Affordable Housing' in the supporting text of the South Gloucestershire Local Plan, states that: 'Where it is proposed to *phase development*, subdivide sites, or where there is a reasonable prospect of adjoining land being developed for residential purposes in tandem, the Council will take the whole site for the purpose of determining whether the scheme falls above or below the thresholds'. In this instance it is considered that the positioning of the office block could lead to the conclusion that the development could be phased so as to provide more housing at a later date. However this has to be balanced against the fact that this proposal is for mixed development and has to be determined as such. There is no proposal at present to phase the development and it is considered that there is no need to condition this. There is no adjacent land that would be reasonably expected to be developed residentially, other than the remainder of this site. The applicant has not declared an interest in any adjoining land on the application drawings. It is considered that any later application to change the use of the offices to residential would have to provide an appropriate proportion of affordable housing for the site as a whole, with the aim of achieving the Council's target of 33.3%. At present, it is considered for the reasons given above that this issue is not appropriate for consideration against policy H6 of the Local Plan.

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

## **7. RECOMMENDATION**

- 7.1 That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the signing of the Unilateral Section 106 Agreement supplied with the application, to secure the following:

- (i) The contribution of £14,000 towards traffic management and highway safety measures in the locality.

- (ii) The contribution of £16, 504.05 towards enhancing nearby public open space
- (iii) The contribution of £14,755.32 towards future maintenance of the public open space used due to this development
- (iv) The contribution of £561.77 towards offsetting the additional demand for the use of public library facilities

The reason for this Agreement is:

- (i) To mitigate against the increase in vehicular movements generated by the development.
- (ii) To mitigate against the increase in population generated by the development, requiring the use of public open space.
- (iii) To mitigate against the additional requirement for maintaining public open space generated by this development.
- (iv) To mitigate the additional demand placed on public library facilities, created by this development.

**Background Papers**      **PK07/0119/F**  
**Contact Officer:**    **Chris Gosling**  
**Tel. No.**                **01454 863787**

**CONDITIONS**

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

Reason:

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

2. The development hereby approved shall be constructed to an EcoHomes/Code for Sustainable Homes standard of 'very good'/Level 3. A formal assessment pre-construction or following construction, shall be undertaken by a licensed BREEAM assessor and a copy of the assessors report and the certificate shall be submitted to the Local Planning Authority prior to occupation of the building.

Reason:

To ensure the development minimises the use of energy and resources in accordance with PPS1, PPS3 and Policy D1 of the Local Plan.

3. The office element of the site shall not be used, no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 0900 to 1800 Mondays to Fridays; 0900 to 1300 on Saturdays; nor at any time on Sunday or Bank Holidays.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses and to ensure that the parking facilities provided for the use of the office will be available to residential occupiers outside work hours, and to accord with Policy E1 and T8 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

To minimise disturbance to occupiers of the nearby dwellings and to accord with Policy E1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the commencement of development, detailed plans and cross sections showing the treatment of the area bounded by parking spaces 9 and 20 on the approved plans, shall be submitted to the Council for approval in writing. This area shall be completed in accordance with the details so approved prior to the first occupation of any of the dwellings.

Reason:

To ensure that this part of the courtyard functions as a home zone and to accord with policy D1 of the South Gloucestershire Local Plan.

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

Reason:

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

7. The access shown on the approved plans shall be constructed in construction depth and materials to a standard which would qualify for formal adoption by the Council.

Reason:

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

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

Reason:

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

9. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which die or are removed shall be replaced in the next planting season with others of a size and species to be agreed in writing by the Local Planning Authority.

Reason:

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

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

11. No outside storage of material/goods/waste or plant shall take place at the office premises.

Reason:

To safeguard the amenity of the locality, and to accord with Policy E1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

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

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

Reason:

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

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

Reason:

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

15. No windows other than those shown on the plans hereby approved shall be inserted at any time in any elevation of any building on the site, without the written agreement of the Local Planning Authority.

Reason:

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H2 and E1 of the South Gloucestershire Local Plan (Adopted) January 2006.

16. The residential units hereby approved shall not be occupied until a scheme for the management of the communal areas of the development (both internal and external) for the first 5 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 the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and future residents of the development and to ensure that the access road is satisfactorily maintained and to accord with Policy D1, H2 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

17. Activities carried out at this site may have caused contamination of soil, subsoil and groundwater present beneath the site and may present a threat to nearby surface waters, especially as a result of the proposed development. The risks associated with potential contaminants at this site to ensure the development will not cause pollution of Controlled Waters shall be assessed and submitted to the Council for agreement in writing. Such a strategy should take the form of and include the following stages:

\*A desk study, which should include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information.

If the potential for significant ground contamination is confirmed, this information should be used to produce:

\*A digrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors.

\*A site investigation, designed for the site, using this information and any digrammatical representations (Conceptual Model) undertaken. The investigation must be comprehensive enough to enable:

-Suitable risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected, and

-Refinement of the Conceptual Model, and

-Development of a Method Statement detailing the remediation requirements.

NOTE: This practice is considered important so that the site operator/owner, the regulatory authorities and other parties, such as the general public, potential

purchasers or investors, can have confidence in the outcome, and any subsequent decisions made about the need for action to deal with any contamination at the site.

Reason:

To prevent pollution of the water environment to accord with policies EP1 and L17 of the South Gloucestershire Local Plan.

18. There shall be no discharge of foul or contaminated drainage or trade effluent from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason:

To prevent pollution of the water environment to accord with policies EP1 and L17 of the South Gloucestershire Local Plan.

19. The construction of storage facilities for oils, fuels or chemicals shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority before the development is commenced.

Reason:

To prevent pollution of the water environment to accord with policies EP1 and L17 of the South Gloucestershire Local Plan.

20. No development approved by this permission shall be commenced until a scheme for prevention of pollution during the demolition and construction phase has been approved by the Local Planning Authority.

The scheme should include details of the following:

1. Site security.
2. Fuel oil storage, bunding, delivery and use.
3. How both minor and major spillage will be dealt with?
4. Containment of silt/soil contaminated run-off.
5. Disposal of contaminated drainage, including water pumped from excavations.
6. Site induction for workforce highlighting pollution prevention and awareness.

Invitation for tenders for sub-contracted works must include a requirement for details of how the above will be implemented.

Reason:

To ensure that the proposed site investigations and remediation will not cause pollution of Controlled Waters and to accord with policies EP1 and L17 of the South Gloucestershire Local Plan.



**CIRCULATED SCHEDULE NO. 09/07 – 02 MARCH 2007**

**App No.:** PK07/0146/F

**Applicant:** Mr & Mrs D  
Dennehy

**Site:** 1 Kestrel Drive Pucklechurch BRISTOL  
South Gloucestershire BS16 9SY

**Date Reg:** 22nd January 2007

**Proposal:** Erection of two storey side extension  
and rear conservatory to provide  
additional living accommodation.  
Replacement of existing flat roof with  
pitched roof over front porch.

**Parish:** Pucklechurch Parish  
Council

**Map Ref:** 70004 76000

**Ward:** Boyd Valley



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100023410, 2006.

## **INTRODUCTION**

This application has been referred to the Circulated Schedule due to the receipt of an objection of the Pucklechurch Parish Council.

### **1. THE PROPOSAL**

1.1 This application seeks full planning permission for the erection of two-storey side extension and a rear conservatory at No. 1 Kestrel Drive, Pucklechurch. The proposal also includes the replacement of existing flat roof with a pitched roof over the existing front porch.

1.2 The proposed side extension would measure 3.7 metres wide by 9.7 metres deep and 6.7 metres high, the proposed conservatory would measure 2.6 metres wide by 3 metres deep and 3 metres high. The proposed pitched roof over the existing front porch would be approximately 3.5 metres high.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

|       |                                    |
|-------|------------------------------------|
| PPS1  | Delivering Sustainable Development |
| PPG3  | Housing                            |
| PPG13 | Transport                          |

#### 2.2 Development Plans

##### Joint Replacement Structure Plan

|          |                                       |
|----------|---------------------------------------|
| Policy 1 | Principles of Sustainable Development |
|----------|---------------------------------------|

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

|     |                                                               |
|-----|---------------------------------------------------------------|
| D1  | Design                                                        |
| T12 | Transportation Development Control Policy for New Development |
| H4  | Development within existing residential curtilages            |

#### 2.3 Adopted Supplementary Planning Guidance

Advice Note No 1 Altering you home  
Advice Note No 2 Extension

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

3.1 None.

### **4. CONSULTATION RESPONSES**

#### 4.1 Pucklechurch Parish Council

The Parish Council object to this application as the proposed extension is too large and out of keeping with existing properties.

#### Other Representations

#### 4.2 Local Residents

No response received.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan allows for extensions to existing dwellings and development within existing curtilages, subject to there being no adverse impact on existing visual and residential amenity. In addition, the proposal would not prejudice highway safety and the retention of an acceptable level of parking provision.

### 5.2 Visual Amenity

The proposal is to erect a two-storey side extension and a rear conservatory at the property. The first floor of the side extension would be set back from the front building line by approximately 0.5 metres and the roof would be slightly set down. The proposed extension would have a gable which would match to the principal dwelling and would be finished in matching brickwork and roof tiles.

The proposed conservatory is located at the rear of the property and would have a gable roof. The conservatory would be finished in matching brickwork.

It is considered that the proposed extensions would be subservient to the principal dwelling and the design would be appropriate in this area. It is therefore considered that the proposal would not be detrimental to the street scene. In addition the proposal would still keep sufficient amenity space and therefore it is considered that the proposal would not result in over development.

### 5.3 Residential Amenity

The property is adjacent to a junction of Oak Tree Avenue and Kestrel Drive.

With regard to the proposed side extension, an en-suite window is proposed in the side elevation, and other proposed windows would look over its garden area. No window is proposed to the side elevation of the conservatory. It is therefore considered that the proposal would not cause significant loss of privacy to the neighbouring properties.

The proposed side extension would be more than 15 metres away from the nearest residential property. The proposed conservatory would replace the existing fence line. Nevertheless, it would be 3 metres deep that would comply with the Council's Supplementary Planning Guidance. It is therefore considered that the proposal would not cause significant overbearing impact to the adjacent properties.

### 5.4 Section 106 Requirements

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

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

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

**Background Papers**      **PK07/0146/F**

**Contact Officer:**    **Olivia Tresise**  
**Tel. No.**                **01454 863761**

## **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 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No windows shall be inserted at any time in the east side elevation of the conservatory hereby permitted.

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. 09/07 – 02 MARCH 2007

App No.: PK07/0193/ADV

Applicant: Mitchells & Butler  
Retail LimitedSite: Brimsham Park Lark Rise Yate  
BRISTOL South Gloucestershire BS37  
7PJ

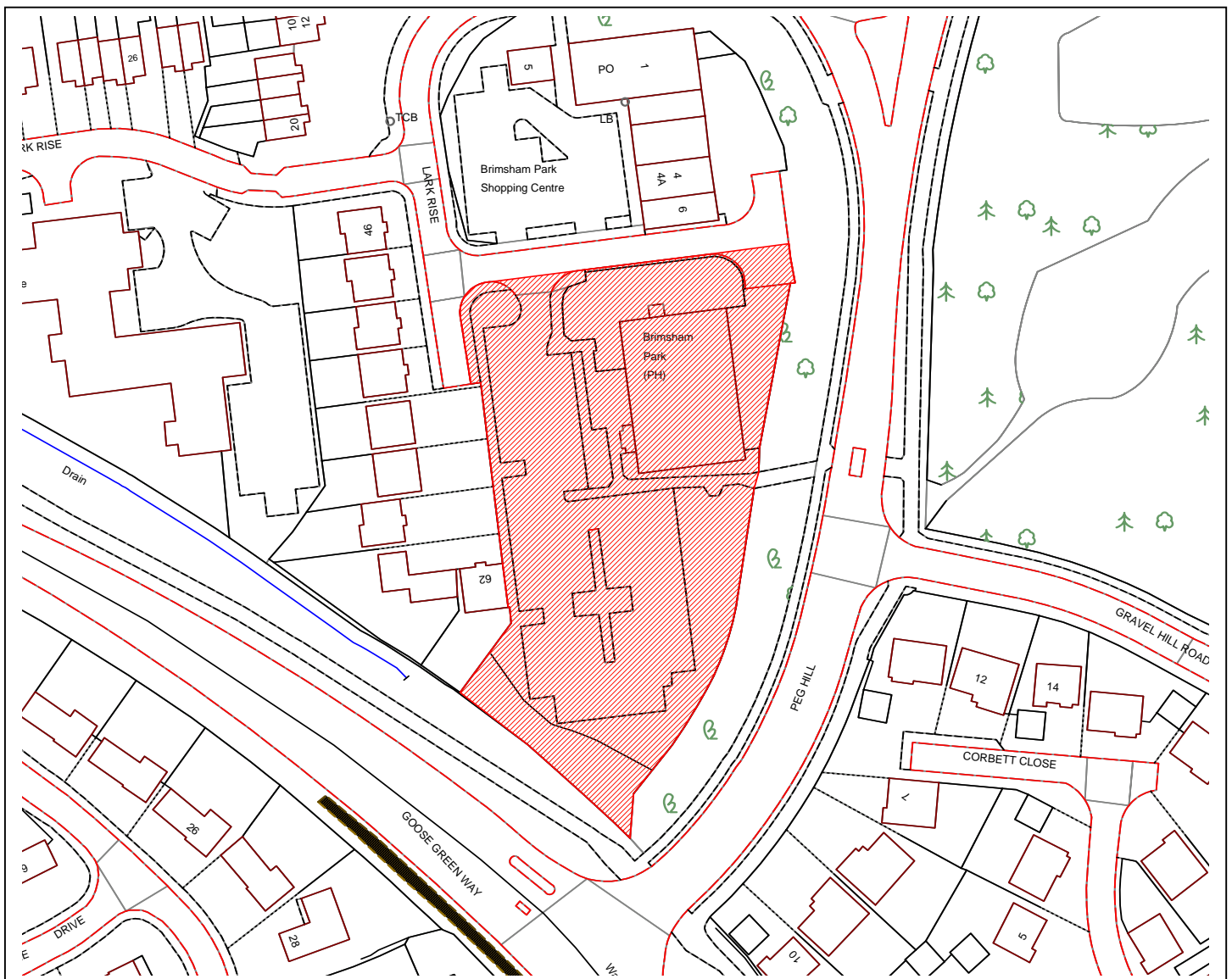
Date Reg: 24th January 2007

Proposal: Display of 2 no. externally illuminated  
fascia signs, 1 no. non-illuminated panel  
signs and 2 no. signs on beacon with  
internally illuminated imitation fireplace  
to top section.

Parish: Yate Town Council

Map Ref: 71575 83654

Ward: Yate North



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N.T.S

## **INTRODUCTION**

This planning application has been referred to the Council's Circulated Schedule procedure due to objections received from a local resident and Yate Town Council regarding the proposed signs.

### **1. THE PROPOSAL**

- 1.1 The application site relates to a public house located within the residential area of Yate, sited on the junction of Goose Green Way and Peg Hill.
- 1.2 This advert application seeks advert consent for the display of 2 no. externally illuminated fascia signs, 1 no. non-illuminated panel sign and 2 no. signs on beacon with internally illuminated imitation fireplace to top section.

### **2. POLICY CONTEXT**

#### 2.1 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006  
L19 Display of Advertisements

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

- 3.1 The following relevant planning applications relate to the application site:
- 3.2 P96/2929/A Display of illuminated adverts  
Advert Approval march 1997
- 3.3 PK03/1352/ADV Display of adverts  
Advert Approval Jan 2004
- 3.4 PK06/0748/ADV Display of 2 no. Externally illuminated freestanding display unit  
Refusal April 2006
- 3.5 PK06/2961/F Erection of 2 no. Entrance gateposts and 1 no. New ember Beacon to existing Brewers Fayre Post. Installation of new external wall lighting on elevations.

### **4. CONSULTATION RESPONSES**

#### **(a) Statutory Consultees**

- 4.1 Yate Town Council  
Objection. All signage are detrimental to visual amenity. Objection to excessive number of signs.

#### **(b) Other Representations**

- 4.2 Local Residents  
One letter has been received from a local resident raising the following objections regarding the proposed signage:  
-Loss of landscaping makes signs conspicuous

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy L19 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for the display of illuminated signs subject there being no adverse impact on the visual amenities on the immediate surrounding area or on highway safety.

### 5.2 Visual Amenity

The application site relates to a pub that is sited adjacent a small-scale shopping centre, which are both sited within the residential area of Yate.

5.3 Planning permission (PK06/2961/F) has recently been granted and implemented for the erection of free standing structure which is referred to by the applicants as an “Ember Inns Beacon Sign” on this application site. The structure measures 5.60m in height x 1.0m in width on one elevation and 0.60m on the other and is sited in the north-eastern corner of the site which is sited on the junction of Goose Green Way and Peg Hill. This advert application proposes to fix an internally illuminated fire place on top of the structure along with lettering.

5.4 Advert consent is also sought for two illuminated signs on the western and southern elevation of the building. This will comprise of individual lettering lit by 3 separate floodlights. They will replace existing illuminated signs already in this location.

5.5 Advert consent is also sought for a non-illuminated car park sign measuring 1.0m in width x 1.0m in height from ground level. This will be sited at the entrance of the car park.

5.6 This application had also sought advertisement consent for the display of a double sided non illuminated banner measuring 1.50m in width x 2.80m in height and a non-illuminated panel sign advertising ‘food’ both at the pedestrian access along the eastern boundary of the site. The agent has however requested that both signs be omitted from this current scheme.

5.7 An objection has been raised by the Parish regarding the excessive number of signs. The Planning Officer is of the opinion that given the removal of the above mentioned signs from the scheme, that the other signs by reason of their design, external appearance, siting and number if allowed would not have a detrimental impact on the visual amenities of the immediate locality.

### 5.8 Transportation issues

There are no highway objections to the proposal subject that none of the signs are sited on the public highway

### 5.9 Design and Access Statement

Not required for an advertisement application.

### 5.10 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under

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

## **6. CONCLUSION**

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

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 Advert consent be granted.

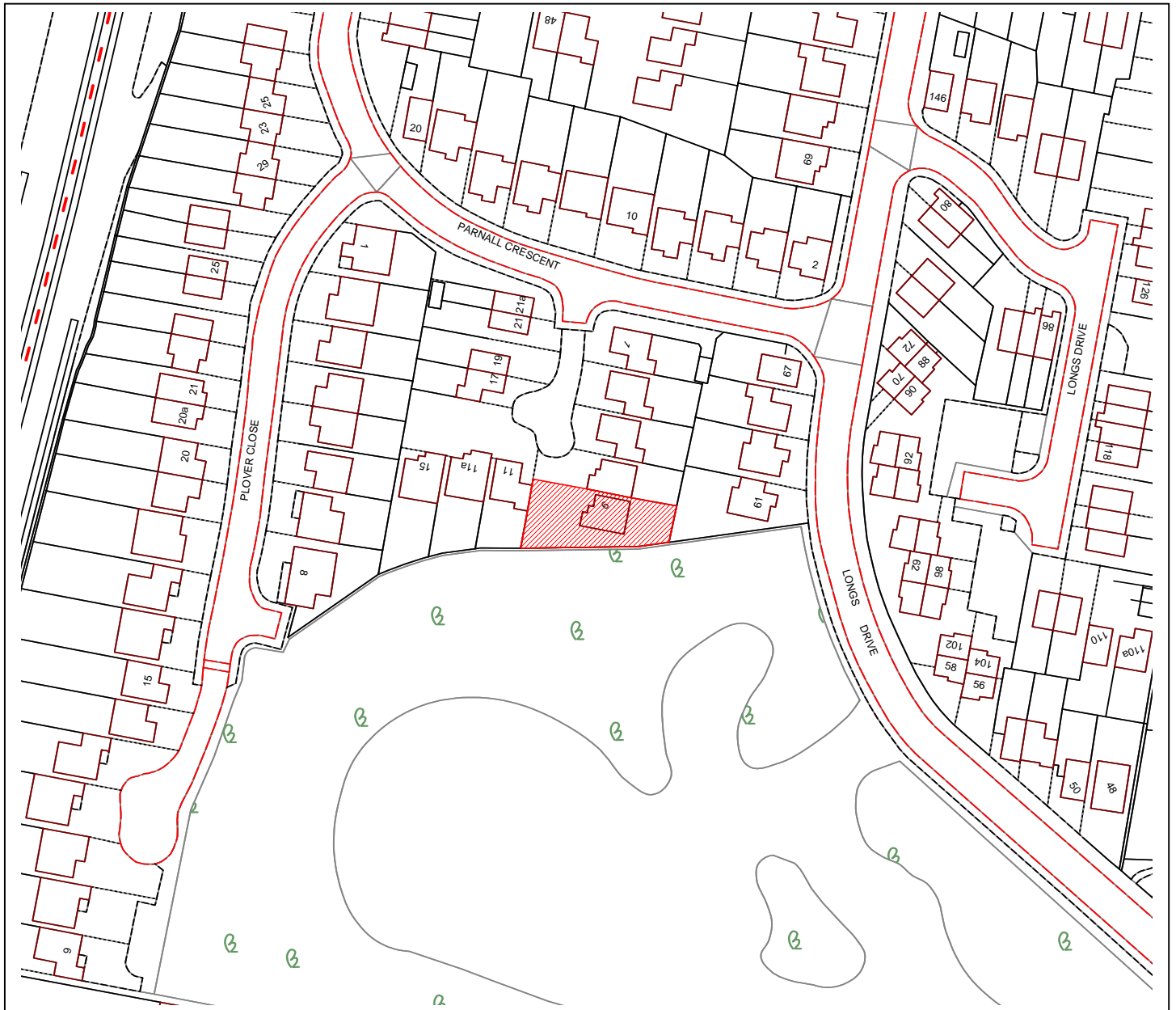
**Background Papers**      **PK07/0193/ADV**

**Contact Officer:**      **Tracey Price**  
**Tel. No.**                      **01454 863424**



**CIRCULATED SCHEDULE NO. 09/07 - 2 MARCH 2007**

|                                                                                                                                    |                                    |
|------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| <b>App No.:</b> PK07/0245/F                                                                                                        | <b>Applicant:</b> Mr K Griffin     |
| <b>Site:</b> 9 Parnall Crescent Yate BRISTOL South Gloucestershire BS37 5XS                                                        | <b>Date Reg:</b> 30th January 2007 |
| <b>Proposal:</b> Erection of two storey side extension to provide additional accommodation.<br>Erection of detached double garage. | <b>Parish:</b> Yate Town Council   |
| <b>Map Ref:</b> 70341 82878                                                                                                        | <b>Ward:</b> Yate West             |



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100023410, 2006.

