



**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. 45/07**

**Date to Members: 09/11/07**

**Member's Deadline: 16/11/07**

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: 09/11/07**

**SCHEDULE NO. 45/07**

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.

---

### 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 .....**

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

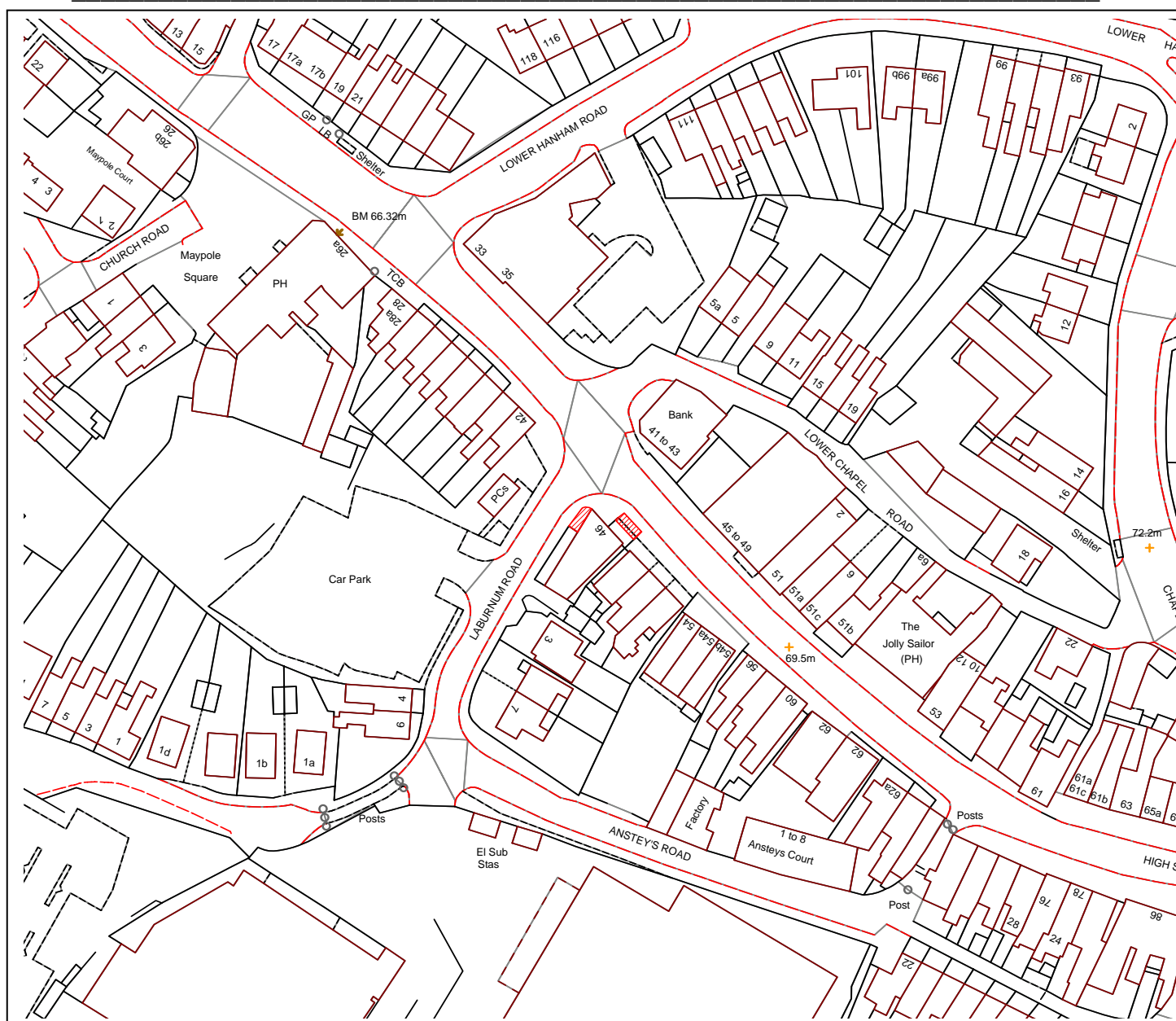
<b>Schedule Number</b>	<b>Date to Members 12 noon on</b>	<b>Members Deadline 12 noon on</b>
51/07	Friday 21 December 2007	Thursday 3 January 2008
52/07	No Circulated Schedule production	*
01/08	Friday 4 January 2008	Friday 11 January 2008