**N.T.S**

**PK07/0245/F**

## **INTRODUCTION**

This application has been referred to the Circulated Schedule due to the receipt of an objection from the Yate Town Council and local residents.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the erection of a two-storey extension to the side of No. 9 Parnall Crescent, Yate. The proposal also includes the erection of a detached double garage in front of the property. The proposed extension would measure 3.2 metres wide (maximum) by 9.3 metres deep and 7 metres high, and the proposed garage would measure 6 metres wide by 5 metres deep and 3.7 metres high.
- 1.2 The property is a two-storey detached dwelling and is situated within a residential area of Yate.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

|       |                                    |
|-------|------------------------------------|
| PPS1  | Delivering Sustainable Development |
| PPG3  | Housing                            |
| PPG13 | Transport                          |

#### 2.2 Development Plans

##### Joint Replacement Structure Plan

|          |                                       |
|----------|---------------------------------------|
| Policy 1 | Principles of Sustainable Development |
|----------|---------------------------------------|

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

|     |                                                               |
|-----|---------------------------------------------------------------|
| D1  | Design                                                        |
| T12 | Transportation Development Control Policy for New Development |
| H4  | Development within existing residential curtilages            |

#### 2.3 Adopted Supplementary Planning Guidance

Advice Note No 1 Altering you home  
Advice Note No 2 Extension

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

- 3.1 None.

### **4. CONSULTATION RESPONSES**

#### 4.1 Yate Town Council

The Town Council objects the proposal on the following grounds:

- Unless sufficient space can be identified within the curtilage of the building to allow cars to turn and exit in forward gear.
- The existing tree canopy and roots be protected.

## **Other Representations**

### 4.2 Local Residents

One objection letter was received and the local residents are concerned that the construction works would have adverse impact upon the residential amenity of the neighbouring property and cause hazards to children.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan allows for garages and extensions to existing dwellings and development within existing curtilages, subject to there being no adverse impact on existing visual and residential amenity. In addition, the proposal would not prejudice highway safety and the retention of an acceptable level of parking provision.

### 5.2 Visual Amenity

The proposal is to erect a two-storey extension to the side of the property and a double garage in front of the property. Both buildings would be finished in matching brickwork and tiles. The garage would be located on a hammerhead.

It is considered that the proposed extension and garage would be in keeping with the character and appearance of the principal dwelling and the design would be appropriate in this area. It is therefore considered that the proposal would not be detrimental to the street scene. In addition the proposal would still keep sufficient amenity space and therefore it is considered that the proposal would not result in over development.

### 5.3 Residential Amenity

No windows are proposed on the first floor in the side elevation of the extension, and other proposed windows would look over its driveway or rear garden. It is considered that the proposed extension would not cause significant loss of privacy to the neighbouring properties.

The proposed garage would be a single storey structure, and would be adjacent to the rear garden of the neighbouring property, No. 11. As the garage would not be adjacent to any habitable window of No. 11, it is considered that the garage would not significant adverse impact to harm the residential amenity of the neighbouring properties.

### 5.4 Highway Issues

The proposed garage will be constructed on the existing private turning area. Although this is not a good design practice, it would be difficult to sustain a highway refusal reason in an appeal situation particularly, in consideration to the fact that the dwelling is accessed off a residential cul-de-sac with a turning area in close proximity.

### 5.5 Tree Issues

The site borders public open space containing tree and shrub planting. The open space land is approximately 2 metres above the ground level of the property; therefore it is considered that the majority of the roots from any vegetation on the opposite side of the boundary fence will be above the ground level around the property. Subsequently the trenching for the proposed

extension and garage should not impact on the tree or shrub roots on the neighbouring land.

#### 5.6 Other Issues

Local residents are concerned that the construction works would disrupt his sleeping pattern due to his/her alternation shifts and the works would cause safety hazards.

A planning condition for normal construction hours is imposed and it is considered that it would be unsustainable to refuse to grant planning permission due to the neighbour's personal circumstances.

It would also be an onus for the applicant to ensure the construction works would meet the health and safety requirement.

#### 5.7 Section 106 Requirements

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

### 6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning 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 planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

### 7. RECOMMENDATION

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

**Background Papers**      **PK07/0245/F**

**Contact Officer:**    **Olivia Tresise**  
**Tel. No.**                **01454 863761**

#### 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 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The hours of working on site during the period of construction shall be restricted to Monday to Friday 08.00-18.00, Saturday 08.00-13.00 and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason:

To minimise disturbance to occupiers of [specify nearby buildings] and to accord with Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 09/07 – 02 MARCH 2007

|                  |                                                                                                      |                   |                                 |
|------------------|------------------------------------------------------------------------------------------------------|-------------------|---------------------------------|
| <b>App No.:</b>  | PK07/0254/R3F                                                                                        | <b>Applicant:</b> | Redfield Edge<br>Primary School |
| <b>Site:</b>     | Redfield Edge Primary School High<br>Street Oldland Common BRISTOL South<br>Gloucestershire BS30 9TL | <b>Date Reg:</b>  | 30th January 2007               |
| <b>Proposal:</b> | Erection of single storey side extension<br>to form new entrance block and office.                   | <b>Parish:</b>    | Bitton Parish<br>Council        |
| <b>Map Ref:</b>  | 67875 71891                                                                                          | <b>Ward:</b>      | Oldland Common                  |



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**N.T.S**

**PK07/0254/R3F**

This application appears on the Circulated Schedule due to it relating the Council property.

## 1. THE PROPOSAL

- 1.1 The application is for a single storey extension to one of the school buildings, with its own front-facing gable roof, to be attached to the school's offices. It would replace an existing single storey element which forms the entrance area to the school. The new extension would be deeper and cover part of a currently open area between the existing and a larger part of the school behind it.
- 1.2 The school site is on level ground, accessed from the High Street, but within the development boundary. Views of this part of the site are only obtained from the front of the school, on the High Street. The replacement building would be next to the vehicular access for the site and beyond this is a dwelling, separated from the school by a 1.4 metre high block wall, backed by a taller fence and planting. The school buildings are mostly single storey, constructed of stone with tiled roofs. The replacement element is proposed to be constructed of face brick.

## 2. POLICY CONTEXT

### 2.1 National Guidance

PPS1 General Policies and Principles  
PPG2 Green Belts

### 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

LC4 Proposals for Education Facilities

GB1 Green Belt

## 3. RELEVANT PLANNING HISTORY

3.1 PK00/1819/R3F Single storey extension and hard play area Approved

## 4. CONSULTATION RESPONSES

4.1 Bitton Parish Council  
No objection

### Other Representations

4.2 Local Residents  
No replies received

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. With regard to the Green Belt issue, the Green Belt boundary starts out side the site to the east of the road at the front of the site, therefore the effect of this proposal on the openness of the Green Belt falls under consideration. The view in from the Green Belt of the site means that the proposal is read against the context of the existing school building, in relationship to which it is clearly subservient. As such, the proposal

is not considered to harm the openness of the Green Belt and the test against policy GB1 is satisfied.

## 5.2 Design/ Visual Amenity

It is considered that, as the proposal is for a replacement entrance area for the school, the use of a contrasting material to the remainder of the site in this instance is appropriate, as it will draw the eye to this element of a rather sprawling school complex. The proposal would replace and enlarge an existing element and the scale and proportions broadly match the existing. The proposed roof would be more prominent than the existing lean-to, but this is considered to represent a modest enhancement to the appearance of the front of the site. Accordingly, the design and visual amenity of the proposal is considered to comply with policy. The submitted plans show that all materials will match those of the existing building and this is considered to be a satisfactory level of detailing.

## 5.3 Residential Amenity

As noted above, the proposed development is well screened from the property immediately to the north of the school site by a 1.4m high block wall & planting and separated from it by the school's vehicular access. It not considered therefore, that there would be any loss of privacy resulting from the proposal. Although the proposed roof would be taller than the existing, its impact would diminish from the point nearest to the site boundary and it is considered that the modest increase in height would not be overbearing on the residential amenity currently enjoyed by the neighbouring dwelling. Environmental Protection have raised no objection to the proposal.

## 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 broadly 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 1/97 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 1/97 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 approved, subject to the condition shown below.

**Background Papers**      **PK07/0254/R3F**  
**Contact Officer:**    **Chris Gosling**  
**Tel. No.**                **01454 863787**

## **CONDITIONS**

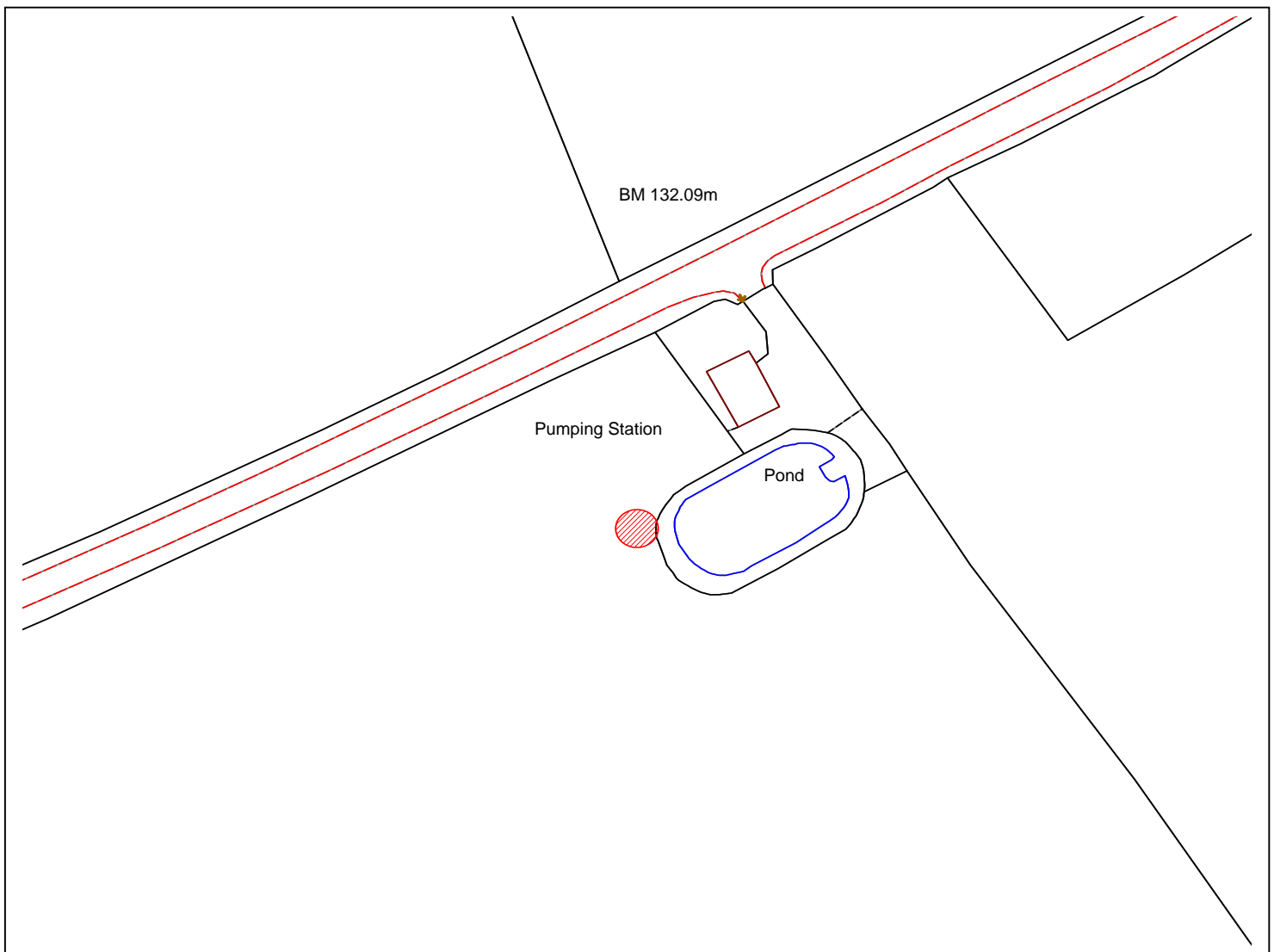
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

**CIRCULATED SCHEDULE NO. 09/07 – 02 MARCH 2007**

|                  |                                                                                                                                                                  |                   |                               |
|------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-------------------------------|
| <b>App No.:</b>  | PK07/0257/OHL                                                                                                                                                    | <b>Applicant:</b> | Central Networks East         |
| <b>Site:</b>     | Pumping Station Tormarton Road Acton Turville BADMINTON South Gloucestershire GL9 1HP                                                                            | <b>Date Reg:</b>  | 30th January 2007             |
| <b>Proposal:</b> | Application for consent by Central Networks East under Section 37 of the Electricity Act 1989 to install 1no. new pole under existing overhead electricity line. | <b>Parish:</b>    | Acton Turville Parish Council |
| <b>Map Ref:</b>  | 80473 80528                                                                                                                                                      | <b>Ward:</b>      | Cotswold Edge                 |



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100023410, 2006.

**N.T.S**

**PK07/0257/OHL**

This application appears on the Circulated Schedule due to concerns raised by the Parish Council.

## **1. THE PROPOSAL**

- 1.1 Central Networks East have served notice on the Council of an application to the Secretary of State for Energy under Section 37 of the Electricity Act 1989. The Council has the opportunity to state whether it has any objections or not. However if it does object, under the provisions of Circular 14/90, a public inquiry must be held.
- 1.2 It is proposed to erect a new pole under an existing overhead electricity line.
- 1.3 The application site is situated in the Cotswolds AONB and close to a line of trees that ring an old walled and now disused reservoir adjacent to the Pumping Station that the electricity supply from the existing power line would serve. The new pole would have a small transformer box at  $\frac{3}{4}$  of the full height of the pole.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
Circular 14/90 Electricity Generating Stations and Overhead Lines
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
L1 Landscape Protection and Enhancement  
L2 Cotswolds Area of Outstanding Natural Beauty  
D1 Design

## **3. RELEVANT PLANNING HISTORY**

- 3.1 No relevant history

## **4. CONSULTATION RESPONSES**

- 4.1 Acton Turville Parish Council  
A representation has been received from the Parish Council raising concerns regarding the applicants assertion that the existing pole adjacent to the Pumping Station is inaccessible and why if this is the case it can't be removed to mitigate the environmental impact of the new pole.

### **Other Representations**

- 4.2 Local Residents  
None consulted, no neighbours site notice posted.

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
Schedule 9 of the Electricity Act 1989 and the provisions of Circular 14/90 set out the relevant matters to be considered in determining applications for consent under Section 37 of the Act. Firstly, the applicant formulating the proposals must have regard to the desirability of preserving natural beauty, of

- conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and reasonably mitigate any effect which the proposal would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects. Secondly, in considering the proposals, the Secretary of State for Energy must have regard to whether the applicant has complied with the duty to mitigate the impact of the proposals.
- 5.2 In considering the proposal the Local Planning Authority should take into account the normal planning considerations and guidance as set out in the Act, the Circular and Regulations.
- 5.3 The application therefore needs to be tested against the relevant land use and policy provisions of the development plan and the environmental and other implications of the proposals.
- 5.4 The application is to install a new pole under an existing electricity power line at a site that is within the Cotswolds AONB.
- 5.5 The site is not a feature of special interest, nor does it affect any buildings or objects of architectural/historic or archaeological interest. It is considered that the site and proposal is not affected by or would have an adverse impact on any flora, fauna, geological or physiographical features of special interest. There will be no adverse highway impact. It is therefore considered that the main issue to consider is the visual impact upon the landscape, and how this relates to AONB policy.
- 5.6 There are a number of poles in the fields adjacent to the Pumping Station on Tormarton Road. The proposal is to situate the pole close to the line of mature hedgerow trees that encircle the disused reservoir and the pole would therefore be well screened to the north east on approaches along Tormarton Road by the trees and the Pumping Station building. From long views along Tormarton Road heading towards Acton Turville the pole would be silhouetted against the backdrop of hedgerow trees and again its visual impact would be reduced. Direct views across the field from the highway would be of a pole similar in height (approx 10m to 11.5m depending on ground level) to the existing nearby poles and at the same elevation. The pole would be similar in diameter and would have a transformer box attached to it. The transformer box would have dimensions of 1.1m in height, 0.8m high and 0.6m deep and would be located at  $\frac{3}{4}$  the full height of the pole. On balance it is considered that the proposal will have no more visual/landscape impact than the cumulative effect of the existing poles in the fields and around the pumping station. There will be no wider landscape concerns.
- 5.7 Having regard to AONB policy, the proposal will not harm the natural beauty of the Cotswolds AONB. As such, the proposal is deemed acceptable.
- 5.8 Other Matters  
The Parish Council raised concerns as to the need for a new pole and why the 'disused' pole within the Pumping Station site could not be removed. Officers contacted the wayleave officer at Central Networks East regarding these concerns and his response was as follows.

*'The pole currently located on the Pumping station site is only itself a 'flying stay'. It and the stays attached to it are adding support to the adjacent pole. The*

*previous supply to the pumping station was only via a cable to their sub station within the adjacent building so the pole (flying stay) could be utilised for cable attachment. The flying stay cannot be used to support a sub station as the overhead electric line does is not attached to the pole, nor is the pole strong enough.*

*The proposal at the pumping station is to remove the current sub station as it is no longer required.*

*Therefore a new pole mounted sub station is required to supply site. However due to the pole location off site it is not physically possible to install the transformer, underground cable and buried earth wires due to it being within the enclosed overgrown pond area. There is also physically no where to site a transformer on that pole due to the lines leading from it and the stay wires attached to it. Therefore an alternative solution is required, and that being the proposed new pole.'*

- 5.9 Officers consider this to be a clear and reasoned justification for the new pole and to have addressed the concerns raised by the Parish Council.

## **6. RECOMMENDATION**

- 6.1 That no objection be raised.

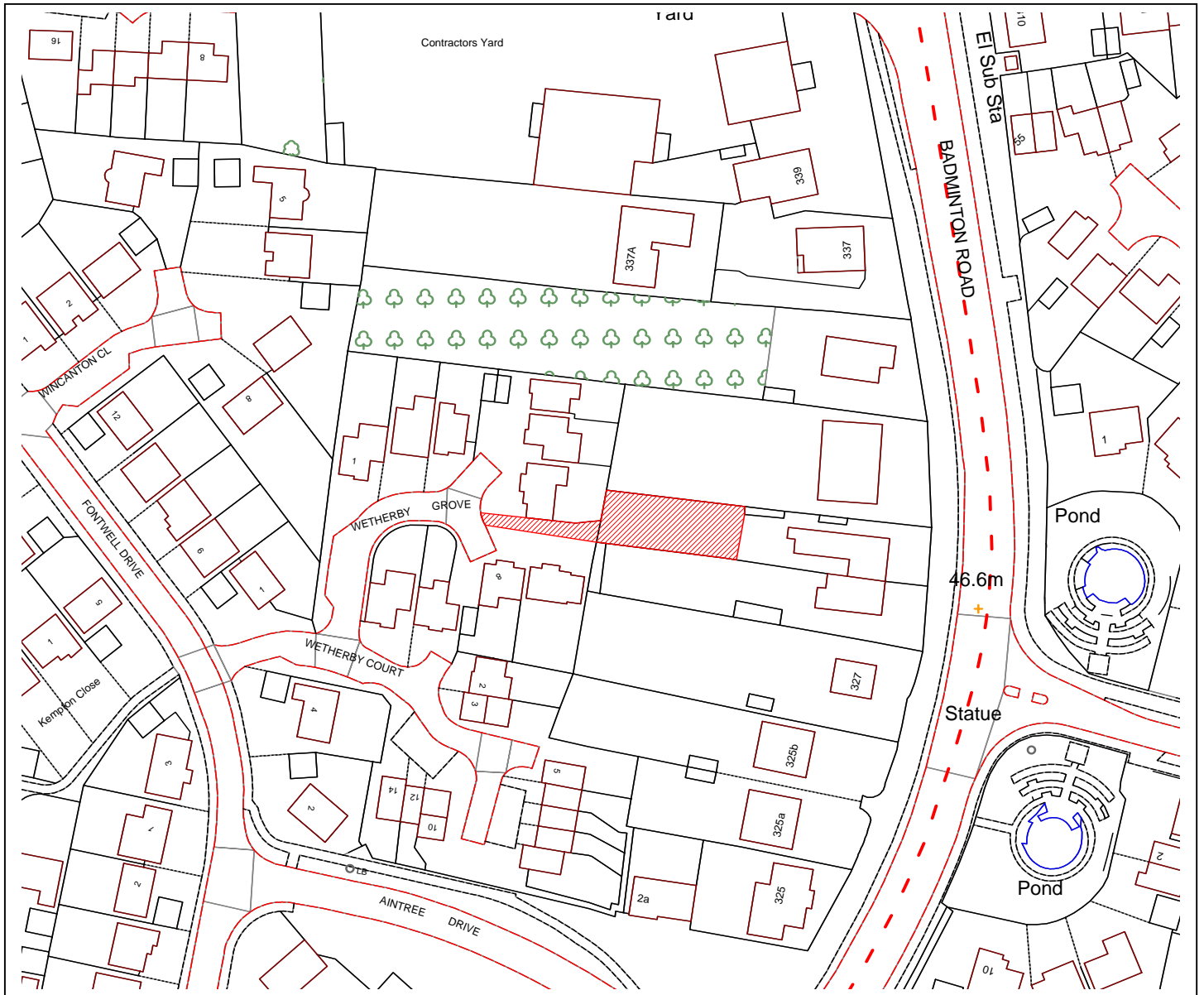
**Background Papers      PK07/0257/OHL**

**Contact Officer:    Jan Saward**  
**Tel. No.                01454 864969**

**CIRCULATED SCHEDULE NO. 09/07 – 02 MARCH 2007**

**App No.:** PK07/0283/F  
**Site:** Land rear of 331 Badminton Road  
 Downend BRISTOL South  
 Gloucestershire BS36 1AH  
**Proposal:** Erection of 1no. detached bungalow with  
 associated works.  
**Map Ref:** 66006 78350

**Applicant:** Mr J Parsons  
**Date Reg:** 31st January 2007  
**Parish:** Downend and  
 Bromley Heath  
**Ward:** Siston



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**N.T.S**

**PK07/0283/F**

## **INTRODUCTION**

This application is reported on the Circulated Schedule as a result of the receipt of objections from neighbours and the Parish.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the erection of a bungalow in the rear garden containing a number of trees, of 331 Badminton Road, which is a semi-detached bungalow itself. The proposed bungalow would contain two bedrooms, one facing the rear of No. 331 and one facing the dwelling to the rear in Wetherby Grove.
- 1.2 Access to the site would be derived from an existing access at the end of a cul-de-sac at Wetherby Grove, where the houses are uniformly two storey, built of Bradstone and red tiles, with a common eaves line. Almost 100 square metres of garden would be retained for the residual house on site, although a high proportion of this would be to the front, as the bungalow is set well back from Badminton Road, behind a low wall. The existing boundary treatment to the rear is a 1.8 metre fence.
- 1.3 This application follows the refusal of PK06/2872/F for the reason that it would entail damage to the roots of an ash tree due to the proposed access and the incorrect plotting of trees on the submitted plans. The TPO'd ash tree closest to the site boundary is shown on the plans to be retained.

### **2. POLICY CONTEXT**

- 2.1 National Guidance
- |       |                                     |
|-------|-------------------------------------|
| PPS1  | Delivering Sustainable Development  |
| PPG3  | Housing                             |
| PPG13 | Transport: Guide to Better Practice |
- 2.2 Development Plans
- South Gloucestershire Local Plan (adopted January 2006)
- |     |                                      |
|-----|--------------------------------------|
| D1  | Design                               |
| H4  | Houses within residential curtilages |
| T7  | Cycle Parking                        |
| T8  | Car parking                          |
| L1  | Landscape (trees)                    |
| T12 | Transportation Policy                |

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

- |     |             |                                                                                                                                           |              |
|-----|-------------|-------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| 3.1 | P99/4251    | Erection of one dwelling                                                                                                                  | Approved     |
| 3.2 | PK05/3335/F | Erection of detached dwelling, with integral garage and associated works                                                                  | Refused 2006 |
| 3.3 | PK06/1617/F | Erection of bungalow and associated works                                                                                                 | Refused 2006 |
| 3.4 | PK06/2872/F | Erection of bungalow and associated works due to the effect of the proposal on the TPO'd ash tree and the incorrect plotting of that tree | Refused 2006 |

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

##### 4.1 Downend & Bromley Heath Parish Council

Object to the proposal for the following reason:

- Insufficient protection for ash tree
- Plotted in wrong position

##### 4.2 Environmental Protection

No objection subject to the inclusion of informatives on the decision notice

##### 4.3 Technical Services Unit

No objection in principle

#### **Other Representations**

##### 4.4 Local Residents

Three letters of objection have been received, citing the following concerns

- The loss of an ash and a willow would reduce shading and privacy in the adjoining garden as well as affect bird life
  - Mistake on Certificate A which implies that all land is owned by the applicant. This is incorrect as the access road belongs to No. 7 Wetherby Court, with permission for vehicular and pedestrian access to the site. No notice was served on the owner of the access drive
  - Tree plotted in wrong location on plans
  - Plot too small for a house with this footprint
  - Proposed access would be too narrow and the tree roots too close to the proposed bungalow
  - The plans do not show replacement gates at the site access, or how they would open
  - Cars reversing along the access drive would be a risk to highway safety
  - Overbearing impact on houses to the rear
  - Poor visibility for vehicles reversing out of No. 7
  - Loss of trees and open space
  - Insufficient parking to avoid pressure on existing visitors parking space
  - Traffic congestion impacting on the safety of children in the street
  - Loss of high quality mature trees
  - Problems with manoeuvring on the proposed turning area
- 
- Problems with construction traffic including noise and disturbance

NB This last concern is not a relevant planning issue in the determination of this application.

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

##### 5.1 Principle of Development

The principle of development for this site has effectively been established through the outline permission to erect a dwelling. The land is previously developed (as a garden) and the access position overcomes the problem of the proposal representing backland development, this is because the access and driveway passing Wetherby Grove dwellings is existing. However, this application is not for reserved matters, as the previous outline permission has lapsed, but a full planning application. An assessment needs to be made over whether the material considerations and planning policy have changed to such an extent that the principle of development in the intervening seven years would be different now. As far as the policy framework goes, the South Gloucestershire Local Plan is now adopted and both PPG3 and PPS3 encourage such development as proposed, in principle. Further houses have



been built nearby to the site, which were not considered at the time of the previous application and the characteristics of the development are similar, apart from one significant difference. The approved plans were merely illustrative, as recognised in an informative appended to the decision notice, and indicated a roof plan only. There was no indication of the height or scale of the building at that time. It is therefore considered that there is no reason why the proposal should not be acceptable in principle, subject to detailed analysis of the current proposal. The new factors which need to be assessed since the outline permission are intervisibility between the proposed house and those at the rear, the level of privacy in the garden of the proposed dwelling and the design of the proposed bungalow. The immediate task of this application, however, is to overcome the two refusal reasons of the previous scheme, namely the correct plotting of the position of the ash tree and the issue of how to deal with the driveway being constructed in a manner that would protect the roots of the TPO'd tree.

## 5.2 Design

The proposal is essentially for a plain bungalow, with a small projection gable at the front. When viewed from the side, the proposed bungalow is wide, but is considered not to exceed residential scale. The design has been kept simple and as a result, it is considered that the proposal would fit unobtrusively into the site context. The proposal is therefore considered to comply with policy D1.

## 5.3 Residential Amenity

Outline planning permission was approved at a time when there was no housing built to the rear of the site. At single storey, it is considered that there will be no intervisibility issues as views out would be curtailed by boundary treatments which are required by the condition shown below. The remaining issue under this heading is therefore the degree to which the proposed dwelling's garden would be overlooked by the dwellings at the front and rear of it. Retention of the trees on the site could partially obscure this overlooking, but only while the trees are in leaf. However, this would be in the Summer months, at a time when the amenity area to the rear would be in greatest use. Given that the overlooking is not straight on, being offset, it is considered, on balance that the residential amenity area created through this proposal would be sufficiently private so as to ensure that the residential amenity of future occupiers would not be compromised.

## 5.4 Tree Issues

The site was visited on 23 February 2007 and it was discovered that the distance from the nearest fixed point at the side of the site to the tree trunk of the ash is 3.1 metres; the distance from the nearest fixed point at the end of the site was 2.27. Scaling off from the submitted plans shows that the tree has been correctly plotted and it is considered therefore that the relevant refusal reason on the previous application has been overcome. The proposed development shows access to the site being gained from the rear via Wetherby Grove. The 3.1 metre gap is adequate in itself to allow a vehicle to pass, but to create the driveway would entail putting a surface down which would compress the roots of the ash tree, which benefits from a Tree Preservation Order. A method statement submitted with this application indicates that construction traffic to the site will access the site from Badminton Road. Therefore the protection of the tree roots need only take place once the dwelling is ready to be brought into use. Protective fencing through the construction process will be required to be installed in accordance with BS5837: 2005. This will be ensured through the condition shown below and a further condition will ensure its

retention until construction is complete. A further condition prevents spillage and storage within the root area of the tree.

It is important to protect this TPO'd tree because it is a semi mature specimen with good form and offers high visual amenity as it is clearly visible from Wetherby Grove and the Badminton Road at the front of the property. As this tree matures its visual amenity will increase, it is also one of the few large trees in the area that has a potentially long life expectancy and the ability to be retained. The Willow is a fair specimen but is over shadowed by the Ash, this will only get worse as the trees grow, the life expectancy is relatively short compared to the ash tree. The Ash tree has a significant visual amenity value and adds to the character of the area, as assessed in accordance with South Gloucestershire Local Plan Policy L1. A Tree Preservation Order has also been placed on the Beech tree further up the garden.

Subject to the imposition of the tree protection conditions shown below, the Council's Tree Officer has raised no objection to the proposal. It is considered that the submitted method statement is sufficient to overcome the refusal reason applied to the previous scheme in respect of the health of the tree.

#### 5.5 Transportation

There was a similar planning application to this (ref. no. PK05/3335/F) for the same proposal on the same site. To that application and the subsequent ones, there was no highway objection. The details of the access, parking and turning area as attached with this planning application remain the same to that earlier planning application, hence there are no highway objections to this proposal. Conditions should be imposed however, as detailed below.

#### 5.6 Other Issues

The issue of land ownership has been raised and dealt with to some extent in an earlier application. Part of the site is in disputed ownership, as shown from the application forms and correspondence as a result of consultation on this application. The land ownership is a legal issue and would not necessarily prevent the erection of a dwelling and use of the access. To approve planning permission would not permit development on land not owned by the applicant, without an agreement with the relevant landowner.

#### 5.7 Design and Access Statement

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

#### 5.8 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement would be 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 decision to approve permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan set out above, and to all the relevant material considerations set out in the report.

**7. RECOMMENDATION**

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

**Background Papers      PK07/0283/F**

**Contact Officer:      Chris Gosling**

**Tel. No.                      01454 863787**

**CONDITIONS**

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

Reason:

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

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

Reason:

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

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

Reason:

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

4. The off-street parking facilities for all vehicles, including cycles shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained without obstruction for that purpose.

Reason:

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

5. No vehicular or pedestrian access to the site shall be derived from Badminton Road after the time that the dwelling hereby approved is first occupied.

Reason:

To protect the residential amenity of 331 Badminton Road by preventing the site constituting backland development, and to accord with Policy H4 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 plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details, which shall ensure that a boundary treatment is erected to separate 331 Badminton Road and the site.

Reason:

To protect the residential amenity of 331 Badminton Road by preventing the site constituting backland development and neighbouring occupiers and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. The works hereby authorised shall comply with British Standard 3998: 1989 - Recommendations for Tree Work and the method statement approved with this application.

Reason:

In the interests of the long term health of the trees, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. All hard and soft landscape works and tree protection measures shall be carried out in accordance with the approved method statement. The works shall be carried out prior to the occupation of any part of the dwelling hereby approved, with the tree protection measures retained until construction of the dwelling is complete.

Reason:

In the interests of the long term health of the tree(s), and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. No storage of materials is to take place at any time under the canopy of the ash tree.

Reason:

In the interests of the long term health of the tree, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. The front garden of No. 331 Badminton Road shall be retained as a turning area with a bound surface.

Reason:

To ensure that vehicles can exit No. 331 in forward gear, in the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. The existing gate shall be removed from the site access prior to the first occupation of the the dwelling hereby approved and no gate shall be erected to enclose the access for the dwelling hereby approved or No. 331 Badminton Road.

Reason:

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

12. Prior to the commencement of any site clearance works or any development a plan indicating the location and details of tree protection fencing shall be submitted to and approved in writing by the Council. The fencing so approved shall be erected prior to any site clearance works or development on site and retained until the completion of the development.

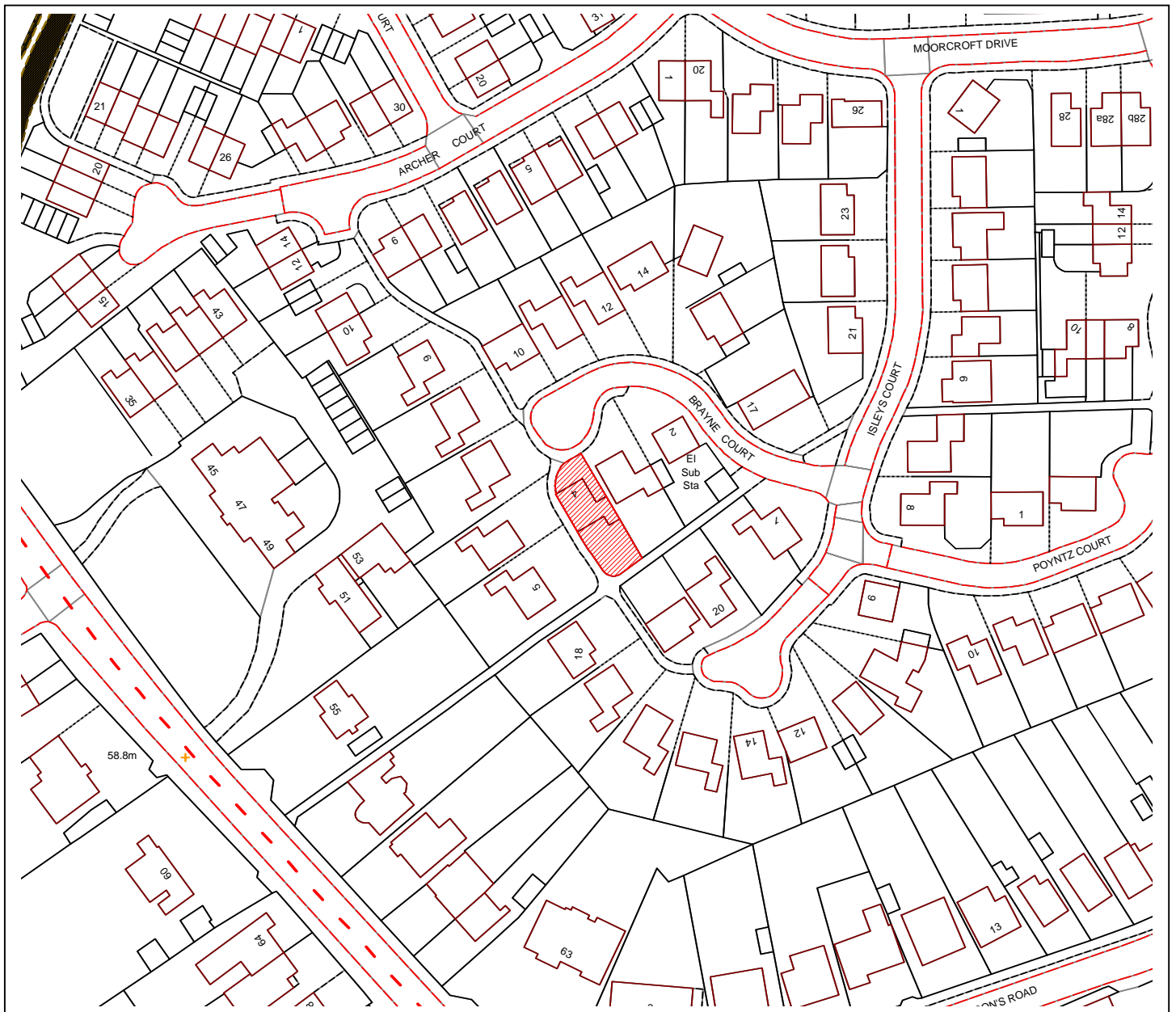
Reason:

In the interests of the long term health of the trees, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 09/07 – 02 MARCH 2007**

**App No.:** PK07/0310/F  
**Site:** 4 Brayne Court Longwell Green  
 BRISTOL South Gloucestershire BS30  
 7DS  
**Proposal:** Erection of rear conservatory.  
**Map Ref:** 65665 71374

**Applicant:** Mr Frydman  
**Date Reg:** 2nd February 2007  
**Parish:** Oldland Parish  
 Council  
**Ward:** Longwell Green



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**N.T.S**

**PK07/0310/F**

## **INTRODUCTION**

This application appears on the Circulated Schedule due to a neighbour objection.

### **1. THE PROPOSAL**

- 1.1 This planning application seeks planning permission for the erection of a rear conservatory measuring 3.0m deep x 5.25m wide x 2.40m in height to the eaves and 3.50m to the ridge and constructed of white upvc and matching brick.
- 1.2 This application had originally applied for the re-location of an existing 1.70m high gate. This however has now been omitted from the description of development as this does not require planning permission under part 2 Class A of the General Permitted Development Order.
- 1.3 The application site relates to a two storey detached dwelling which is sited within the residential area of Longwell Green.

### **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 No planning history relates to the application site:

### **4. CONSULTATION RESPONSES**

4.1 Oldland Parish Council  
No objection

#### **Other Representations**

4.2 Local Residents

One email has been received from a local resident raising the following concerns regarding the proposed development, which have been summarised as follows:

- Our driveway may be used as an access for the builders
- We do not want any obstruction

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

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

### 5.2 Visual Amenity

The application site relates to a two storey detached dwelling with buff brick facing materials, brown roof tiles and upvc windows. The application site is screened by a 2.0m high fence. The proposed conservatory is considered to be of a design and scale in keeping with the character of the existing dwelling.

### 5.3 Residential Amenity

The proposed conservatory will be screened from the adjacent property no. 3 which is sited east of the application site by an existing attached garage. It will also be screened from no. 5 & 6, which are sited west of the application site by an existing 2.0m high fence. It is therefore considered that the proposed conservatory by reason of its scale and siting will not have an adverse impact of the existing residential amenities of nearby properties.

### 5.4 Other Issues

Concern has been raised by a local resident regarding the possibility of his driveway being used by the builders and becoming obstructed. Members are advised to consider that is not a relevant material planning consideration with regards the determination of this application but is a civil matter.

### 5.5 Section 106 Requirements

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

## 6. CONCLUSION

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

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.

### 6.2 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.

## **7. CONCLUSION**

- 7.1 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.

## **8. RECOMMENDATION**

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

**Background Papers**      **PK07/0310/F**

**Contact Officer:**    **Tracey Price**  
**Tel. No.**                **01454 863424**

## **CONDITIONS**

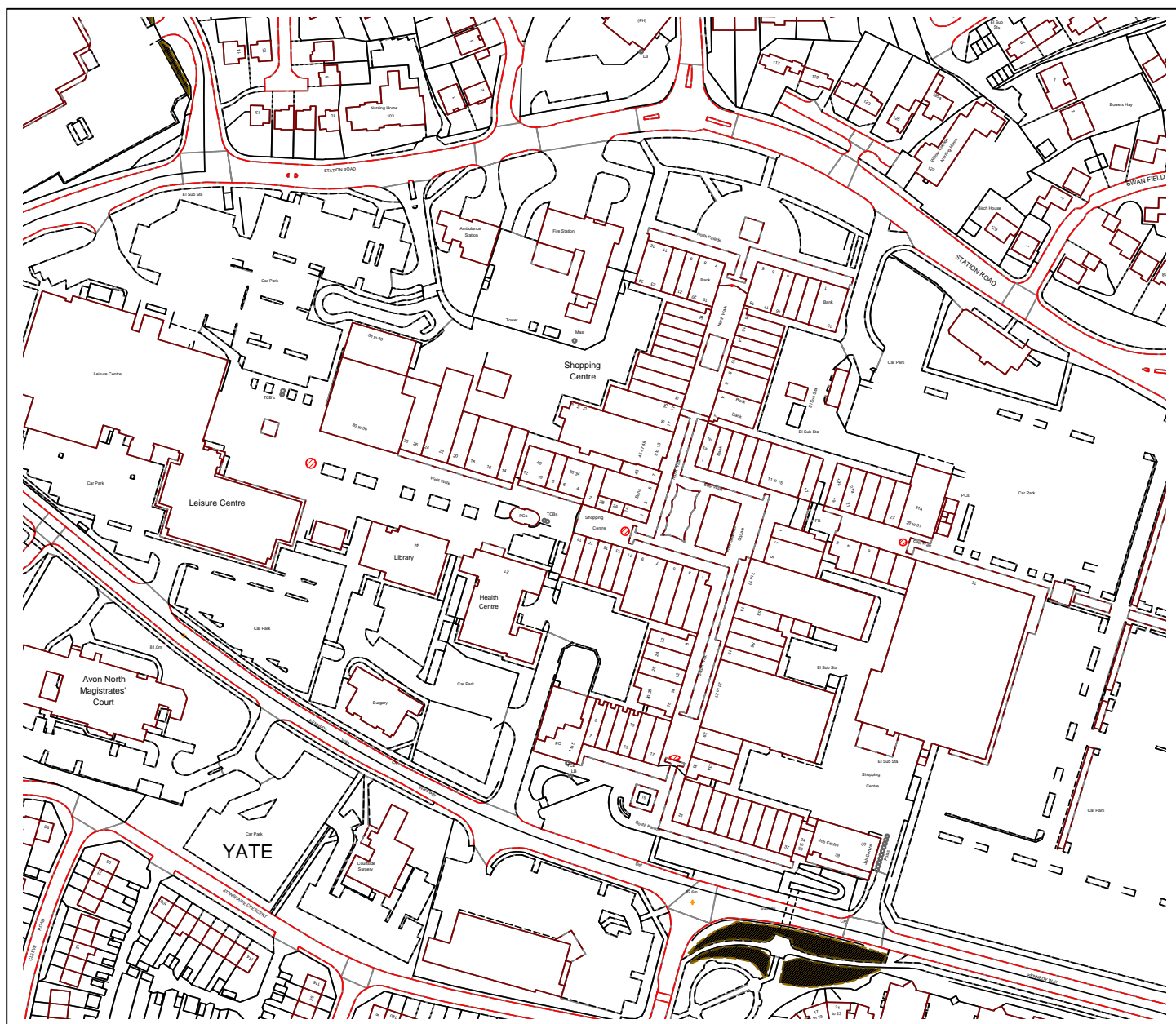
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

**CIRCULATED SCHEDULE NO. 09/07 – 02 MARCH 2007**

|                  |                                                                                           |                   |                      |
|------------------|-------------------------------------------------------------------------------------------|-------------------|----------------------|
| <b>App No.:</b>  | PK07/0361/ADV                                                                             | <b>Applicant:</b> | Yate Shopping Centre |
| <b>Site:</b>     | Yate Shopping Centre Yate BRISTOL South Gloucestershire BS37 4AP                          | <b>Date Reg:</b>  | 6th February 2007    |
| <b>Proposal:</b> | Display of 5no.internally illuminated free standing signs.(Resubmission of PK06/3297/ADV) | <b>Parish:</b>    | Yate Town Council    |
| <b>Map Ref:</b>  | 71397 82456                                                                               | <b>Ward:</b>      | Yate North           |



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 100023410, 2006.

## **INTRODUCTION**

This application is reported on the Circulated Schedule following the receipt of an objection to the proposal from Yate Town Council.

### **1. THE PROPOSAL**

1.1 This application seeks advertisement consent for the display of five signs, four of each are already in place within the shopping centre. Three of the signs stand next to the entrance gates at the north, south and west ends of the centre, centrally positioned, under the edge of the central (highest) canopy. The fourth is situated at the edge of the East Walk canopy, further east than the gates, while the fifth would face the leisure centre in an open location next to the community notice board. This latter sign is the only one not yet installed.

1.2 The signs are information boards, internally illuminated, 2.2 metres high and 0.9 metre wide. The four signs already in place face out of the shopping centre. This application follows the withdrawal of a previous application for 10 signs. The five signs proposed here are limited to central locations within the shopping centre. Five separate applications cover the proposed signs at the edge of the centre, where they are in close proximity to the highway.

### **2. POLICY CONTEXT**

2.1 National Guidance

PPG19 Outdoor advertisement control

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

L19 Adverts

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

3.1 PK06/3297/ADV Display of illuminated signage within shopping centre  
Withdrawn

### **4. CONSULTATION RESPONSES**

4.1 Yate Town Council

Object. Signs are too large, out of keeping on the grounds of illumination and colour, proximity to listed buildings and residential area.

#### **Other Representations**

4.2 Local Residents/ Businesses

No replies received.

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

5.1 Principle of Development

This application stands to be assessed against policy L19, in the light of all material considerations, as analysed below. Policy L19 sets a series of tests, which form the headings below:

5.2 Public Safety

This issue amounts to the effect on highway users and in this instance, Transportation have raised no objection to the proposal.

5.3 Effect on Immediate Location/ Effect on Character of Location

Although the signs would be illuminated, the main effect of them in these locations would stem from their size. The scale proposed, at 2.3 metres high and 0.9 metres wide, is tall, but in the context, with the signs well related to existing signage and street furniture, this is not particularly appreciated. Furthermore the height of the signs has to be appropriate for people to read. This is considered important as the signs carry information, which needs to be at a comfortable reading height. Accordingly, it is considered that the proposal would not harm the character of the location and visual amenity generally.

#### 5.4 Cumulative Impact/ Visual Amenity

In this particular location, with regard to most of the locations, there are not many other signs around, therefore, cumulative impact is not considered to be at issue with this proposal. In terms of visual amenity, however, the above comments apply. The proposed illumination is not considered to harm visual amenity. External illumination would not be a viable alternative in this location and without any close illumination, the information on the signs could not be read in late afternoons and early evenings in winter.