# Circulated Schedule 09 November 2007

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATION</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
1	<b>PK07/2311/CLE</b>	Approve with conditions	46/46A High Street Hanham South Gloucestershire BS15 3DR	Hanham	Hanham Parish Council
2	<b>PK07/2502/F</b>	Approve with conditions	148 Littledean Yate South Gloucestershire BS37 8UJ	Dodington	Dodington Parish Council
3	<b>PK07/2607/F</b>	Approve with conditions	Shopping Arcade Westons Way Kingswood South Gloucestershire BS15 9RR	Woodstock	
4	<b>PK07/2665/F</b>	Approve with conditions	The Dolphin 141 High Street Oldland Common BRISTOL South Gloucestershire BS30 9TD	Oldland Common	Bitton Parish Council
5	<b>PK07/2712/F</b>	Approve with conditions	Yate Health Centre 21 West Walk Yate South Gloucestershire BS37 4AX	Yate Central	Yate Town Council
6	<b>PK07/2751/F</b>	Approve with conditions	23 Ridgeway Yate South Gloucestershire BS37 7AF	Yate Central	Yate Town Council
7	<b>PK07/2882/F</b>	Approve with conditions	39 Leicester Square Soundwell South Gloucestershire BS16 4PD	Staple Hill	
8	<b>PK07/3020/F</b>	Approve with conditions	4 Chatcombe Yate South Gloucestershire BS37 4JD	Dodington	Yate Town Council
9	<b>PT07/2850/F</b>	Approve with conditions	78 Huckford Road Winterbourne South Gloucestershire BS36 1DU	Winterbourne	Winterbourne Parish Council
10	<b>PT07/2965/F</b>	Approve with conditions	2 The Brimbles Filton South Gloucestershire BS7 0RU	Filton	Filton Town Council

**CIRCULATED SCHEDULE NO. 45/07 – 09 NOVEMBER 2007**

<b>App No.:</b> PK07/2311/CLE	<b>Applicant:</b> Mr & Mrs B Woodward
<b>Site:</b> 46/46A High Street Hanham BRISTOL South Gloucestershire BS15 3DR	<b>Date Reg:</b> 27th July 2007
<b>Proposal:</b> Application for Certificate of Lawfulness for an existing use as 2 no. car parking spaces.	<b>Parish:</b> Hanham Parish Council
<b>Map Ref:</b> 64109 72398	<b>Ward:</b> Hanham



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100023410, 2007.

**N.T.S**

**PK07/2311/CLE**

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 This application for a certificate of lawfulness proposes that two areas of hard standing have been used to park vehicles on for a period in excess of ten years. Both spaces are outside 46 and 46a High street Hanham – one to the front of the building on High Street, and one to the side of the building on Laburnum Road. Neither of the spaces are on the adopted highway.
- 1.2 One sworn statement has been submitted in support of the application by the applicant Mr. Basil Woodward

### **2. POLICY CONTEXT**

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

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

- 3.1 P84/4586 Change of use of first floor of premises from residential to office accommodation.  
Approved December 1984

### **4. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION**

- 4.1 The supporting evidence submitted with the application takes the form of one sworn statement from the applicant – Mr. Basil Rex Woodward

### **5. SUMMARY OF CONTRADICTIONARY EVIDENCE**

- 5.1 None received

### **6. CONSULTATION RESPONSES**

- 6.1 Hanham Parish Council  
No objection

#### **Other Representations**

- 6.2 Local Residents  
None Received

### **7. EVALUATION**

- 7.1 The application for a Certificate of Lawfulness is purely an evidential test irrespective of planning merit. The only issues which are relevant to the determination of an application for a Certificate of Lawfulness are whether, in this case, the use described has or has not been actively in use on site for a

consistent period of not less than ten years and whether or not the use is in contravention of any Enforcement Notice which is in force.

7.2 The relevant test of the submitted evidence

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

7.3 The sworn statement from Mr. Woodward states that he has owned the properties known as 46 and 46a High Street Hanham, Bristol, BS15 3DR since 1985. He states he has a working knowledge of these properties for many years previous to this and gives information dating back to 1971.

7.4 Mr. Woodward states that the ground floor of the property has been in retail use since he purchased it in 1985. Mr Woodward himself runs and architects business from another part of the property. On plan marked drawing No. WA1, and attached to the statutory declaration, the two parking subject of this certificate are hatched and marked ‘A’ and ‘B’.

7.5 The sworn statement confirms that since Mr. Woodward’s purchase of the property in 1985, both parking spaces have been used by lessees of the building on a daily basis. The statement concludes by summarising, *‘the areas marked (on the plan attached to the sworn statement) have been used as parking bays for private use of occupiers and owners of the premises for at least the twenty two years preceding the date of the application for the certificate of lawful use...’*

7.6 It is the considered view therefore that on the balance of probability and in light of the information submitted, the two spaces as marked on plan WA1 attached to the sworn statement have indeed been used for the parking of private vehicles for a period in excess of ten years. No evidence has been submitted contrary to this and thus it is recommended that the certificate be granted.