#### 5.5 Other Issues

The Town Council have objected on a number of grounds. The appearance of the signs is covered above. With regard to the proximity of the signs to a Listed Building and a residential area, it is considered that the locations of these five signs would not have such an effect. All are located/ proposed for a location within or at the edge of the shopping centre and as such are considered to be well screened by the existing shop units.

#### 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 would not apply.

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

### 7. RECOMMENDATION

7.1 That advertisement consent for the five signs (four retrospectively) is granted, subject to the condition shown below.

**Background Papers**      PK07/0361/ADV  
**Contact Officer:**      Chris Gosling  
**Tel. No.**                      01454 863787

## **CONDITIONS**

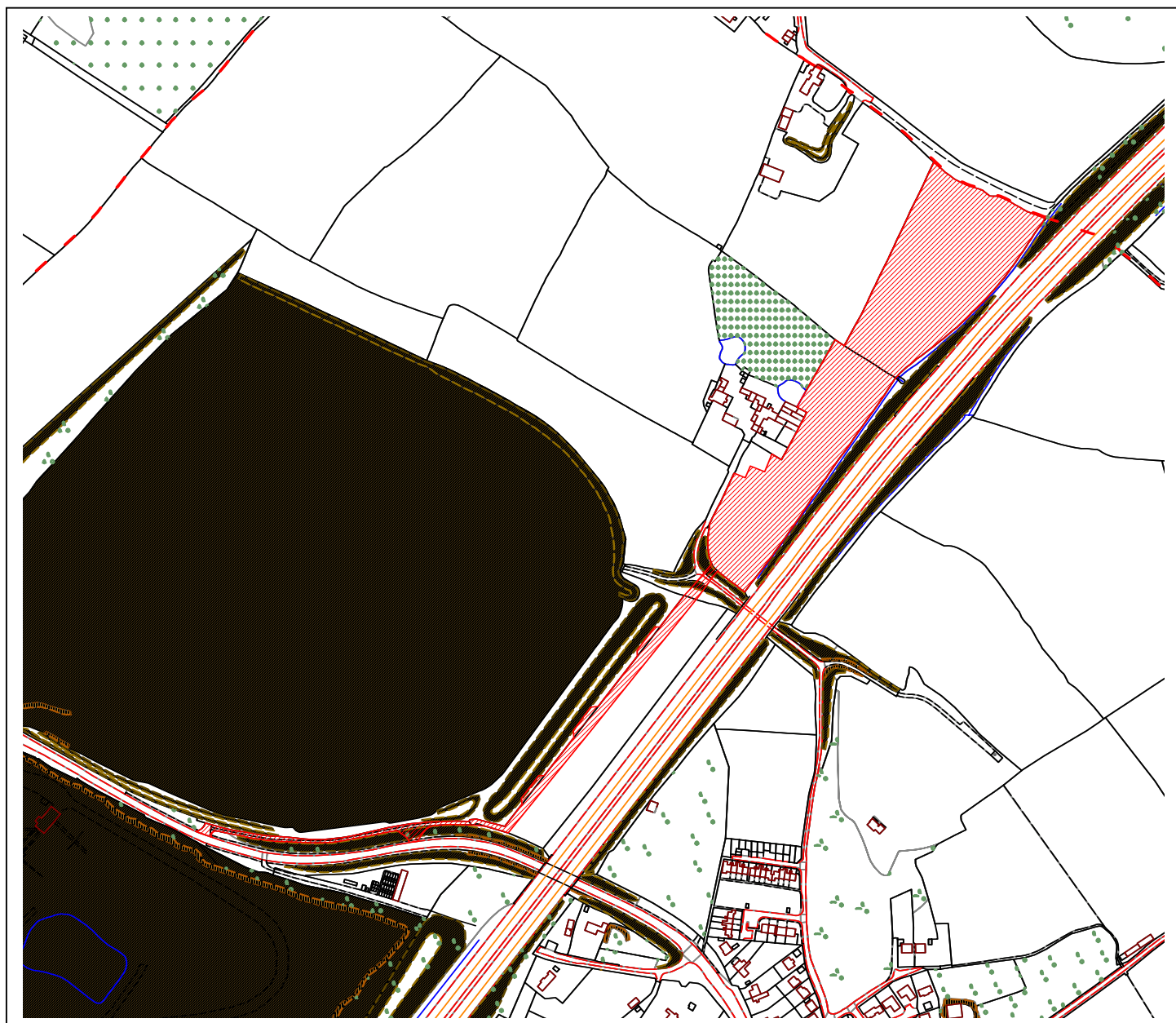
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:

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

## CIRCULATED SCHEDULE NO. 09/07 – 02 MARCH 2007

|                  |                                                                                                 |                   |                             |
|------------------|-------------------------------------------------------------------------------------------------|-------------------|-----------------------------|
| <b>App No.:</b>  | PT05/0489/F                                                                                     | <b>Applicant:</b> | Mr S Gibbs Stover LTD       |
| <b>Site:</b>     | Barmers Lands Farm Woodlands Road Tytherington WOTTON UNDER EDGE South Gloucestershire GL12 8UJ | <b>Date Reg:</b>  | 21st February 2005          |
| <b>Proposal:</b> | Construction of noise and pollution environmental bund.                                         | <b>Parish:</b>    | Tytherington Parish Council |
| <b>Map Ref:</b>  | 66531 89143                                                                                     | <b>Ward:</b>      | Thornbury South             |



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N.T.S

PT05/0489/F

## **1. THE PROPOSAL**

- 1.1 The application seeks permission for the construction of a noise and pollution environmental bund. The purpose of the bund would be to protect the setting of the existing listed farmhouse as well as proposed residential conversions currently under consideration under planning application reference PT05/0826/F and Listed Building application reference PT05/0827/LB. Initial plans submitted illustrated a bund that would be made up of approximately 193,190 cubic metres of inert material, 450 metres in length, between 55 and 85 metres in width to a height of around up to 15 metres. A revised scheme has however been submitted (as a result of concerns which are discussed later in this report) reducing the height of the bund by up to four metres, thus reducing the volume to around 117,215 cubic metres, a reduction of 75,975 cubic metres upon that originally submitted. This would take, at an estimated rate of 30 lorry movements per day, approximately 1.9 years to complete and thereafter further landscaping work would commence for an anticipated period of 5 weeks.
- 1.2 The site itself has been used as pasture and is grassed. Immediately below the location of the proposed bund, to the south-east boundary is the M5 motorway. Immediately to the north-west is the Barmer's Lands Farm complex containing the farmhouse and associated farm outbuildings.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPG1 – General Policies and Principles  
PPS10 – Planning for Sustainable Waste Management  
PPS23 – Planning and Pollution Control  
PPG24 – Planning and Noise
- 2.2 Development Plans  
South Gloucestershire Minerals and Waste Local Plan  
Policy 6 – Landscape Protection  
Policy 16 – Historic Environment  
Policy 21 – Water Resources  
Policy 22 – Residential/Local Amenity  
Policy 24 – Traffic Impact  
Policy 45 – Environmental Bunds

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PT04/0335/F and PT04/0337/LB – Conversion of existing barns to form 4 no. residential/workshop units. Refused 10 March 2004.

## **4. CONSULTATION RESPONSES**

- 4.1 Tytherington Parish Council  
No objection to the proposed access road serving the site, there is concern that

there may be a deflection of noise from the bund directed toward Tytherington and therefore consideration to other locations should be given.

4.2 The Environment Agency

No objections to the proposal subject to recommended conditions relating to protection of the water environment.

4.3 The Highways Agency

The Agency initially issued a holding objection to the proposals on the basis of apparent proximity of the bund to the motorway, the stability of the bund and its gradients plus the drainage of the bund. This issue has now been addressed and the holding objection removed.

4.4 Local Residents

No comments received

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The purpose of the proposal is stated as being to provide noise and environmental pollution protection from nearby properties. These properties at present consist of the existing farmhouse, however the proposal also looks ahead to the prospect of the conversion of some of the farm outbuildings for residential use. A previous proposal for such conversion (PT04/0335/F) was refused for a number of reasons, one such reason being the unacceptable degree of disturbance that would arise from the motorway. This bund would therefore appear to aim to address this single issue. In the meantime there are new planning and Listed Building applications concurrently in the system. It is not considered however that this application can be used as a lever to secure further future development nor that the current consideration of further residential development dictate the outcome. There is no overriding requirement for the conversion of the barns to residential use. It should therefore be judged in its individual context in accordance with any merits it provides against the restrictions of the site. The revised plans were received as a result and in an attempt to address concerns raised regarding the application, particularly in terms of landscape and listed building issues. These issues are addressed below.

5.2 Landscape

It is considered in local landscape terms that the scheme would have a high degree of visual impact on views from surrounding footpaths and from the M5 during the construction period from lorry movements along the access track as well as the construction works of the mound itself, the estimated construction period is around 1.9 years, assuming a reasonable flow and availability of inert material for the bund is readily available, with a further 5 weeks for the completion of further landscaping works.

The completed mound would also have a high degree of visual impact in views from the motorway and surrounding public footpath network. It is considered that the impact of this proposal would be out of keeping with the existing open, gently sloping nature of the land, even in its revised form, due to its height of around 11 metres above existing ground levels, the unnatural shape of the mound and the steepness of the slopes. The degree of harm arising cannot be justified against the scale and extent of potential acoustic improvement. The



proposal is therefore considered incongruous in the landscape and therefore contrary to landscape policy.

### 5.3 Listed Buildings

It is considered that the application represents a substantial structure in proximity to the local landscape and Listed Building setting. The bund would be considered to dominate the landscape and setting of the listed and curtilage listed structures to their detriment. It is therefore considered that the proposals would have a substantial adverse impact upon the setting of the buildings contrary to Listed Building policy.

### 5.4 Ecology

The application site lies in the open countryside (farmland) to the north of Tytherington Quarry. Part of Tytherington Quarry is notified Site of Special Scientific Interest (SSSI). An ecological survey for the area has been undertaken and submitted. Subject to appropriate ecological conditions there are no overriding issues directly associated with the bund in ecological terms.

### 5.5 Highways

The bund proposal in terms of highway access will adopt a separate access/egress arrangement onto Tytherington Rd. The access exists but the egress would need to be formed. Vehicle movements are envisaged to be around 30 per day and at this level of movement it would take 1.9 years to finish the proposal with a further 5 weeks for further landscaping works.

Forward visibility for vehicles approaching from the west towards a standing vehicle waiting to turn into the access appears acceptable. If a vehicle was turning right in from the east the road alignment affects visibility for those approaching from the east. However speeds of vehicles travelling uphill will be reduced. A routing agreement would need to be implemented to ensure vehicles only approached from the west and did not travel through Tytherington Village.

Visibility from the egress however appears sub standard in both directions. Given that this is a derestricted classified highway it is considered that an increase in turning and manoeuvring, especially of large vehicles at this location will interrupt the safe and free flow of traffic adding to the hazards faced by the travelling public to the detriment of highway safety. The application would therefore be unsatisfactory in highways terms.

### 5.6 Environmental Mitigation

It is acknowledged that bunds can offer certain environmental mitigation qualities in certain instances. Indeed Policy 45 of the South Gloucestershire Minerals and Waste Local Plan also provides some policy support and criteria where they may be acceptable providing that the development can be justified. These criteria are (i) that the material used is inert, (ii) that the purpose of the bund is clearly justified (with full technical data where appropriate) and c) the volume of waste deposited is the minimum necessary to achieve the purpose and an appropriate final landform.

In respect of point (ii) it is considered that the applicants have attempted to justify the bund upon a) the presence of an existing residential property and b) the proposal for conversions to create a further four properties. Any future residential conversions however should not be reliant upon first constructing such an unacceptable bund in order to address existing environmental issues

before they are acceptable in principle. Furthermore it is not considered any such acoustic benefit in respect of the site as existing or indeed proposed outweigh the negative impacts and objections as referred to above. The extent and nature of the development in relation to the existing site is in this instance considered to be unjustified and out of proportion in context with the site and its surroundings.

Further to this, in respect of point (iii) it is not considered that the amount of material and therefore the height and size of the bund is the minimum required to achieve satisfactory acoustic benefits and there are unresolved objections on the basis of inappropriateness of such a landform at this location. In this instance therefore it is not considered that the size of the bund is justified as a measure in terms of what it can achieve at the site or any benefits put forward, and that combined with the outstanding objections as referred to in the sections above is unacceptable. The inappropriateness of the landform is not outweighed by any mitigating factor.

Furthermore, it has not been established that the proposed environmental bund the subject of this application represents the best and only option to secure appropriate noise attenuation measures having regard to listed building design and landscape issues. It is considered that other noise attenuation options should be developed for further assessment, without the bund application, to support the scheme for the barn conversion.

## **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 decision to recommend refusal of permission has been taken having regard to the policies and proposals in the South Gloucestershire Minerals and Waste Local Plan, set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 That planning permission is Refused.

**Background Papers**      **PT05/0489/F**

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

## **REFUSAL REASONS**

1. The development would represent a significant and intrusive element in the local landscape, creating an incongruous landform within the open rural character of the area, contrary to Policy 6 of the South Gloucestershire Minerals and Waste Local Plan.

2. The development would dominate the landscape setting and have a substantial adverse impact upon the setting of the adjacent listed and curtilage listed buildings contrary to Policy 16 of the South Gloucestershire Minerals and Waste Local Plan.
3. The development would create an egress with substandard visibility on a classified derestricted highway. There will also be a consequential increase in turning and manouevring of large vehicles at both the access and egress points. This will interrupt the safe and free flow of traffic adding to the hazards faced by the travelling public to the detriment of highway safety and contrary to Policy 24 of the South Gloucestershire Minerals and Waste Local Plan.
4. It is not considered that the development, taking into account its volume, length, scale and height, can be justified in context with the existing site and its surroundings and is therefore contrary to Policies 6, 16 and 45 of the South Gloucestershire Minerals and Waste Local Plan.

**CIRCULATED SCHEDULE NO. 09/07 – 02 MARCH 2007**

**App No.:** PT07/0116/F  
**Site:** 82/84 Woodend Road  
 Frampton Cotterell BRISTOL  
 South Gloucestershire BS36 2LQ  
**Proposal:** Erection of pitched roof over existing flat roof to facilitate conversion of existing dwelling and shop to form 2 no. flats and 1 no. house with car parking and associated works.  
**Map Ref:** 67346 81289

**Applicant:** Mr A R Cake  
**Date Reg:** 16th January 2007  
**Parish:** Frampton Cotterell Parish Council  
**Ward:** Frampton Cotterell



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**N.T.S**

**PT07/0116/F**

## **INTRODUCTION**

This Application appears on the circulated schedule because objections have been received from the Parish Council and neighbours.

### **1. THE PROPOSAL**

- 1.1 Full planning permission is sought for the change of use of a house and shop to a house and two flats. Specifically, the shop is proposed to be converted to a dwelling, with associated physical changes including the erection of a pitched roof, and the existing house is proposed to be converted into two flats.
- 1.2 The site is located within the settlement boundary of the village.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

|       |                                    |
|-------|------------------------------------|
| PPS1  | Delivering Sustainable Development |
| PPS3  | Housing                            |
| PPG24 | Planning and Noise                 |

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

|      |                                                                                          |
|------|------------------------------------------------------------------------------------------|
| D1   | Achieving Good Quality Design in New Development                                         |
| H2   | Proposals for Residential Development within Urban Area or Defined Settlement Boundaries |
| H4   | Development within Existing Residential Curtilages                                       |
| H5   | Residential Conversions                                                                  |
| T7   | Cycle Parking                                                                            |
| T8   | Vehicle Parking                                                                          |
| T12  | Transportation Development Control Policy for New Development                            |
| EP1  | environmental pollution                                                                  |
| EP4  | Noise sensitive development                                                              |
| RT11 | Retention of local shops                                                                 |

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

- 3.1 P95/1983 Alterations and extensions to existing shop and erection of domestic conservatory. New pitched roof to part of dwelling. Refused on grounds of overdevelopment of site. Proposed building much bigger than current proposal.
- 3.2 P95/2605/F Alterations and extensions to existing shop and erection of domestic conservatory. New pitched roof to part of dwelling. Approval. This was partially built (front of shop and conservatory to house) and as such the remainder of the work can be carried out there after
- 3.3 PT05/1932/F Demolition of existing workshop, store and shop to facilitate erection of new dwelling. Refused due to the form of the development proposed which would have been detrimental to the amenities of the neighbours.
- 3.4 PT05/3232/F Demolition of existing workshop, store and shop to facilitate erection of new dwelling (Resubmission of PT05/1932/F)  
Approved 3/3/05

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

##### **4.1 Frampton Cotterell Parish Council**

Objection raised on the grounds of increase in traffic at a dangerous location near to a school.

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

One local resident has supported the scheme on the grounds that the use of the shop as a dwelling will improve the traffic congestion that the shop previously caused at this road junction and will have an acceptable appearance.

Two letters of objection have been received.

One states that the application should be classed as the retrospective because some of the structural work has already commenced.

The same household has objected to the scheme on the following grounds:

- a) The unit does not fall within the categories of either low cost or affordable housing.
- b) A one bed flat normally means to have people in order to cover rent, and two people normally equates to two cars therefore proposed parking is insufficient
- c) There will still be access issues bearing in mind close proximity to school and business next door and questions whether a risk assessment has been undertaken
- d) There will not be a considerable reduction in traffic from the use as a DIY shop as most users came by foot and heavy goods vehicles were seldom used

The other objects on the grounds of access and parking and increased congestion.

##### **4.3 Local Commercial Property**

The Manageress of the property objects on the grounds of increased traffic generation and parking to the detriment to the shop and other premises

##### **4.4 Sustainable Transport**

Given that the site has the potential to generate higher levels of traffic and the access is extant, subject to conditions relating to boundary treatment there is no basis for a transportation objection on this occasion.

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

##### **5.1 Principle of Development for Residential Purposes**

The site lies within the development boundary of Frampton Cotterell and as such new dwellings are acceptable in principle, under Policy H2 of the adopted plan, providing that criteria relating to environmental and transportation effects, residential amenity and that the site would not be subject to unacceptable pollution or place undue strain on public facilities. In addition to this Policy H5 deals with conversions of existing residential properties into smaller units of accommodation and of non-residential properties to residential use.

##### **5.2 Policy H5 of the adopted South Gloucestershire Local Plan establishes that the conversion of existing residential properties both into smaller units of self-**

contained residential accommodation and the conversion of non-residential properties to residential use will be permitted provided that they do not prejudice the character of the surrounding area nor the amenity of nearby occupiers, identifies an acceptable level of offstreet parking, and would provide adequate amenity space.

5.3 In this instance it is considered that the character of the surrounding area would not be harmed as, firstly the conversion into flats has been designed in such a way that the house to be divided would not appear significantly different to the existing house and it is considered that the amenity of nearby occupiers would not be materially harmed by the use of the house as flats as it is located away from nearby dwellings, being located on a corner. No private amenity space would be provided for these units but it is not considered that this would be grounds for refusal of the proposal. Parking issues are addressed below under Transportation Issues. With regard to the conversion of the shop, this is closest to the new house approved under reference PT05/3232/F. Given the existence of first floor windows to residential accommodation above the shop it is considered that the situation would differ little if permission is given to the conversion of the premises. It is considered that the degree of any loss of amenity from the provision of parking to the side of its garden would not be of a level to cause material harm. A small area of garden would be provided to the side of the unit.

#### 5.4 Loss of Retail Unit

With regard to the loss of a shop unit, this issue has been considered, with regard to Policy RT11 (and its predecessor RT10 prior to adoption) under the applications in the History section of this report. It was previously decided that although the loss of a specialist DIY store is regrettable, there is no planning legislation to facilitate the retention of a specific type of shop. As there was, and still is, a range of retail uses nearby the loss of this retail shop unit was not and is not now challenged. Since the permission PT05/3232/F has been commenced (the house has been erected) the permission to change the use of the shop is still live.

#### 5.5 Transportation

The proposal to change from a shop to a dwelling is acceptable as it will result in less traffic generation. The history of use mentioned by the objector is not relevant to the determination of this application as it is the potential use from an A1 retail outlet, which must be considered and compared to that of two additional dwelling units. The vehicular access to be used is that utilized in connection with the workshop/ store and is therefore extant.

The objection raised concerning the number of people that would occupy the flats is not pertinent as the Planning Authority cannot assume a 'worst case scenario', but rather work on average car usage for residential units.

#### 5.6 Visual Amenity

It is considered that the appearance of a ridged roof represents an improvement to the appearance of the building and that the small single storey additions proposed would not be out of keeping with it or the other buildings in the locality.

5.7 Other issues

The issue of whether or not the unit is affordable is not relevant in this instance as the site is not required to make provision for affordable housing.

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).

5.9 Section 106 Requirements

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

**6. CONCLUSION**

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

6.2 The 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 be granted subject to the following conditions:

**Background Papers      PT07/0116/F**

**Contact Officer:    Anja Mellergaard**  
**Tel. No.                01454 863431**

**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. 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, and E) 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 [and to protect the residential amenity of the neighbouring occupiers] and to accord with Policy D1 H4 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

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

4. Any boundary treatment shall not exceed 0.6 metre at the access to the site and the surface of the parking area shall be of bound material.

Reason(s):

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

5. No doors or gates shall be hung at the access.

Reason(s):

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

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

Reason(s):

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

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

Reason(s):

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. 09/07 – 02 MARCH 2007**

**App No.:** PT07/0157/F

**Applicant:** J P D  
Developments

**Site:** 76 Station Road Filton BRISTOL  
South Gloucestershire BS34 7JJ

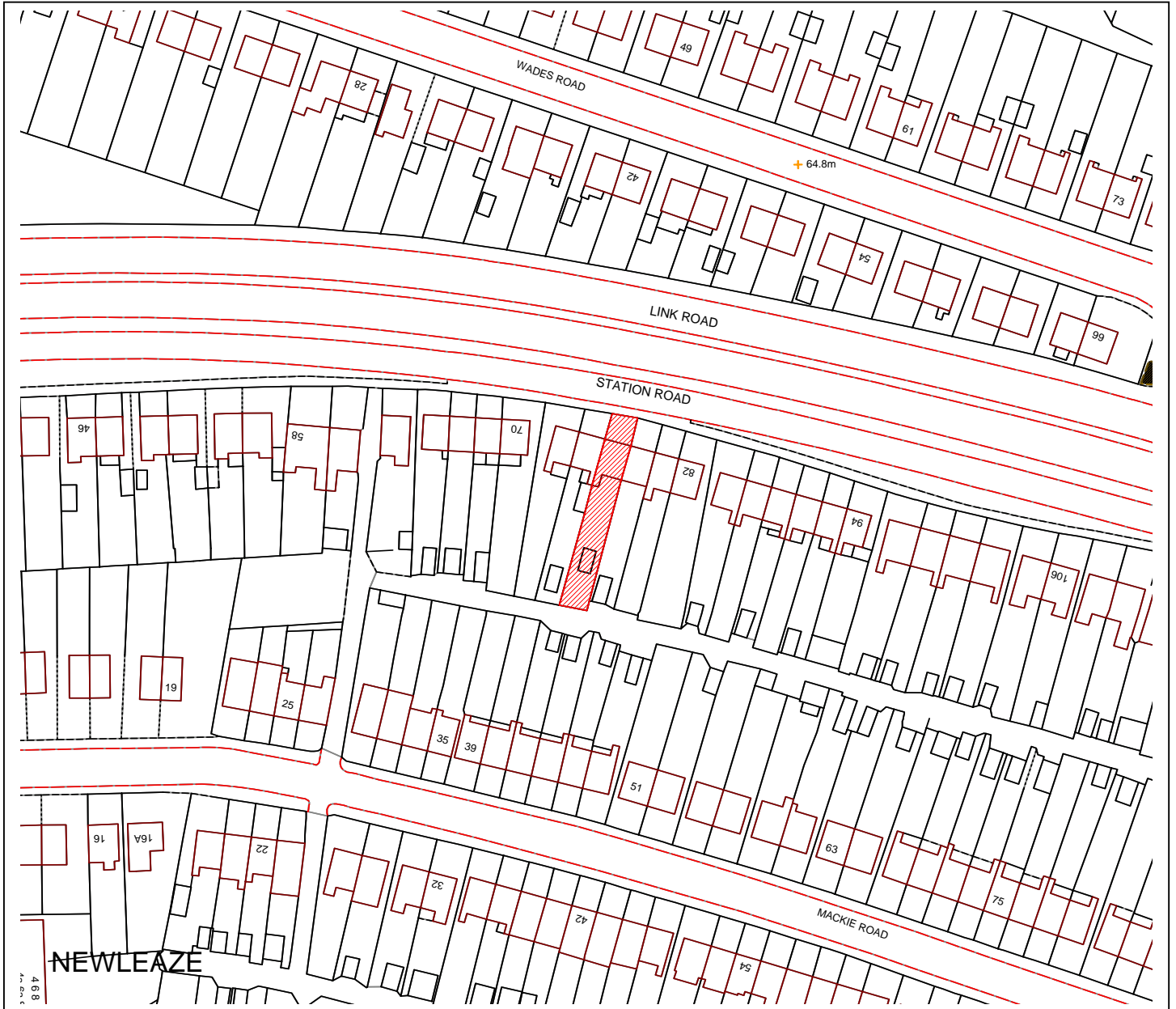
**Date Reg:** 22nd January 2007

**Proposal:** Erection of rear extension to ground floor  
flat to provide kitchen and bedroom

**Parish:** Filton Town Council

**Map Ref:** 60660 79021

**Ward:** Filton



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**N.T.S**

**PT07/0157/F**

The application appears on the Circulated Schedule following the receipt of one objection letter from a neighbour.

## **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of a rear extension to a ground floor flat to provide an extended kitchen and bedroom. The extension would have a depth of 3 metres.
- 1.2 The application site relates to a mid-terrace dwelling fronting Station Road which in turn faces onto the Link Road. The rear has a long thin garden with garage at the rear. There is a small front garden, there are examples within the street where the front garden has been paved over to provide off-street parking.
- 1.3 In 2006 planning permission was received that allowed for the conversion of one dwelling, into two independent flats. As part of this application it was conditioned that two off street car parking spaces be provided at the site.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design  
H4 Development within the Residential Curtilage  
T12 Transportation Development Control Policy

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PT06/1340/F Conversion of dwelling to form two one bedroom flats and erection of cycle store. Approve with conditions

## **4. CONSULTATION RESPONSES**

- 4.1 Filton Town Council  
No objection in principle but concern over potential loss of light for neighbours
- 4.2 Local Residents  
One letter of objection received, in summary:
  - a) Extension may exacerbate problems with tenants next door
  - b) Increased noise and anti-social behaviour
  - c) Waste build up, South Gloucestershire should provide additional bin collection for the property
  - d) May impact own extension wall, damage fibreglass flat roof

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for extensions to residential dwellings subject to there being no adverse impact on the existing residential and visual amenities, and the maintenance of highway safety.

## 5.2 Residential Amenity

The proposal is to assess the proposed rear extension onto a ground floor flat conversion. The conversion of a dwelling into two flats was approved under PT06/1340/F. This application seeks permission for a rear extension, which would allow for an extended kitchen area, and an additional bedroom. The extension would have a depth of 3 metres, and would feature a lean-to roof. In the rear would be a door providing access to the rear garden, and a window serving the bedroom. It was indicated that the garden was for the use of the ground floor flat only, therefore the bedroom would only overlook land within their use, as such would not result in a loss of privacy.

It is considered due to the depth and design of the proposal the extension would not result in an overbearing impact for neighbours.

Concern has been raised that the extension is close to the boundary. The proposed extension is within ownership of the applicant, with certificate A being signed. Therefore there is no encroachment on the land. Should there be boundary issues between neighbours, or accessibility to side walls this would become a civil matters between the owners, as such falls outside of the materials considerations for determining this application.

## 5.3 Design/ Visual Amenity

The lean-to extension is proposed to match materials with the existing. Overall the design is considered in keeping with the dwelling, and pattern of development in the locality.

## 5.4 Transportation

The application site allows for two-off street parking spaces, which is secured through a condition on PT06/1340/F, and additionally provides cycle storage. The site is located in the Bristol North Fringe, and has good access to public transport services. It is considered that due the provision for off-street parking and cycle storage, the addition of one bedroom would not result in an unacceptable pressure on the highway system, and is satisfactory in highway terms.

## 5.5 Other Issues

An objector has raised a number of concerns that cannot be controlled or materially considered through this application. Increasing the number of bin collections is not considered appropriate in this instance. Refuse collection was previously considered in the approval of PT06/1340/F a condition was added ensuring appropriate storing of bins for both flats, in relation to the Councils twin bin system.

Anti-social behaviour and noise associated with this are covered under separate legislation for nuisance and is not considered material in determining the proposal for a single storey rear extension.

## 5.6 Section 106 Requirements

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

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

## **6. CONCLUSION**

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

**Background Papers**      **PT07/0157/F**

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

## **CONDITIONS**

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

Reason(s):

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

**CIRCULATED SCHEDULE NO. 09/07 – 02 MARCH 2007**

|                                                                                                                   |                                               |
|-------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| <b>App No.:</b> PT07/0164/F                                                                                       | <b>Applicant:</b> Nationwide Building Society |
| <b>Site:</b> Filton Park Service Station 31-39 Gloucester Road North Filton BRISTOL South Gloucestershire BS7 0SH | <b>Date Reg:</b> 22nd January 2007            |
| <b>Proposal:</b> Installation of new ATM and 2 bollards                                                           | <b>Parish:</b> Filton Town Council            |
| <b>Map Ref:</b> 59881 78331                                                                                       | <b>Ward:</b> Filton                           |



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**N.T.S**

**PT07/0164/F**

## **INTRODUCTION:**

This application appears on Circulated Schedule as there is an objection from a local resident and the report recommendation is for approval.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the installation of an ATM machine and two security bollards. The ATM machine will be placed on the main elevation of the shop associated with the petrol station. The petrol station is on the Gloucester Road, within the main built up area of Filton.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Communities
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance  
Design Checklist (Draft)

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

- 3.1 None relevant to this application

### **4. CONSULTATION RESPONSES**

- 4.1 Filton Town Council: No objection to the proposal
- 4.2 Local Residents:  
One letter has been received from a local resident objecting to the proposal on the following grounds:
- a) The forecourt is too small
  - b) The development will give rise to traffic hazard
  - c) People will visit the site to use the ATM machine and not purchase petrol
  - d) There are other examples in the area where this form of development causes a traffic hazard.

(NB....This objection was received outside the standard consultations period)

- 4.3 Sustainable Transport:  
No objection to the proposal

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

- 5.1 Principle of Development  
When assessing an application such as this the primary issues are its overall impact in terms of its appearance and its impact upon the amenity of the surrounding properties. The development should also not have a negative impact on the Highway network. This advice is given in policy D1 of the South Gloucestershire Local Plan. In terms of Highway impacts further advice is

contained in Policy T12 Transportation Development Control Policy for New Development.

5.2 Design / Visual appearance

It is considered that the overall design and visual appearance of the proposed ATM machine and security bollards are acceptable and fits in well with its surroundings. The development fits in well with the main shop frontage. Development of the type proposed is a common occurrence within the British landscape. Consequently it is considered that proposed ATM machine is acceptable in design and appearance terms.

5.3 Amenity Issues.

It is considered that given the nature of the proposal and its location the development will not give rise to any issues in respect to the amenities of surrounding properties.

5.4 Transportation

It is considered that the proposed development will not give rise to any transportation concerns. At the time of the site visit there was a number of cars and a lorry on the forecourt but each was able to move around unhindered.

5.5 Other issues

The objection letter raised the issue of other ATM machines in the area, this is not a planning matter but a commercial decision by the banks / building societies.

5.6 Design and Access Statement

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

5.7 Section 106 Requirements

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

## 6. CONCLUSION

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

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



## **7. RECOMMENDATION**

7.1 Planning permission is granted subject to the following conditions.

**Background Papers**      **PT07/0164/F**

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

### **CONDITIONS**

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

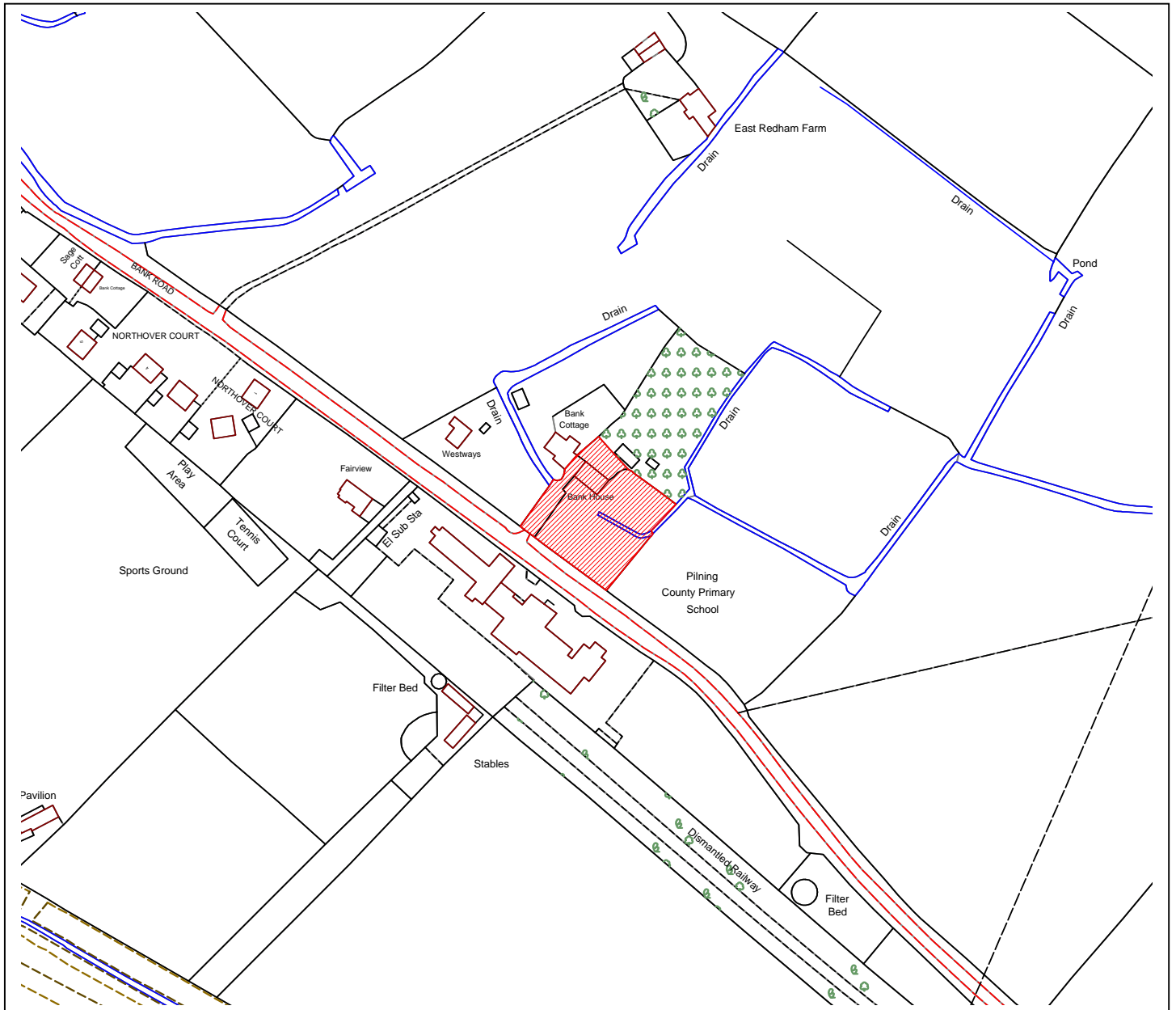
Reason(s):

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

**CIRCULATED SCHEDULE NO. 09/07 – 02 MARCH 2007**

**App No.:** PT07/0202/F  
**Site:** Bank House Bank Road  
 Pilning BRISTOL  
 South Gloucestershire BS35 4JG  
**Proposal:** Erection of two storey side extension to  
 provide bedsit with bedroom above.  
**Map Ref:** 56222 84932

**Applicant:** Mr R G F Nelson  
**Date Reg:** 25th January 2007  
**Parish:** Pilning and Severn  
 Beach  
**Ward:** Pilning and Severn  
 Beach



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**N.T.S**

**PT07/0202/F**

This application has been placed on the Circulated Schedule as the council has received a consultation response that supports the application contrary to the Council officers opinion.

## **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the erection of a two-storey side extension, to form an annexed bed-sit on the ground floor, with a large bedroom on the first floor to serve the main house.
- 1.2 The reasoning behind the application is that the applicant is elderly and in need of care, thus by creating the bed-sit, a carer can live in the property with him. The intention is for the applicant to live in the bed-sit and the carer to live in the rest of the property.
- 1.3 The application site subject to this application is a traditional detached dwelling, outside the established settlement boundary of Pilning and Severn Beach. The stone building is rectangular in form with a large cat slide roof at the rear. The building is located within the Bristol and Bath Green Belt and in the Flood Zone for the River Severn.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

|       |                                    |
|-------|------------------------------------|
| PPS1  | Delivering Sustainable Communities |
| PPG2  | Green Belts                        |
| PPG3  | Housing                            |
| PPG25 | Development and Flood Risk         |

### **2.2 Joint Replacement Structure Plan**

|           |            |
|-----------|------------|
| Policy 16 | Green Belt |
| Policy 24 | Flooding   |

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

|     |                                                               |
|-----|---------------------------------------------------------------|
| D1  | Design                                                        |
| GB1 | Green Belt                                                    |
| H4  | House Extension                                               |
| T12 | Transportation Development Control Policy for New Development |
| EP2 | Flood Risk and Development                                    |

## **3. RELEVANT PLANNING HISTORY**

- 3.1 N7389 Erection of portico and vestibule to side elevation....Approved
- 3.2 N7389/1 Erection of double garage ....Approved
- 3.3 PT00/2981/F Erection of two storey rear extension ...Refused at appeal

The application was refused on Green Belt, and impact upon the visual appearance of the area.

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

##### **4.1 Pilning and Severn Beach Parish Council:**

Have submitted a letter indicating broad support for the proposal on the grounds that:

- a) The development is only partially visible from the road
- b) The design of the proposal is stylish
- c) The proposal is to meet an identified need
- d) A precedent has been set by a neighbouring property.

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

No response received

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

##### **5.1 Green Belt**

PPG2 - Green Belts carries a presumption against 'inappropriate development' within the Green Belt. Inappropriate development is defined in PPG2 as development, which is harmful to the Green Belt. Such development should not be approved except in very special circumstances. PPG2 identifies the extension or alteration of a dwelling, as appropriate development provided that it does not result in a disproportionate addition over and above the size of the original building.

Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to resist inappropriate development within the Green Belt, and to ensure that new development will not have an adverse impact on the visual amenity or compromise the openness of the Green Belt.

The proposed extension would result in an approximate 46.3% increase in the volume of the building, over the size of the original house. This is within the upper limit of what is considered to be proportionate extensions. Extension between 30 and 50 % of the original extension are not inappropriate in the Green Belt, provided they would not appear out of scale and proportion to the original building. The above figures are outlined in the Draft SPD on Green belt. Given the setting, size and form of the existing dwelling an extension of this size is considered to be proportionate when compared to the original property. Consequently it considered that the development of this size would not impact upon the openness and character of the Green Belt in this location. As such it would comply with the criteria for development in the Green belt.

##### **5.2 Design and Residential Amenity**

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 specifically relates to residential development including extensions to dwellings. It states that any development should be in keeping with the character of the property and the area generally in terms of size, design and materials and that residential amenity should not be adversely affected by the proposal.

##### **5.3 Design**

It is considered that in this instance the design of the proposed extension is out of character with the appearance of the original dwelling. Extensions to dwellings should normally appear subservient and integrate with the existing dwelling. However in this instance this extension does neither. The extension will appear as separate building given its external appearance and location. It

takes a completely different building line and building form to the rest of the property. Also given the design of the extension it does not integrate well with the existing property. Consequently the proposal detracts from the visual amenities of the area. A more simple gable extension would have been more sympathetic to the original building and would have made integration easier. Also given the size and location of the proposed extension it will not be seen as being subservient. The extension is therefore an incongruous feature and is out of character with the scale of the original dwelling.

#### 5.4 Residential Amenity

This proposal would not impact upon the living conditions of any of the adjoining properties. Its size and design ensure that the proposal does not have an overbearing impact on the surrounding properties nor does it result in an impact on their privacy. No windows are proposed which directly over look adjacent properties. Therefore residential amenity is not affected.

#### 5.5 Flood Risk

Given the location of the site on the Severn Levels the site is low lying and susceptible to flooding. Standing advice from the Environment Agency in respect of flood risk (domestic extensions) is that a Flood Risk Assessment is submitted where appropriate. In this instance the proposal has been classified as being a low level risk using the Environment Agency's Flood Matrix. They do not require a formal Flood Risk Assessment but do request the following, ground floor levels will be no lower than those already existing at the dwelling, and flood proofing is recommended including high level electrical services etc. However a refusal on these grounds could not be substantiated.

#### 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, neither planning conditions nor planning obligations are appropriate as the application is recommended for refusal.

### 6. CONCLUSION

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

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

### 6. RECOMMENDATION

Planning permission be refused for the following reasons.

**Background Papers**      **PT07/0202/F**

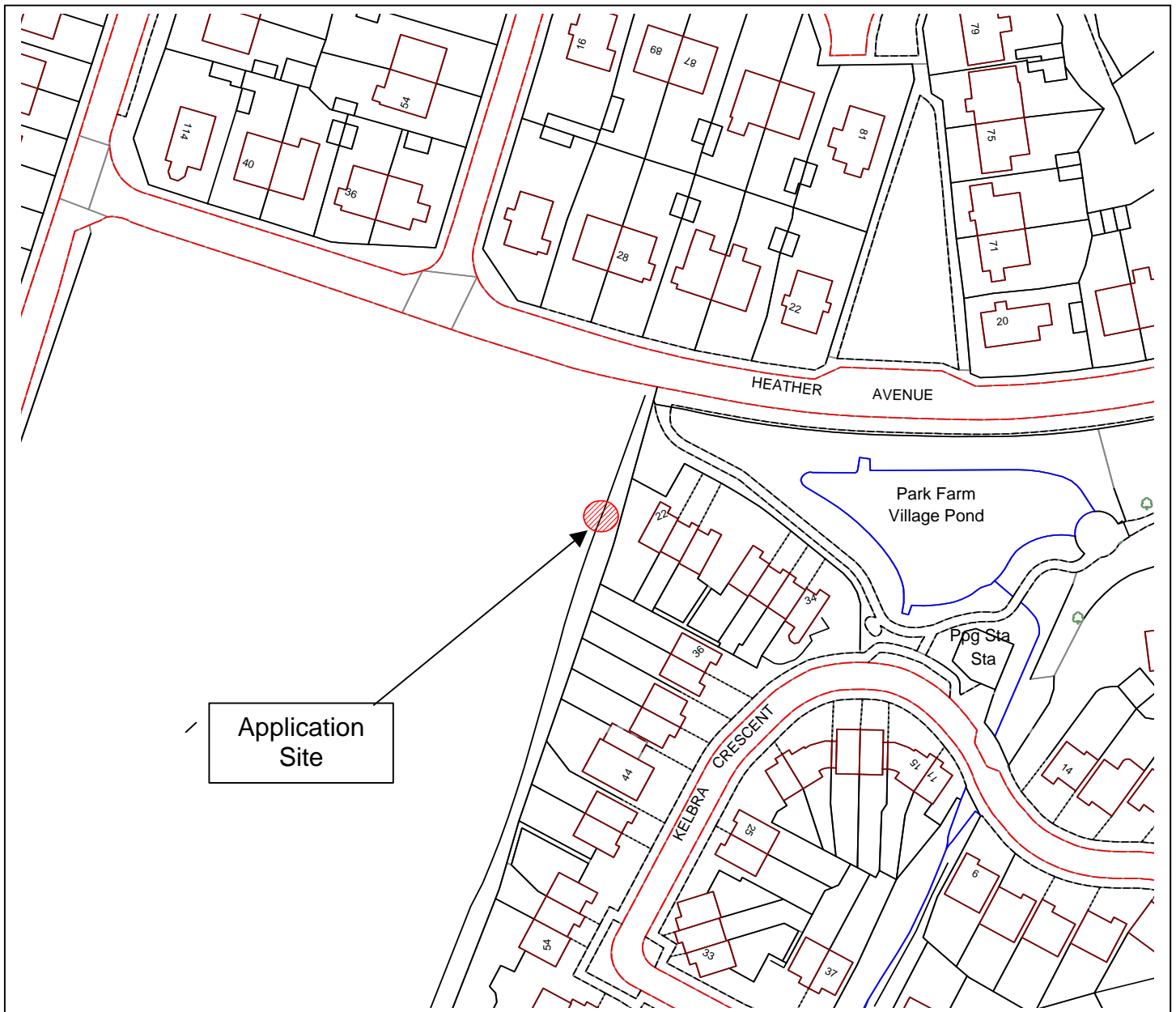
**Contact Officer:**    **Gareth John**  
**Tel. No.**                **01454 863438**

**REFUSAL REASONS**

1. The proposed extension, by reason of its design and external appearance, would be out of keeping with the existing dwellinghouse and other nearby properties and, if allowed, would have a detrimental effect on the visual amenities of the locality. The proposal is therefore considered contrary to Policy H4 of the South Gloucestershire local Plan.