**8. CONCLUSION**

8.1 Officers conclude, that on the balance of probability and in the absence of any supporting information to the contrary, the activities seeking lawful use consent has taken place for the last ten years. The certificate of lawfulness can thus be granted for the barn and the courtyard as marked on the submitted plan.

**9. RECOMMENDATION**

9.1 A certificate of lawful development be granted.



**Background Papers**      **PK07/2311/CLE**

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

**CIRCULATED SCHEDULE NO. 45/07 – 09 NOVEMBER 2007**

<b>App No.:</b>	PK07/2502/F	<b>Applicant:</b>	Mr & Mrs Z Stoykovic
<b>Site:</b>	148 Littledean Yate BRISTOL South Gloucestershire BS37 8UJ	<b>Date Reg:</b>	15th August 2007
<b>Proposal:</b>	Erection of single storey side extension to form additional living accommodation.	<b>Parish:</b>	Dodington Parish Council
<b>Map Ref:</b>	71341 80928	<b>Ward:</b>	Dodington



© South Gloucestershire Council 2007. All rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2007.

**N.T.S**

**PK07/2502/F**

This application has been placed upon the Circulated Schedule due to the receipt of comments from Dodington Parish Council.

## **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a single storey extension to the side of the building. The extension as proposed would form a family room, WC and study and would comprise a simple lean-to design projecting 3.5 metres from the side of the existing dwelling.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS 1 Delivering Sustainable Development
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
H4 Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance  
Kingswood Advice Note 2: House Extensions

## **3. RELEVANT PLANNING HISTORY**

- 3.1 None specific

## **4. CONSULTATION RESPONSES**

- 4.1 Dodington Parish Council  
In view of the size of the proposed extension, the building should not be split into two separate dwellings in the future but should remain as a single dwelling.

### **Other Representations**

- 4.2 Local Residents  
None received

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
Policy H4 of the South Gloucestershire Local Plan allows for development providing it is in keeping with the character of the area and satisfies several criteria relating to design, scale, highway and impact upon visual and residential amenities being met.
- 5.2 Design/ Visual Amenity  
The proposed extension meets an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. The extension has been significantly reduced in projection since its original submission and is suitably subservient to the host dwelling. The materials and

windows to be used in the construction of the extension will match those of the existing dwelling further encouraging its successful integration.

The structure will be visible from the highway to the front but will not be highly visible from the neighbouring dwellings. The modest size of the extension is not considered to appear visually incongruous or out of keeping with other properties in the area. The design of the extension is thus considered to be acceptable.

### 5.3 Residential Amenity

The extension is to be 3.5 metres in projection and is not to be erected adjacent to the boundary with any neighbouring property.

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

### 5.4 Parish Council Comments

Concern has been expressed by the Parish Council that the property should not be split into two at a future date. Members should note, that the single storey extension has been reduced in size since its original submission and any works to sub-divide the property would require the submission of a planning application and is not therefore material in the determination of this planning application.

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

## 7. RECOMMENDATION

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

**Contact Officer: Elizabeth Dowse**  
**Tel. No. 01454 865204**

**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. 45/07 – 09 NOVEMBER 2007**

**App No.:** PK07/2607/F

**Applicant:** Kingswood 1 + 2 Ltd

**Site:** Shopping Arcade Westons Way  
Kingswood BRISTOL South  
Gloucestershire BS15 9RR

**Date Reg:** 22nd August 2007

**Proposal:** Alterations to roofline to facilitate the erection of two storey side extension to form 1 no. retail unit (Class Use A1) and 1 no. unit (Class Use A5) hot food takeaway, with 4 no. additional self contained flats above with balcony and associated works.

**Parish:**

**Map Ref:** 65731 73032

**Ward:** Woodstock



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2007.