**CIRCULATED SCHEDULE NO. 09/07 – 02 MARCH 2007**

|                  |                                                                                                                                                                                       |                   |                                      |
|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|--------------------------------------|
| <b>App No.:</b>  | PT07/0220/TRE                                                                                                                                                                         | <b>Applicant:</b> | Mr & Mrs Purchase                    |
| <b>Site:</b>     | Public Footpath adj. 22 Kelbra Crescent<br>Frampton Cotterell BRISTOL<br>South Gloucestershire BS36 2TS                                                                               | <b>Date Reg:</b>  | 26th January 2007                    |
| <b>Proposal:</b> | Works to cut back 1 no. oak tree covered<br>by South Gloucestershire District Council<br>(Land at Park Farm, Frampton Cotterell)<br>Tree Preservation Order dated 31<br>October 1996. | <b>Parish:</b>    | Frampton Cotterell<br>Parish Council |
| <b>Map Ref:</b>  | 66747 80939                                                                                                                                                                           | <b>Ward:</b>      | Frampton Cotterell                   |



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**N.T.S**

**PT07/0220/TRE**

This application appears of the Circulated Schedule as a result of the neighbour objection.

## **1. THE PROPOSAL**

- 1.1 The application seeks permission to remove one of three stems of an oak tree situated alongside but outside the garden of 22 Kelbra Crescent.
- 1.2 The applicant is not the owner of the tree and whilst this report considers the merits of the works under Town Planning legislation it does not give consent to enter the land where the tree exists nor does it confer the right to carry out the act to the tree.
- 1.3 The site is located on the edge of the settlement boundary of Frampton Cotterell.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
L1 Landscape Protection and Enhancement

## **3. RELEVANT PLANNING HISTORY**

- 3.1 none relevant

## **4. CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Parish Council  
No objection as long as the works area carried out to the satisfaction of the Council's Arboroculturalist.
- 4.3 Tree Officer  
The tree is a mature oak growing in an old hedgerow between the property and open farmland.  
The tree splits into three main stems one of which is growing over the boundary fence towards the property. This limb is growing over the decking area in the rear garden preventing its use, there is also a risk of the limb failing as it increases in size.  
  
If the limb were removed it would not greatly alter the appearance of the tree as the two remaining limbs have an upright habit creating a canopy above the lower limb.
- 4.4 Rights of Way  
The proposed would not affect a Public Right of Way
- 4.5 Local Residents  
One letter of objection has been received regarding the following points
  - a) The developer should not have built close to the trees if there was a chance of future nuisance
  - b) Important wildlife habitat
  - c) Detract from amenity of natural environment of the footpath
  - d) Does not pose threat to safety.



The Ramblers Association suggest that a Temporary Traffic Regulation Order might be appropriate.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to conserve and enhance the character, quality and amenity of the landscape and to retain and protect trees which contribute to the overall character or distinctiveness of the area.

### **5.2 Consideration of Proposal**

The oak tree is one of many trees located in the hedgeline outside of the applicant's property. As the tree has three stems and the one proposed to be removed is located furthest from the footpath/open countryside its removal would cause no loss of amenity to the hedgeline and minimise impact on wildlife.

The Council's Tree Officer has visited the site and does not object to the proposal.

The visual enjoyment of the footpath next to the tree will be unaffected by the loss of the stem.

An informative is attached relating to the Traffic Regulation Order, should it be needed.

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

7.1 That permission be granted subject to the following conditions.

**Background Papers      PT07/0220/TRE**

**Contact Officer:    Karen Hayes**  
**Tel. No.                01454 863472**

## **CONDITIONS**

1. The works hereby authorised shall be carried out within two years of the date on which consent is granted.

Reason(s):

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

2. The works hereby authorised shall comply with British Standard 3998: 1989 - Recommendations for Tree Work.

Reason(s):

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

**CIRCULATED SCHEDULE NO. 09/07 – 02 MARCH 2007**

|                  |                                                                                                                                                                            |                   |                              |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|------------------------------|
| <b>App No.:</b>  | PT07/0227/TRE                                                                                                                                                              | <b>Applicant:</b> | The Stoke Park Consortium    |
| <b>Site:</b>     | Public Footpath Off Lutyens Close<br>Stoke Park<br>South Gloucestershire                                                                                                   | <b>Date Reg:</b>  | 29th January 2007            |
| <b>Proposal:</b> | Felling of 3 no. and Works to 6 no. trees to include Ash, Field Maple and Willow, covered by South Gloucestershire Tree Preservation Orders 10/90 dated 8th December 1991. | <b>Parish:</b>    | Stoke Gifford Parish Council |
| <b>Map Ref:</b>  | 61990 77587                                                                                                                                                                | <b>Ward:</b>      | Stoke Gifford                |



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**N.T.S**

**PT07/0227/TRE**

This application appears on the Circulated Schedule after the receipt of an objection from a local resident and comment of concern from the Stoke Gifford Parish Council.

## 1. **THE PROPOSAL**

- 1.1 The applicant seeks consent for works to nine trees protected by Tree Preservation Order 10/90. The affected trees are Ash, Field Maple and Willow. The works are required for health and safety and the ongoing management of the trees.

The proposed works are listed below and identified on the plan:

- a) Tree T1 (Ash) – Shorten damaged lib growing towards garage. Remove dead wood from canopy
  - b) Tree T2 (Ash) – Reduce canopy by 25% and dead wood throughout
  - c) Tree T3 (Ash) – Fell due to weak/damaged trunks leaving smaller third stem standing
  - d) Tree T4 (Field Maple) – Coppice 2no. damaged trunks leaving smaller third stem standing.
  - e) Tree T5 (Ash) – Remove deadwood throughout
  - f) Tree T6 (Ash) – Remove deadwood throughout
  - g) Tree T7 (Ash) – Remove lower limb overhanging no. 16 Lutyen Close
  - h) Tree T8 (Ash) – Fell due to close proximity to no.118 Jellicoe Avenue
  - i) Tree T9 (Willow) – Fell due to close proximity to no.118 Jellicoe Avenue
- 1.2 The application site comprises a series of nine trees alongside a public footpath off Lutyens Close, to the east of Hermitage Wood, Stoke Park. Hermitage Wood has been designated as a Site of Nature Conservation Interest (SNCI) for its ancient semi-natural woodland interest.

## 2. **POLICY CONTEXT**

- 2.1 National Guidance  
PPS1: Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
L1: Landscape Protection and Enhancement  
L9: Protected Species

## 3. **RELEVANT PLANNING HISTORY**

- 3.1 There have been following five application for works to trees on this site:
- a) PT05/3110/TRE – *Approved*
  - b) PT04/1162/TRE – *Approved*
  - c) PT00/1634/TRE – *Approved*
  - d) PT00/1634/TRE – *Approved*
  - e) P98/2873/T – *Approved*

## 4. **CONSULTATION RESPONSES**

- 4.1 Stoke Gifford Town Council  
The Council is concerned with the proposal for Tree T2, as the tree is already much reduced. It is also thought that there should be some new planting in the hedge.

- 4.2 Tree Officer  
No objection
- 4.3 Public Rights of Way Officer  
No objection providing a full risk assessment is undertaken prior to any works including the display of site notices warning the works are being undertaken.
- 4.4 Ecologist  
There are no ecological constraints to granting consent.
- 4.5 Local Residents  
One letter of objection has been received. The grounds of objection are as follows:
- a) The trees enhance the area and it would be a great loss to fell the trees.
  - b) The proposed works would be detrimental to wildlife inhabiting the trees.
  - c) The application states the trees are near to dwellings and pose a health and safety risk, however when they were built four years ago they were deemed safe.
  - d) Unclear of the reasons why a protected tree can be felled when it is not clear that the tree is dying, dead or dangerous.

## 5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development  
Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to conserve and enhance the character, quality and amenity of the landscape and to retain and protect trees which contribute to the overall character or distinctiveness of the area.

Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to protect nationally or internationally protected species of flora or fauna, or species or habitats listed in the national, regional or local biodiversity action plans.

- 5.2 Consideration of Proposal  
The proposed works involve removal of dead wood and branches from six trees and the felling of three trees. The applicant has stated that the works are required to reduce the health and safety risk posed to the adjacent footpath and nearby dwellings and the on going management of the retained trees. The Council Tree Officer has assessed the proposed works in this application and has raised no objections to the proposed works.

It is proposed to fell a large Ash tree (T3) sited at the end of a row of trees lining the footpath. It is considered that the removal of this specimen would not adversely harm the overall character of the area. This is because this tree would be removed from end of the row and prevailing character of the line of trees would remain. It is also proposed to fell an Ash (T8) and a Willow (T9) sited near to no.118 Jellicoe Avenue to reduce the health and safety risk posed to the dwelling. It is considered that the removal of these specimens would detract from the character area or distinctiveness of the area.

It is proposed to undertake remedial tree works to six trees (T1, T2, T4, T5, T6 and T7) these works would not be considered to harm the character or distinctiveness of the surrounding area.

### 5.3 Health and Safety

The Councils Public Rights of Way Officer stated in their representation that a full Risk Assessment should be carried out prior to any works. It is recommended that this be secured through a condition.

### 5.4 Ecological Issues

The application site is located to the east of Hermitage Wood, Stoke Park that is designated as a Site of Nature Conservation Interest (SNCI). The main ecological issues would be to the proposals affect on nesting birds and bats. Notwithstanding the neighbour's objection to the proposals detrimental affect on wildlife inhabiting the trees, the Councils Ecologist has stated that the proposed works would have no ecological constraints.

An informative is recommended to ensure the proposed works do not have an adverse affect on any protected species (e.g. Bats) inhabiting the site. The informative would advise the applicant that specialist advice should be sought if there is any suggestion that the site is occupied by a protected species. It is also suggested that an informative is attached informing the applicant that all native species of birds are protected under Section 1 of the Wildlife & Countryside Act 1981 (as amended) and the CROW Act 2000 while on a nest or building a nest.

### 5.5 Other Issues

A neighbour was unclear why a protected tree can be felled when it is not clear that the tree is dying, dead or dangerous. However, the Councils Tree Officer confirmed in their representation that the works were required for health and safety reasons.

### 5.6 Section 106 Requirements

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

7.1 Planning permission to be granted subject to the following conditions:

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

**CONDITIONS**

1. The works hereby authorised shall be carried out within two years of the date on which consent is granted (or other appropriate timescale).

Reason(s):

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

2. The works hereby authorised shall comply with British Standard 3998: 1989 - Recommendations for Tree Work.

Reason(s):

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

3. Prior to the commencement of the work hereby approved a Full Risk Assessment with regard to the affected public right of way must be submitted and approved in writing by the Local Planning Authority. The waste should then be carried out in accordance with any requirements of the risk assessment.

Reason(s):

To ensure the works are carried out in an appropriate manner and in the interests of public health and safety.

**CIRCULATED SCHEDULE NO. 09/07 – 02 MARCH 2007**

**App No.:** PT07/0238/F

**Applicant:** Pentholm Properties Ltd

**Site:** Land at rear of 29-33 Gayner Road  
Filton BRISTOL South Gloucestershire  
BS7 0SP

**Date Reg:** 30th January 2007

**Proposal:** Erection of 2no. two storey buildings to  
from 8no. one bedroom flats with car  
parking and associated works

**Parish:** Filton Town Council

**Map Ref:** 60173 78553

**Ward:** Filton



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**N.T.S**

**PT07/0238/F**



## **INTRODUCTION**

This proposal has been referred to the Sites Inspection (West) Sub-Committee on 16<sup>th</sup> March 2007 by Councillor Sims given concerns regarding over development and loss of amenity space.

### **1. THE PROPOSAL**

- 1.1 The site consists of part of the rear gardens of No.29, 31 and 33 Gaynor Road. The site is situated between two residential streets, namely Elm Park and Gayner Road. The site is 667sqm in area and is located adjoining a 90 degree bend in Elm Park. A lane running to the front of part of No.33 leads to the rear of properties Elm Park and open space beyond.
- 1.2 The proposed development consists of the erection of two blocks comprising four (one bedroom) flats, with a frontage onto Elm Park. The blocks will have two double bays each with a single protruding extension to the rear to accommodate a stairwell. The hipped roofed buildings would have a height of 7.8 metres to the ridge of the roof.
- 1.3 An accessway between the two blocks created by dropping the kerb gives way to a parking area to the rear. This area comprises 8 car spaces, turning space, bin and cycle storage and a small area of amenity space.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

|       |                                    |
|-------|------------------------------------|
| PPS1  | Delivering Sustainable Development |
| PPS3  | Housing                            |
| PPG13 | Transport                          |

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

|     |                                                                                    |
|-----|------------------------------------------------------------------------------------|
| H2  | New Residential Development within the Urban Areas or Village Development Boundary |
| H4  | Development within Existing Residential Curtilages                                 |
| D1  | Achieving Good Quality Design in New Development                                   |
| T12 | Transportation Development Control Policy for New Development                      |
| T7  | Cycle Parking                                                                      |
| T8  | Vehicular Parking Standards                                                        |

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

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

- 3.1 P89/3258 Erection of detached dwelling, alterations vehicular access (Refused)
- 3.2 PT05/3576/O Erection of dwelling on 0.023 hectares of land (Outline – Approved)

### **4. CONSULTATION RESPONSES**

#### 4.1 Filton Town Council

Object as over intensive and loss of privacy to 1 Elm Park. Concerns over Co2 omissions from 8 flats.

#### 4.2 Sustainable Transport

The site is located off Elm Park. This is an unclassified residential road with two junctions with the A38. The southern access is left out only onto the major road. As a consequence traffic is localised. It is close to some services and on a major public transport corridor. The proposal seeks to establish 8 x 1-bed flats with access and parking. Although the location is close to a 90 degree bend in the carriageway, this serves to slow traffic approaching from either arm. There is also adequate forward visibility to allow those approaching from the north to see vehicles waiting to turn right into the site on the western arm.

Visibility from the access is adequate for the likely speed of traffic on the road subject to no built form or planting greater than 0.6 metres high within 2 metres of the carriageway. This should be conditioned. Currently the access is not capable of accommodating two-way traffic. In order to minimise standing waiting and reversing on the carriageway this must be widened 4.1 metres wide. A revised plan should be submitted prior to the issuing of any permission

The cycle parking should be secure covered overlooked and lit. Preferably a lockable store. The level of provision and location is adequate. Bin storage is acceptable. All surfaces to be bound. There is concern over the incremental damage of even small development on the oversubscribed Bristol North Fringe. In order to mitigate this, a contribution of £900 per unit (£7200 in total) is required towards the North Fringe Development Proposal (Transport Matters). This is a scheme of improvements set out in the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ease congestion. This should be secured by an appropriate agreement and received prior to the issuing of any planning permission.

In summary given the location of the proposal, levels of parking proposed for vehicles and cycles, subject to the above mentioned revision, conditions and contribution there is no transportation objection to this proposal

#### 4.3 Local Residents

There have been 6 objections to the proposed development. The grounds of objection can be summarised as follows:

- a) The proposal will result in additional on-street parking to the detriment of neighbouring amenity and would result in detriment to highway safety as a result of congestion
- b) The proposal will be out of character with the form of development in the area particularly given that the area largely comprises family homes.
- c) The proposal would result in loss of light and privacy to adjoining properties.
- d) The close proximity of the bin storage to the rear could lead to rubbish being thrown into adjoining properties

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of the Development

Policy H2 and H4 of the Adopted South Gloucestershire Local Plan are relevant to this planning application. These policies indicate that the principle of such development within the urban area and boundaries of settlements is acceptable subject to consideration of the density, environmental impact and impact upon the surrounding highway network and residential amenity. The proposal is considered acceptable in principle subject to consideration of these issues.

### 5.2 Density

PPS3 indicates that there should be a minimum density of 30 dwellings per hectares in all development subject to consideration of accessibility and compatibility with the area. Policy H2 seeks to ensure that the density of new residential development, subject to the individual characteristics of the site, is between 30 and 50 dwellings per hectare (dph) in order to ensure that the most efficient use of land is achieved with developments of upwards of 50 dwellings per hectares within sustainable locations close to urban centres.

The site measures approximately 667sq.m. The development of 8 units on this site achieves approximately 120 dwellings per hectare. It is considered that this density is consistent with the requirements of the above planning policy.

### 5.3 Design

Policy H2 and H4 of the Adopted South Gloucestershire Local Plan seeks to ensure that new residential development is of a high standard of design and that new development would not compromise existing visual and residential amenity in the locality surrounding the site. This principle is supported by policy D1 of the Adopted South Gloucestershire Local Plan.

In terms of siting it is considered that the principle of developing sites to the rear of this part of Gayner Road has been established with the erection of No.1a and 1b Elm Park. It should also be noted that consent has been given for a dwelling to the rear of No.15 and a building containing two flats to the rear of No.23. In addition outline consent has been given for a single dwelling within this site to the rear of No.33.

In terms of the detailed design, it is considered that the building in terms of its height and general form is appropriate within the context of Elm Park. The roof form and provision of double bays is considered entirely appropriate within the context of the late 1920's style houses within Elm Park.

Notwithstanding the details of the materials submitted, a condition is recommended to require full schedule of the external materials to be used to allow further consideration. A condition is also recommended to require full details of the boundary treatments with these to be installed prior to the first occupation of the flats.

In line with current standards, Policy D1g and the Draft Design Checklist seek to ensure energy conservation and the protection of environmental resources. A condition will be attached to the decision notice to require a formal assessment to be made by a licensed Breeam assessor prior or following construction.

Subject to these conditions it is considered that the proposed development is acceptable in design terms.

#### 5.4 Residential Amenity

Concern has been raised that the proposed development would result in loss of light and privacy to adjoining occupiers.

With respect to buildings to the rear, there will be a distance of between 24 and 25 metres from the rear elevation of the flats to these properties. It is considered that this relationship is entirely acceptable and would not detract from residential amenity.

With respect to the nearest property to the front No.1 Elm Park, this would be sited between 10 and 11 metres from the front elevation of the nearest proposed block. It is considered that this distance along with the juxtaposition between the two properties is considered sufficient to protect the amenity of those occupiers. This relationship is considered quite usual within an urban setting and it is not considered that any impact would be so significant such as would warrant the refusal of the application.

It is considered that with a garden depth of 12 metres No.29 to 33 Gaynor Road will retain sufficient amenity space. The proposed flats will have a small area of amenity space to the rear albeit of limited value, however it is not considered that there would be an expectation of amenity space given the form of the development. The application site is also situated in close proximity to open space.

It is considered that the proposal is acceptable in these terms.

#### 5.5 Drainage

There is no objection to the proposal from the Council Technical Services Unit. A condition will be attached to the decision notice to ensure the use of best drainage practice.

#### 5.6 Transportation

Policy T12 of the Adopted South Gloucestershire Local Plan seeks to ensure that new development does not have a detrimental impact upon highway safety in the locality. Policy T7 seeks to ensure the provision of cycle parking to an acceptable standard while Policy T8 provides the maximum parking standards in respect of new development. The access has been widened to a width of 4.1 metres to allow two-way traffic.

Concerns have been raised as to the impact of increased vehicular parking upon Elm Park and increased congestion. The site is located off of Elm Park. This is an unclassified residential road with two junctions with the A38. The southern access is left out only onto the major road. As a consequence traffic is localised. It is close to some services and on a major public transport corridor.

The location is close to a 90 degree bend in the carriageway, this serves to slow traffic approaching from either arm. There is also adequate forward visibility to allow those approaching from the north to see vehicles waiting to turn right into the site on the western arm. Consequently it is considered that visibility from the access is adequate for the likely speed of traffic on the road. A condition is recommended to

ensure that there is no built form or planting greater than 0.6 metres high within 2 metres of the carriageway.

In terms of parking levels, this is considered to meet the needs of the development that is located close to local facilities. In addition adequate parking and bin storage is provided. A condition is recommended to ensure that these facilities are satisfactory and are in place prior to the first occupation of the buildings.

There is concern over the incremental damage of even small development on the oversubscribed Bristol North Fringe. In order to mitigate this, a contribution of £900 per unit (£7200 in total) is required towards the North Fringe Development Proposal (Transport Matters). This is a scheme of improvements set out in the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ease congestion. The applicant has agreed to this contribution and this will be the subject of an agreement to ensure that the payment is received prior to the issuing of the decision notice.

Subject to the above conditions and agreement it is considered that the proposed development is acceptable in terms of transportation issues and meets the aims and objectives of Local Plan Policy.

#### 5.7 Other Issues

Concerns have been raised that the development would be out of character with the type of housing in the area that is considered to be predominantly family housing rather than the smaller units proposed. It is important to note that PPS3 (Housing) identifies the planning system as a means of widening housing opportunity and choice, maintaining a supply of housing and creating sustainable residential environments. Paragraph 10 of PPS3 indicates among other criteria that the planning system should deliver a mix of housing, both market and affordable, particularly in terms of tenure and price to support a wide variety of households in all areas, provide a sufficient quantity of housing taking into account need and demands and seeking to improve choice. Furthermore the planning system should provide housing developments in suitable locations, which offer a good range of community facilities with good access to jobs, key services and infrastructure. It is considered that the current proposal involving the provision of 1 bedroom flats is appropriate within this context.

#### 5.8 Design and Access Statement

The Design and Access Statement submitted is very limited in its scope, however the scheme itself is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document (Consultation Draft).

#### 5.9 Section 106 Requirements

In this instance, having regard to the above advice, contributions the North Fringe Development Proposal (Transport Matters) are appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005.

## **6. CONCLUSION**

- 6.1 In accordance with Section 54A of the Town and Country Planning Act 1990 (as amended), Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 That the authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant permission subject to conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:
1. A contribution of £7200 towards the North Fringe Development Proposal (Transport Matters) initiative. The reasons for this agreement are to mitigate against the impact on the Bristol North Fringe local road network to comply with Policy T12.

**Background Papers**      **PT07/0238/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(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 a full schedule of external materials has been submitted and approved in writing (a sample roof tile shall be also submitted) 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. Prior to the commencement of works details of boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details prior to the first occupation of the buildings.

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 refuse bin stores shown on Drawing No.CA/0906/1003 hereby approved shall be installed prior to the first occupation of the buildings.

Reason(s):

To safeguard the amenity of the locality, and to accord with Policy H2 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The hours of working on site during the period of construction shall be restricted to 0730 to 1800 hours Monday to Friday and 0800 to 1300 Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason(s):

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

6. 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(s):

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

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

Reason(s):

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

8. The access hereby approved shall have a bound surface.

Reason(s):

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

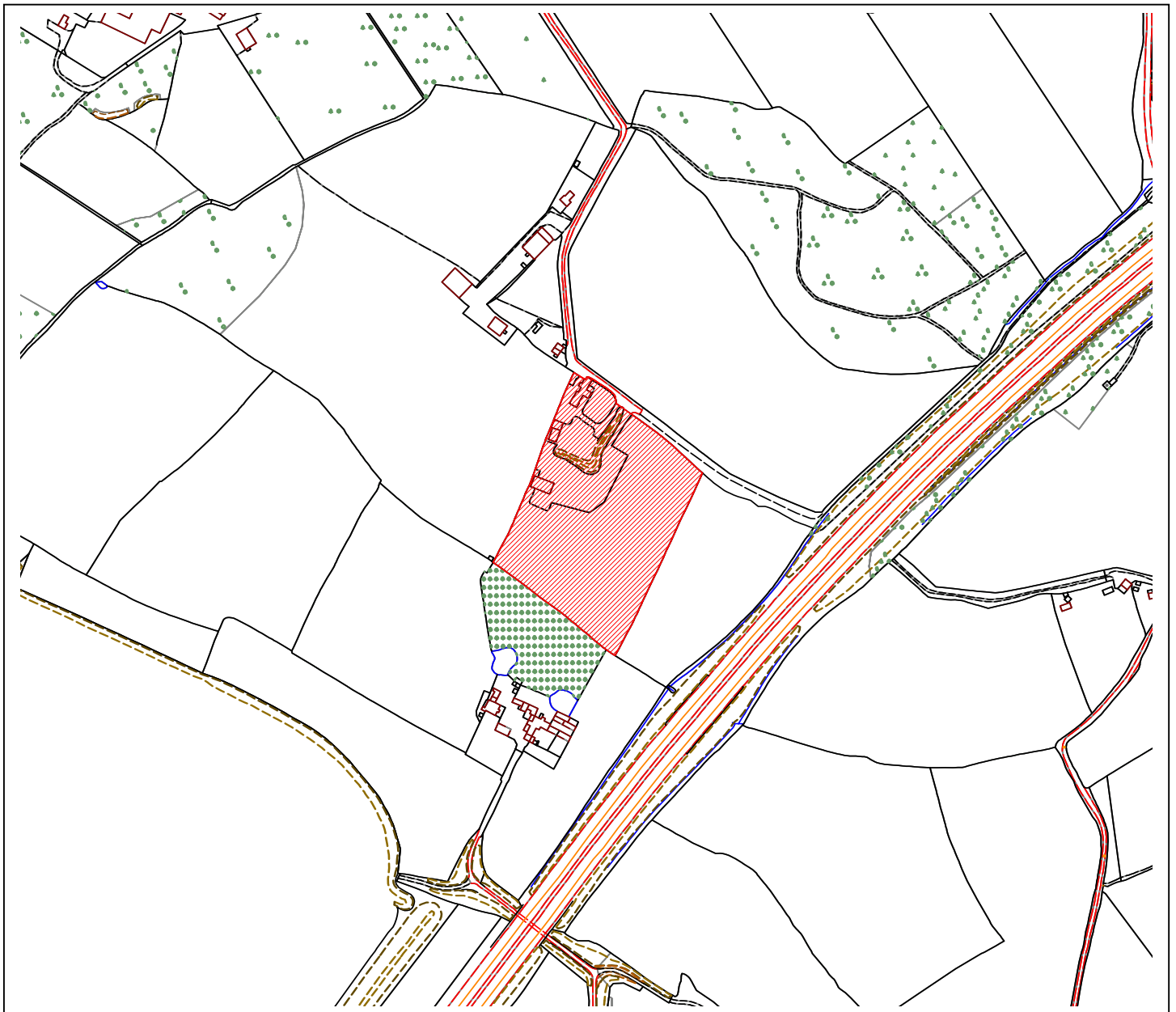
9. Prior to the commencement of the development hereby approved a formal assessment (achieving a rating of "very good" shall be undertaken by a licensed Building Research Establishment Environment Assessment Method (BREEAM) assessor and a copy of the assessors report and the certificate shall be submitted to the Local Planning Authority prior to the occupation of the building.

Reason(s):

To minimise the use of energy and natural resources and to accord with Policy D1 (G) of the South Gloucestershire Local Plan (Adopted).

## CIRCULATED SCHEDULE NO. 09/07 – 02 MARCH 2007

|                                                                                                                                                   |                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| <b>App No.:</b> PT07/0262/CLP                                                                                                                     | <b>Applicant:</b> Mrs M Berkely            |
| <b>Site:</b> Garage to the rear of Corbetts Green Lane Milbury Heath WOTTON UNDER EDGE South Gloucestershire GL12 8QW                             | <b>Date Reg:</b> 31st January 2007         |
| <b>Proposal:</b> Application for Certificate of Lawfulness for proposed use of outbuildings as a garage and incidental residential accommodation. | <b>Parish:</b> Tytherington Parish Council |
| <b>Map Ref:</b> 66734 89436                                                                                                                       | <b>Ward:</b> Thornbury South               |



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N.T.S

PT07/0262/CLP



This application is placed on the Circulated Schedule, as it is an application for a Certificate of Lawfulness for proposed use.

## **1. THE PROPOSAL**

- 1.1 This application seeks confirmation that planning permission is not required for the proposed use of an outbuilding, as a garage and ancillary residential accommodations along with various pieces of physical development need to facilitate this. The physical alterations primarily amount to an increase in the height of the building, and the blocking up and creation of various openings in the building, in order to create doors and windows.
- 1.2 The property in question is large detached dwelling located outside of any settlement boundary. To the rear of the site is an area that appears to be used for industrial activity. However no history exists on this area.

## **2. POLICY CONTEXT**

- 2.1 Schedule 2 part 1 class E of the Town and Country Planning (General Permitted Development) Order 1995

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PT06/2198/F Conversion outbuilding to form ancillary residential accommodation...Withdrawn

## **4. CONSULTATION RESPONSES**

- 4.1 Tytherington Parish Council  
No response received
- 4.2 Neighbouring Properties  
No response received

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Supporting Evidence
  - a) Drawing 04a submitted to the council on the 25<sup>th</sup> January 2007 showing the proposed development.
  - b) Drawing 02 submitted to the council on the 25<sup>th</sup> January 2007 showing the proposed development.
  - c) Supplementary information pack including photographic evidence of what the site looks like submitted to the council on the 25<sup>th</sup> January 2007.
  - d) Schedule 2 part 1 class E of the Town and Country Planning (General Permitted Development) Order 1995
- 5.2 Contradictory Evidence  
None in this instance
- 5.3 Analysis  
It is considered that in this instance the applicant is asking for confirmation of two points and not one. Firstly does the physical development to be carried out on the building require consent and secondly does the change of use of the building require consent. From the evidence submitted the proposed detached

ancillary building would require planning permission for a change of use, as well as consent for the physical works carried out. This is due to the following reasons:

5.4 Under Class E the following is permitted:

The provision within the curtilage of a dwelling house of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwelling house as such, or the maintenance, improvement or other alteration of such a building or enclosure.

5.5 Development not permitted by class:

E.1 - Development is not permitted by Class E if—

a) It relates to a dwelling or a satellite antenna.

It is considered that in this instance given the information presently before the council, the proposed building is not an incidental building to the main house but is tantamount to a new dwelling. This is due to a number of reasons and they are outlined below.

- a) The level of facilities provided in the building. The applicant states that the building will contain a kitchen, living / dining room, two bedrooms and a bathroom. These are the equivalent in range and scale to facilities one would find in a separate residential dwelling.
- b) The size of the building is 21.3 metres long, by averagely 8 metres wide and will be 4 metres high. This is similar size if not larger than a modern two bedroom dwelling in terms of volume. The building is also seen as being of a size whereby it is too large when compared to the original house to be seen as ancillary.
- c) The site benefits from its own access, and parking area that is separate and set away from the parking area for the main house.
- d) The building could have it's own large private garden.
- e) Given that 18 metres exist between the main house and the proposed ancillary building, the building is viewed as being a separate building with little if any link to the main house. This is when viewed from the wider locality.

An incidental residential unit should be part of the main house, and should therefore operate as one household. This proposal would due to a combination of the above not do so and as such is not classed as a building incidental to the enjoyment of the dwelling house.

Therefore the development is considered to be a new separate dwelling and as such requires an application in its own right. In light of this the physical alterations would also require consent.

- (b) Any part of the building or enclosure to be constructed or provided would be nearer to any highway which bounds the curtilage than—
  - (i) The part of the original dwellinghouse nearest to that highway, or
  - (ii) Any point 20 metres from that highway, whichever is nearer to the highway;

*The proposed building is at least 20 metres away from a highway and is no closer to any highway than any part of the original house.*

- (c) Where the building to be constructed or provided would have a cubic content greater than 10 cubic metres, any part of it would be within 5 metres of any part of the dwellinghouse;

*The building is further than 5 metres away from the main house thus the above does not apply.*

- (d) The height of that building or enclosure would exceed—

- (i) 4 metres, in the case of a building with a ridged roof; or
- (ii) 3 metres, in any other case;

*The height of the building will not be over 4 metres with a ridged roof.*

- (e) The total area of ground covered by buildings or enclosures within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

*The building does not cover more than 50% of the total area of the curtilage.*

- (f) In the case of any article 1(5) land or land within the curtilage of a listed building, it would consist of the provision, alteration or improvement of a building with a cubic content greater than 10 cubic metres.

*The building is not within the grounds of a Listed Building or on article 1(5) land*

## 5.6 Curtilage

As mentioned in the introduction the rear of the site is what appears to be an area of land where an industrial activity has taken place, upon which no planning history exists. It is thought that from the appearance and location of the building it was once part of industrial activity. Therefore there is a concern as to whether the building is indeed residential or industrial in nature. The building is within what the applicant identifies as their residential curtilage and the landscaped gardens to the west would appear to support this. However this is also a concern to the Council as they are unable to confirm whether the site/building is within the Curtilage of a residential property. Consequently the use of the building cannot be seen as incidental as it does not have a dwelling to be incidental to.

- 5.7 In light of the above planning permission is required for the use of this ancillary detached outbuilding as residential accommodation, Under part A of, Schedule 2 part 1 class E of the Town and Country Planning (General Permitted Development) Order 1995

**7. RECOMMENDATION**

7.1 Certificate of lawfulness for proposed development be refused.

**Background Papers      PT07/0262/CLP**

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

**CIRCULATED SCHEDULE NO. 09/07 – 02 MARCH 2007**

**App No.:** PT07/0285/R3F

**Applicant:** The Head &  
Governors  
Crossways Junior  
Sc

**Site:** Crossways Junior Knapp Road  
Thornbury BRISTOL  
South Gloucestershire BS35 2HQ

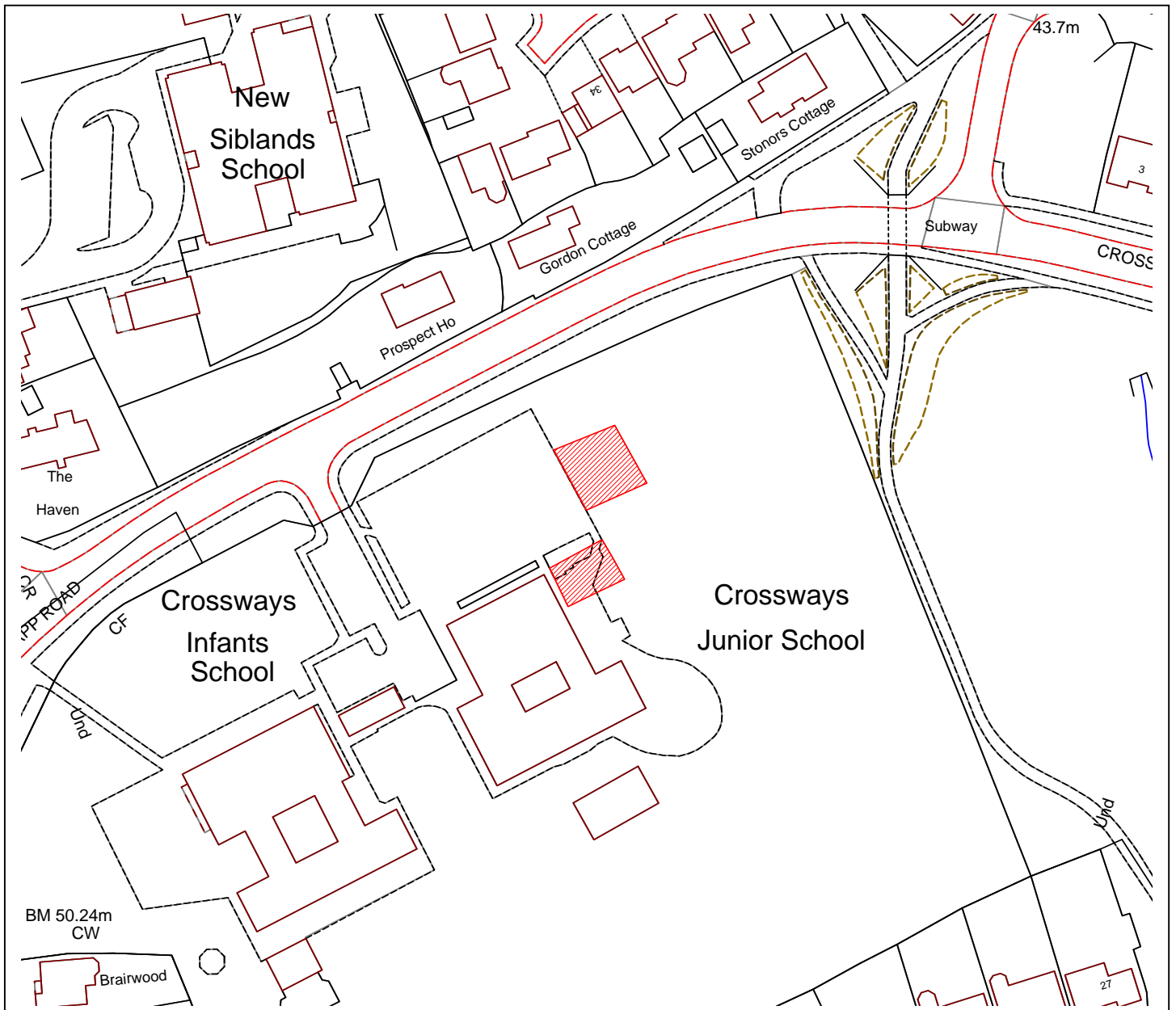
**Date Reg:** 1st February 2007

**Proposal:** Erection of cycle store and a wooden  
pavilion.

**Parish:** Thornbury Town  
Council

**Map Ref:** 64837 90236

**Ward:** Thornbury North



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**N.T.S**

**PT07/0285/R3F**

This application is placed on the Circulated Schedule List, as it is an application for development on Council Land.

## **1. THE PROPOSAL**

- 1.1 This application is for full planning permission to erection of a cycle store and a wooden pavilion within the grounds of the school. The pavilion will be located on the school playing fields to the North East of the School buildings, whilst the cycle store will be located on a area of hard standing to the west of school buildings. The school is located within the established residential area of Thornbury.
- 1.2 The proposed cycle store will be 4.5 metres wide, 2.1 metres high and will be 8.2 metres wide and will be constructed using brick, and steel, with dark green pvc coated sheeting for its roof. Whilst the pavilion is hexagonal in shape and will be constructed in wood. It will measure approximately 5.1 metres wide and will be 4 metres high, to the apex of its roof.

## **2. POLICY**

- 2.1 National Guidance  
PPG1 Planning Policy and Principles
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
LC4 Proposals for Education and Community Facilities within the Existing Urban Area and Defined Settlement Boundaries  
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Document  
Design Checklist (Draft)

## **3. RELEVANT PLANNING HISTORY**

- 3.1 None

## **4. CONSULTATION RESPONSES**

- 4.1 Thornbury Town Council  
No objection.
- 4.2 Local Residents  
No response received.
- 4.3 Sustainable Transport  
No objection to the proposal

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
Policy LC4 of the emerging South Gloucestershire Local Plan (Adopted) January 2006 specifically relates to the development, expansion or improvement of education facilities within existing urban areas provided criteria regarding; accessibility by foot and bicycle; residential amenity, environmental and transportation effects; and highway safety are met.

5.2 The proposal seeks to erect a cycle store and a wooden pavilion within the school grounds. There will be no increase in the capacity of the school, so implications for access by foot and highway safety (in terms of traffic generation) are not relevant. However the provision of a cycle store will encourage more children to cycle to school which is seen as being beneficial for the children in terms of health and the environment. It is considered that there will be little impact on neighbouring occupiers as the proposed development is at least 35 metres away from residential properties. The buildings will only also be used during school hours; this contributes to minimal impact upon surrounding properties. Finally it is considered that the design of the proposed buildings in terms of their size and design are in keeping with overall appearance of the school and the area generally. The provision of the Cycle store will contribute to improving the appearance of the school as present position of having cycles locked up around the school will be replaced by the erection of th dedicated cycle store.

### 5.3 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).

### 5.4 Section 106 Requirements

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

7.1 Planning permission be approved with th following conditions.

**Background Papers**      **PT07/0285/R3F**

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

**CONDITIONS**

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

Reason(s):

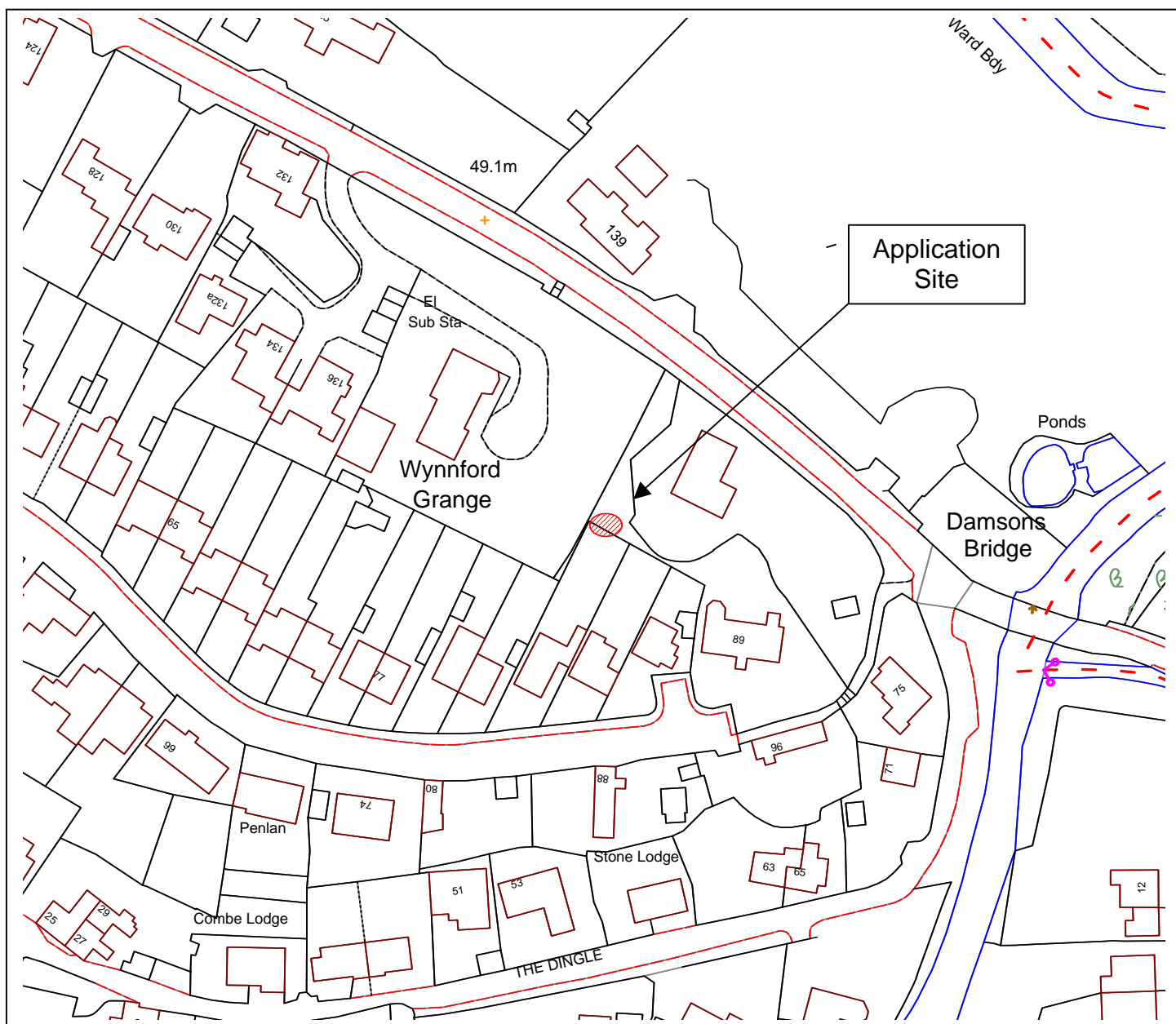
To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).



**CIRCULATED SCHEDULE NO. 09/07 – 02 MARCH 2007**

**App No.:** PT07/0289/TRE  
**Site:** 83 Stone Lane  
 Winterbourne Down BRISTOL  
 South Gloucestershire BS36 1DH  
**Proposal:** Works to 1 no. Copper Beech Tree covered by South Gloucestershire Council Tree Preservation Order no. 315. dated 27 April 1990.  
**Map Ref:** 65668 79478

**Applicant:** Mr K Fitzgerald  
**Date Reg:** 1st February 2007  
**Parish:** Winterbourne Parish Council  
**Ward:** Winterbourne



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 100023410, 2006.

**N.T.S**

**PT07/0289/TRE**

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

## **1. THE PROPOSAL**

- 1.1 The applicant seeks permission for works to a Beech Tree protected by a Tree Preservation Order (TPO). The applicant proposes to lift the crown to 4 metres in order to remove unsafe branches and increase light into the garden.
- 1.2 The application site relates to a tree with a TPO within the well established residential area of Winterbourne Down. The tree is located in the rear garden of 89 Stone Lane and the canopy over hangs onto the applicant's property.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1: Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
L1: Landscape Protection and Enhancement

## **3. RELEVANT PLANNING HISTORY**

- 3.1 None

## **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
No objection subject to approval by the Council's tree officer
- 4.2 Tree Officer  
No objection subject to the consent reading *Crown lift to 4 metres* rather than the removal of 6 branches.
- 4.3 Local Residents  
Two letters of raising the following concerns with the proposed works:
  - a) The tree forms an important element in the landscape of the area
  - b) Lack of precision in the proposal e.g. how drastic is the action suggested by "lop", how "approx" is 6 branches?
  - c) The removal of 6 branches on one side of tree could unbalance the shape of the tree – could increase risk of being blown over on to other properties.
  - d) The tree is 30 metres from 83 Stone Lane so no branches over hang any part of the dwelling.
  - e) Tree does not exclude light from the property as sun never seems to enter the gardens of properties on that side of Stone Lane.

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to conserve and enhance the character, quality and amenity of the landscape and to retain and protect trees which contribute to the overall character or distinctiveness of the area.

5.2 Consideration of Proposal

The tree is a mature copper beech growing in the garden of 89 Stone Lane. The tree is situated against the rear boundary of 89 Stone Lane and a large part of the canopy extends over the garden. The works would allow increased light under the canopy of the tree into the rear garden of number 83.

The tree has formed a sub canopy below the main crown, this would be removed by a 4m crown lift maintaining the overall balance of the tree. It is considered that these works would not significantly affect character and visual amenity of the surrounding area.

5.3 Other Issues

It was stated on the application form that the proposal was to 'lop approximately 6 branches'. This was considered to be vague and therefore, it was agreed with the applicant to change the description to *Crown lift to 4 Metres*.

5.3 Section 106 Requirements

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

**6. CONCLUSION**

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

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

**7. RECOMMENDATION**

7.1 Permission to be granted subject to the following conditions:

**Background Papers      PT07/0289/TRE**

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

**CONDITIONS**

1. The works hereby authorised shall be carried out within two years of the date on which consent is granted (or other appropriate timescale).

Reason(s):

In the interests of the long term health of the tree, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The works hereby authorised shall comply with British Standard 3998: 1989 - Recommendations for Tree Work.

Reason(s):

In the interests of the long term health of the tree, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 09/07 – 02 MARCH 2007**

**App No.:** PT07/0302/F  
**Site:** 54 The Willows Bradley Stoke BRISTOL  
 South Gloucestershire BS32 8HJ  
**Proposal:** Erection of rear conservatory.  
**Map Ref:** 61678 81682

**Applicant:** Mr & Mrs Lambourn  
**Date Reg:** 1st February 2007  
**Parish:** Bradley Stoke Town Council  
**Ward:** Bradley Sto Sherbourne



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**N.T.S**

**PT07/0302/F**

## **INTRODUCTION**

This application is placed upon the Circulated Schedule given that an objection has been received and the officer recommendation is for approval.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks consent for the erection of a conservatory on the rear elevation. The garden of the property is west facing. The structure will have a width of 4.75 metres, depth from the rear elevation of the original property of 3.1 metres and height to the apex of the roof of approximately 3.5 metres.
- 1.2 The structure constructed largely of upvc, will be set on brick plinth, (to match the brick on the original property). Panelling will infill the side (north) elevation. The roof will be hipped on all sides.
- 1.3 The application site comprises a modern two-storey semi-detached property. A fence approximately 2 metres in height separates the building from No.56 to the north.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering sustainable development
- 2.2. South Gloucestershire Local Plan (Adopted) January 2006  
Policy D1 Achieving Good Quality Design in New Development  
Policy H4 Development within Existing Curtilages, Including Extensions and New Dwellings

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

- 3.1 No relevant history

### **4. CONSULTATION RESPONSES**

- 4.1 Bradley Stoke Town Council  
No response received
- 4.2 Local Residents  
There has been one letter of objection received. The grounds of objection can be summarised as follows:
  - a) The proposed development would result in loss of light to the adjoining property
  - b) The structure would be detrimental to visual amenity

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

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

## 5.2 Design

Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that extensions to dwellings should be in keeping with the character of the original property and the area in general in terms of size, design and materials used. Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 also considers the scale, proportions, materials in relation to the original building and the character of the street. Policy D1 seeks to ensure that a high level of design is achieved.

Concern has been raised that the use of upvc and in particular panelling would be detrimental to visual amenity. It is considered however that this form of development is entirely appropriate in scale, form and appearance, and is in keeping with the general residential character of the area where there have been several similar additions to the rear of neighbouring properties. It should also be noted that the panelling would largely sit behind the 2 metres high boundary fence being retained.

It is considered that the design of the proposal is acceptable and achieves the aims and objectives of Local Plan policy.

## 5.3 Amenity

Policy H4 of the emerging Gloucestershire Local Plan consider the impact of development on the amenity of neighbouring occupiers in terms of privacy and residential amenity.

Concern has been raised that the proposal would be detrimental to residential amenity to the occupier of No.56 to the north of the site. It is considered that with a depth of 3.1 metres and height of 3.5 metres, the proposed development would not result in any significant loss of amenity. The structure would largely sit behind a fence approximately 2 metres in height and the roof which is of glass would be hipped away from the boundary. It is not considered that any impact would be significant such as would justify the refusal of the application.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

7.1 That planning permission be granted subject to the following conditions

**Background Papers**      **PT07/0302/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(s):

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



**CIRCULATED SCHEDULE NO. 09/07 – 02 MARCH 2007**

**App No.:** PT07/0334/F

**Applicant:** Mr N. Taylor & Miss A. Downie

**Site:** 119 Pursey Drive  
Bradley Stoke BRISTOL  
South Gloucestershire BS32 8DP

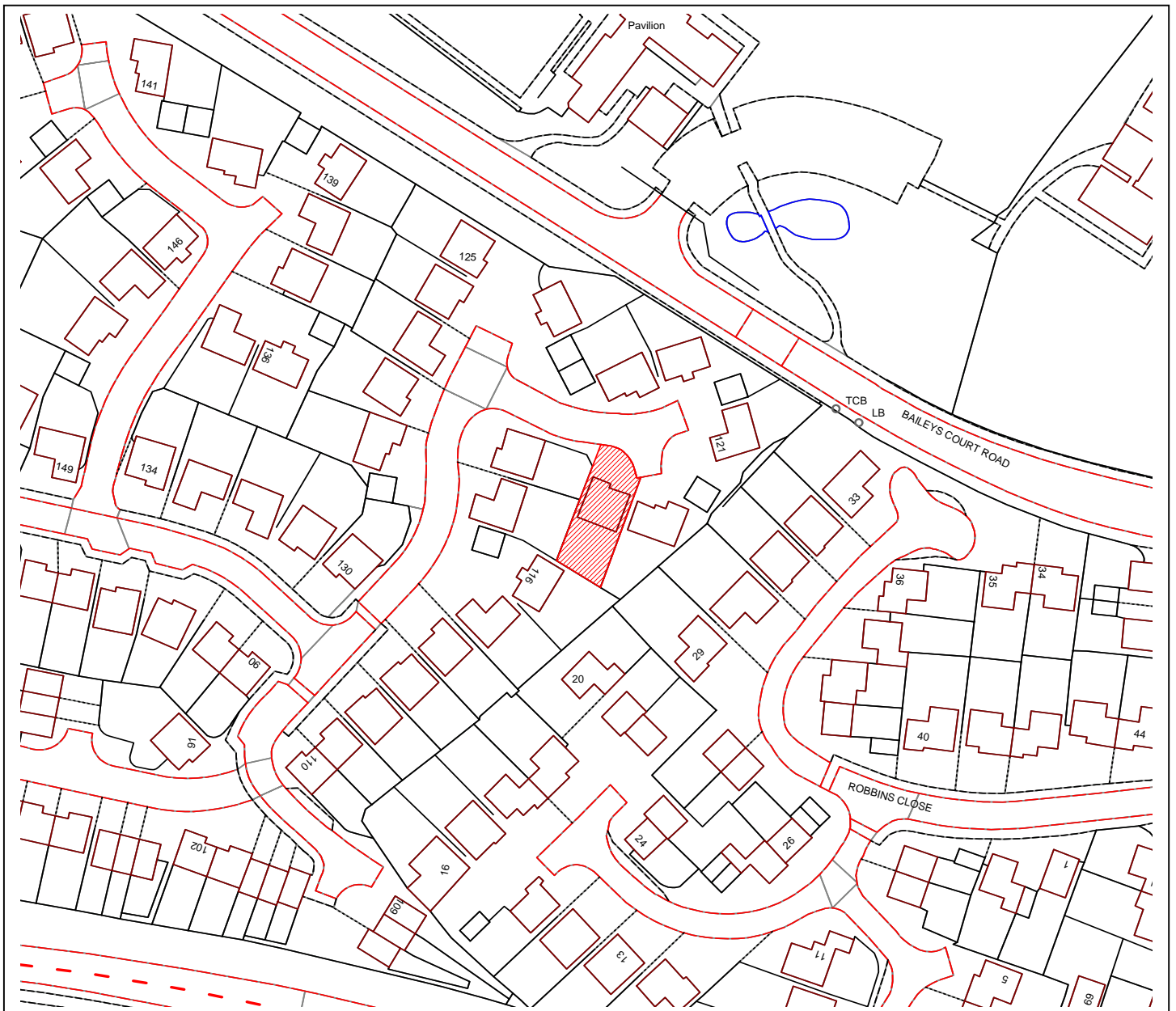
**Date Reg:** 5th February 2007

**Proposal:** Erection of single storey rear extension and two storey side extension to provide additional living accommodation.  
(Resubmission of PT06/3081/F)

**Parish:** Bradley Stoke Town Council

**Map Ref:** 62685 80693

**Ward:** Bradley Sto Baileys Court



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**N.T.S**

**PT07/0334/F**

This application appears on the Circulated Schedule with two letters of objection having been received from residents of the neighbouring properties.

## **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for a two-storey side and single-storey rear extension. These works would allow the creation of an enlarged dining room and kitchen at ground level with an ensuite bedroom at first floor.
- 1.2 The application site forms a detached two-storey dwelling on the south side of Pursey Drive, Bradley Stoke.
- 1.3 The application comprises a resubmission of planning application PT06/3081/F. This sought approval for similar works although would also have allowed for an increase in width to the property. This application was refused for the following reason:

*'The proposed two-storey extension, by reason of its size and proximity to the flank boundary would have a detrimental effect on the amenities of the occupiers of the adjoining dwelling houses. The proposal is therefore considered contrary to Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006'.*

- 1.4 An amended plan forms part of this submission correcting the proposed flank elevation of the dwelling (with the garage door originally omitted).

## **2. POLICY CONTEXT**

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

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PT06/3081/F: Erection of two-storey side and single-storey rear extension to provide garage, utility and dining room with bedroom and ensuite over.  
Refused: 29<sup>th</sup> November 2006

## **4. CONSULTATION RESPONSES**

- 4.1 Bradley Stoke Town Council  
No comments received
- 4.2 Other Consultees  
No comments received
- 4.3 Summary of Local Residents Concerns:  
Two letters received expressing the following concerns:

- a) The scheme has not addressed previous concerns regarding the loss of a visual buffer between units and its oppressive impact on neighbouring properties;
- b) The original layout of the development provides garages or single-storey habitable elements between dwellings;
- c) Other first floor side extensions have only been where the configuration of properties forms a continuous building line;
- d) No attempt has been made to reduce the building mass of the proposal; either by reducing the mass of the gable wall or lowering the ridge;
- e) Its visual appearance remains intrusive and overbearing.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

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

### 5.2 Design/ Visual Amenity

The application site forms a detached two-storey dwelling with a single-storey attached garage and utility room on its western side. The application seeks approval for a single-storey extension to encompass the rear of the property and a first floor side extension above the aforementioned garage and utility.

5.3 Having regard to the first floor side addition, in contrast to the previous scheme the proposal would now utilise the existing flank wall of the garage and utility building directly above to provide the ensuite bedroom: there would be no increase in the width of the dwelling. In so doing, this element of the proposal would be encompassed by a pitched roof (of lower height to the existing) with the front wall at first floor set back to help ensure a subservient appearance to the proposal.

5.4 Concerning the rear addition, this would project 2.4m into the rear garden and be encompassed by a lean-to roof. Three velux would provide additional light to these extended rooms. This element of the proposal would not appear readily visible from the main public viewpoints.

5.5 Having regard to the above, the proposal is considered to be acceptable and in keeping with the general character of the area. In this regard, it is noted that surrounding dwellings are of differing design with no regular spacing between.

### 5.6 Residential Amenity

Properties to the west side of the site face away from the host dwelling backing onto the flank boundary of the application site. Further, tree screening helps to limit views between whilst a 1.8m high (approx.) fence prevents views between gardens. Nonetheless, these rear gardens are of limited depth (10m) thus the existing garage helps retain a sense of spaciousness between dwellings.

5.7 In the light of the above, the increase in width to the host dwelling as previously proposed was considered to be unacceptable. This was because in addition to the first floor extension, the proposal would have appeared both oppressive and overbearing to these neighbouring properties.

5.8 Nonetheless, this current submission would ensure that the width of the host dwelling would remain the same. As such, whilst the agent was also requested to lower the ridge height (with the rear wall stepped in), it is not now considered

that a refusal (having regard to the impact on these adjoining properties) would be sustainable in this instance.

5.9 Concerning that property to the east, this aligns with the position of the host unit whilst again a 1.8m high (approx.) fence prevents views between gardens. As such, having regard to the limited depth of the rear addition and the positioning of all further works to the far side, it is not considered that any significant adverse impact in residential amenity would be caused.

5.10 Section 106 Requirements

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

**Background Papers**      **PT07/0334/F**

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

## CONDITIONS

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

Reason(s):

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

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

Reason(s):

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

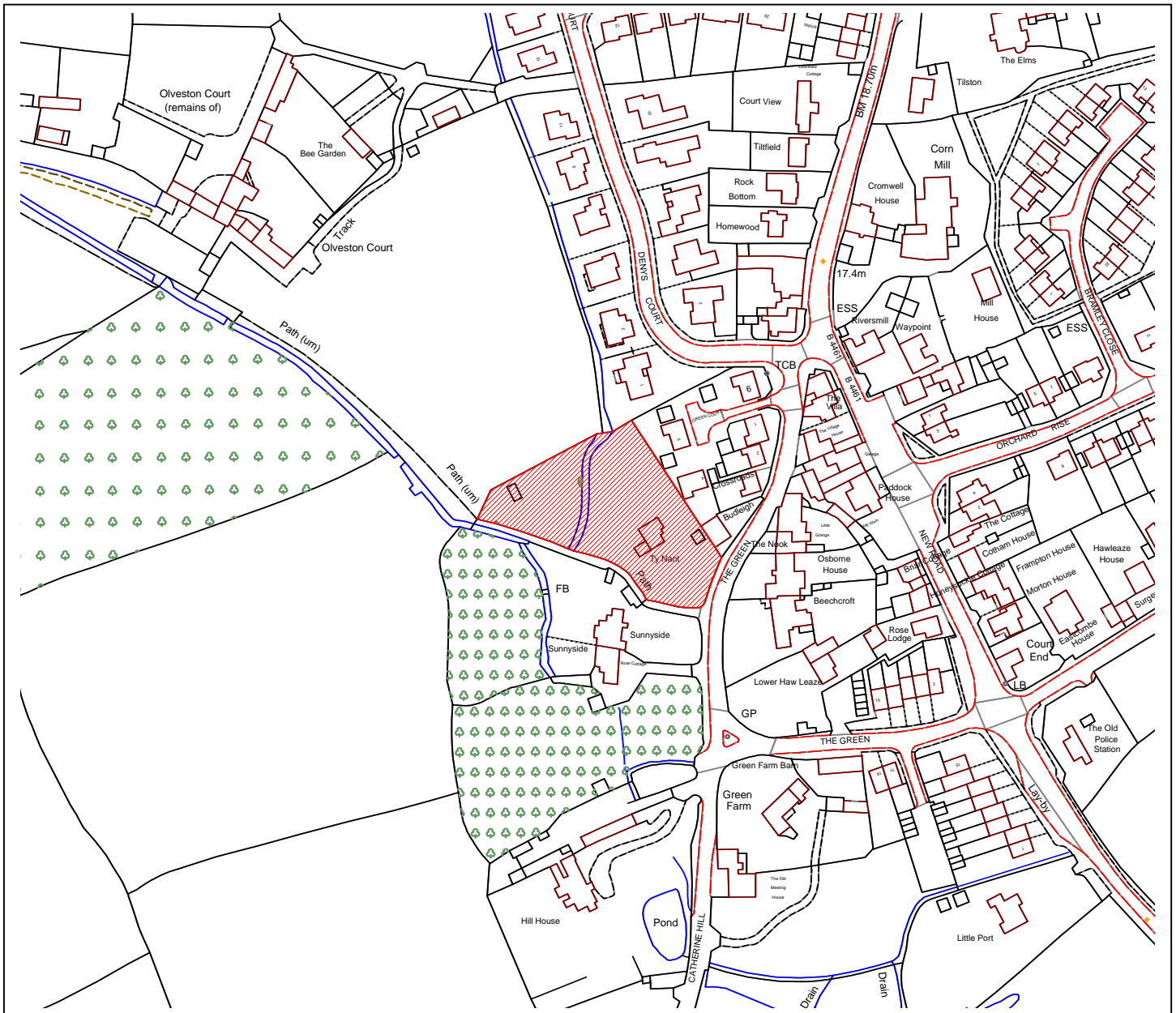
3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the east and west elevations of the property.

Reason(s):

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

**CIRCULATED SCHEDULE NO. 09/07 – 02 MARCH 2007**

|                  |                                                                                 |                   |                            |
|------------------|---------------------------------------------------------------------------------|-------------------|----------------------------|
| <b>App No.:</b>  | PT07/0343/F                                                                     | <b>Applicant:</b> | Mr P Hepple & DR P Mathers |
| <b>Site:</b>     | Ty Nant The Green Olveston BRISTOL South Gloucestershire BS35 4EJ               | <b>Date Reg:</b>  | 6th February 2007          |
| <b>Proposal:</b> | Erection of detached singles storey self contained annex for dependent relative | <b>Parish:</b>    | Olveston Parish Council    |
| <b>Map Ref:</b>  | 60000 86943                                                                     | <b>Ward:</b>      | Severn                     |



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**N.T.S**

**PT07/0343/F**

## 1. THE PROPOSAL

- 1.1 The site consists of a large dwelling standing within generous grounds. The dwelling is located within the settlement boundary associated with Olveston Village, however the boundary of this settlement passes through the curtilage approximately 20 metres to the West of the dwelling. This location is within the Green Belt
- 1.2 The proposed development consists of the construction of a new single storey building to the rear of the existing dwelling for the purpose of providing additional ancillary residential accommodation.

## 2. POLICY CONTEXT

### 2.1 National Guidance

|      |                                    |
|------|------------------------------------|
| PPS1 | Delivering Sustainable Development |
| PPG2 | Green Belt                         |

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

|     |                                                               |
|-----|---------------------------------------------------------------|
| D1  | Achieving Good Quality Design in New Development              |
| H4  | Development within Residential curtilages                     |
| L12 | Conservation Areas                                            |
| GB1 | Development in the Green Belt                                 |
| T8  | Parking Standards                                             |
| T12 | Transportation Development Control Policy for New Development |

### 2.3 Supplementary Planning Guidance

Draft South Gloucestershire Design Checklist, September 2006

## 3. RELEVANT PLANNING HISTORY

- 3.1 PT06/2950/F Erection of detached singles storey self contained annex for dependent relative  
Withdrawn by Applicant
- 3.2 PT05/0091/F Erection of two storey side extension and single storey side extension  
Approved

## 4. CONSULTATION RESPONSES

### 4.1 Olveston Parish Council

No objection provided that the annex is to be used ancillary to the main house.

### 4.2 Sustainable Transport

No Objection

### 4.3 Local Residents

One letter has been received and originates from the occupants at 1 Denys Court. The comments can be summarised as follows

The Local Planning Authority is urged to reconsider the previous application which was found acceptable. (*Application PT06/0343/F was withdrawn and the details of it cannot be reconsidered as part of this planning application*)

The proposed building should not be more than single storey as the ground level is two metres higher than that at 1 Denys Court

The proposed development (being different to that proposed by the previously withdrawn application) will now overlook the property at 1 Denys Court.

## **5. ANALYSIS OF PROPOSAL**

5.1 The proposed development consists of the construction of a residential annex within the curtilage of the subject dwelling. The submitted Design and Access statement confirms that the purpose of the dwelling is to provide accommodation for family members that is ancillary to the occupancy of the existing dwelling on this site. However, in this instance, the building is separate from the main dwelling and contains sufficient accommodation to operate independently from the existing dwelling. Therefore, for the purpose of the assessment of this planning application will be treated as if it is a new dwelling within the curtilage of the existing dwelling; rather than as an extension to the existing dwelling.

### **5.2 Principle of Development**

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

### **5.3 Green Belt**

Policy GB1 provides the limited categories of development that are classed as being appropriate within the Green Belt. These categories include the construction of new dwellings provided that development would represent limited infilling within a designated settlement boundary. This is consistent with the advice contained within PPG2.

5.4 In this instance, the proposed building is located to the rear of the existing dwelling and within the designated village development boundary associated with Olveston. The position of the proposed building is such that it lies between existing development and is limited in scale. As such is considered that the proposed development represents limited infilling and is therefore appropriate.

### **5.5 Design and Conservation Area Considerations**

Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development achieves a high standard of design that respects the character and local distinctiveness of the site and the surrounding locality. The site is located within Olveston Conservation Area and as such Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006 will also apply. This Policy together with H4 of the South Gloucestershire Local Plan (Adopted) January 2006 act to endorse the above principles.

5.6 The proposed development consists of a modest structure that displays traditional form and scale. In this instance, the proposed development details the use of render to the external walls of the structure. However, it is considered that, in order to ensure that the appearance of the new building is consistent with the character of Olveston Conservation Area the materials should consist of timber and stone cladding. It is also considered that the roofing materials should be pantiles, again to reflect this character. It is not considered that the form and scale of the building itself would conflict with the character of Olveston Conservation Area. In this instance, it is considered that



- an appropriately worded condition to any consent would adequately deal with the issues relating to materials and is sufficient to ensure that the final appearance of the development is acceptable.
- 5.7 Subject to the above condition, it is considered that the proposed development is acceptable in design/conservation area terms.
- 5.8 Residential Amenity  
Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development would allow an acceptable level of privacy and residential amenity both for the occupants of the new development as well as the occupants of the surrounding residential properties.
- 5.9 The position of the proposed dwelling is such that there would not be an acceptable level of privacy and residential amenity on an independent basis. However, the proposed development is intended to accommodate family dependants in association with the main dwelling on this site. It is therefore considered that the development is acceptable provided that a suitably worded condition is imposed so as to preclude the use of the dwelling as an independent dwelling.
- 5.10 It is also noted that there is an objection to the proposed development on the basis that it would allow the overlooking of the residential property at 1 Denys Court due to the differences in height of the land in this locality. The boundary associated with 1 Denys Court is situated approximately 18 metres to the North of the proposed dwelling. The dwelling associated with 1 Denys Court is a further 8 to 10 metres to the North of this boundary. Although there is an approximate height difference of two metres in ground level across the two properties it is considered that the separation between the proposed development and the property at 1 Denys Court is sufficient to enable occupancy of the proposed building without allowing any material overlooking of 1 Denys Court. Further, given the orientation of the dwelling at 1 Denys Court in relation to the proposed development, there would not be any opportunity for intervisibility between windows to occur.
- 5.11 Subject to the use of the above condition, it is considered that the proposed development is acceptable in residential amenity terms.
- 5.13 Transportation  
Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development would not have a detrimental impact upon highway safety and amenity in the locality of the development. Policy T8 provides the maximum parking standards.
- 5.14 The subject property benefits from considerable grounds that includes a driveway/parking area that is sufficient to cater for the requirements of this development. It is therefore considered that the proposed development would have no material impact in transportation terms.
- 5.15 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).

5.16 Section 106 Requirements

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

**6. CONCLUSION**

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

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

**7. RECOMMENDATION**

7.1 That Planning Permission be granted subject to the following conditions

**Background Papers      PT07/0343/F**

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

**CONDITIONS**

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

Reason(s):

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

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

Reason(s):

To ensure a satisfactory standard of external appearance in the Olveston Conservation Area, and to accord with and Policy L12 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 following items shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

- (a) windows (including material);
- (b) external doors (including material);
- (c) reveals to windows/door openings;
- (d) eaves overhang;

4. The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Ty Nant, The Green, Olveston

Reason(s):

Given the relationship of the approved building to the existing dwelling and the nature of the use of the building, the separate residential occupancy of the building independent of Ty Nant would not allow sufficient privacy and residential amenity in accordance with Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.