DC0901MW

## **INTRODUCTION**

This application has been referred to the Circulated Schedule following the receipt of objections raised by local residents, which are contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application relates to a local shopping arcade located to the west of Westons Way and to the north of Gee Moors, Kingswood. The arcade is part of a larger complex comprising a car park, a supermarket, a retail unit, a hot food takeaway, residential accommodation and a public house. The car park is accessed off Gee Moors via Westons Way, and is bounded to the west by a two-storey building i.e. the arcade. 'The Old Plough' public house bounds the car park to the north. The ground floor units within the arcade are currently occupied by a Tesco Express (A1), a Chinese Takeaway (A5) and a Video Shop (A1). The single 2 bedroom residential unit (C3) lies above the Chinese Takeaway.
- 1.2 Access to the car park is from the original lane i.e. Gee Moors, which continues beyond the site to serve a terrace of cottages. To the south of the site, also served by the lane, are some more recently constructed houses. This lane is bounded by a mature hedge that separates the housing from the shops. The ground level of the nearest houses (to the west) is also between 1 and 2 metres higher than the ground level of the application site. The location is generally residential in character but a large area of open amenity space lies directly opposite the site on the eastern side of Westons Way; footpaths to the north of 'The Old Plough' are connected to this open space via an underpass beneath Westons Way.
- 1.3 It is proposed to re-model and extend the two-storey arcade building to the north, to form two further commercial units i.e. 1no. retail unit (A1) and 1no. hot-food takeaway (A5), with 4no additional flats (C3) and a balcony above.
- 1.4 Members should note that the original planning permission P85/4453/F for the erection of 3 shops with flats above, 1 supermarket & 1 public house with living accommodation over, although implemented, has only been partially completed and is therefore still extant. The existing Shopping Arcade could still be extended under this planning permission, albeit to a lesser extent than is proposed in this current application (see para. 5.1 below).

### **2. POLICY CONTEXT**

- 2.1 National Guidance
  - PPS1 - Delivering Sustainable Development
  - PPS3 - Housing
  - PPS6 - Planning for Town Centres
  - PPG13 - Transport
  - PPG24 - Planning and Noise

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 - Design

L1 - Landscape Protection and Enhancement

- L5 - Open Areas within the Existing Urban Areas and Defined Settlements
- EP1 - Environmental Pollution
- EP4 - Noise Sensitive Development
- T7 - Cycle Parking
- T8 - Parking Standards
- T12 - Transportation Development Control Policy for New Development
- H2 - Residential Development within the Existing Urban Area
- RT8 - Small Scale Retail Uses within the Urban Areas
- RT12 - Use of Upper Floors in Town, Local and Village Centres.

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist (SPD) Adopted 23<sup>rd</sup> August 2007

**3. RELEVANT PLANNING HISTORY**

There have been numerous planning applications and applications for advertisement consent, relating to the site. Only the applications considered most relevant to the current proposal are listed below:

- 3.1 P85/4453 - Erection of 3 shops with flats above, 1 supermarket & 1 public house with living accommodation over.  
Approved 23<sup>rd</sup> Jan. 1986.
- 3.2 P87/4539 - Hot food takeaway.  
Refused 14<sup>th</sup> Sept 1987
- 3.3 P92/4480 - Change of use from Class A1 retail to Class A3 hot food takeaway.  
Refused 7<sup>th</sup> Sept 1992
- 3.4 P94/4594 - Change of use from retail A1 to hot food takeaway A3.  
Approved 30<sup>th</sup> Jan 1995
- 3.5 P99/4047 - Installation of ATM cash dispenser.  
Approved 15<sup>th</sup> June 1999.
- 3.6 PK02/1189/F - Installation of refrigeration condenser unit.  
Refused 20<sup>th</sup> May 2002
- 3.7 PK03/3184/F - Installation of new shop front and refrigeration plant (retrospective).  
Approved 26<sup>th</sup> Jan 2004.

**4. CONSULTATION RESPONSES**

4.1 Parish/Town Council  
Not a parished area.

4.2 Other Consultees

4.3 Avon and Somerset Police – Crime Reduction Officer

The area has for some time experienced problems with groups of youths gathering and complaints of anti-social behaviour. There have been 14



incidences recorded in the past 10 months. If the application is approved the Crime Reduction Officer requests conditions or S106 Agreement to secure re-landscaping of the area to the front of the new shops and to the rear of 'The Plough' PH to include the filling in of the subway. If required, the fitting of a pedestrian controlled traffic light crossing to Westons Way should be included. The premises should have PaS24 or equivalent doors fitted and windows to BS 7950.

## **Other Representations**

### **4.4 Local Residents**

5no. letters of objection have been received from local residents. The concerns raised are summarised as follows:

- Inadequate parking for existing shops, flats and Public House.
- Visibility onto Westons Way from Gee Moors is restricted by parked cars and lorries waiting to deliver to the shops.
- Will increase the number of cars and lorries visiting the site.
- There is no Cycle usage to the site.
- There are existing high levels of noise from deliveries to Tesco and from the Public House.
- The rear access to the existing units is used by vandals and for anti-social behaviour.
- Will increase the amount of litter and vermin in the area between the Public House and the retail units.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

#### **Commercial Development**

The acceptance in principal of local shops with residential accommodation above, was previously established in this particular locality, with the granting of planning permission P85/4453/F (K.1334/6) for the erection of 3 shops with flats above (3x2 bed), 1 supermarket & 1 public house with living accommodation over. Although implemented, the scheme has to date not been completed, so the planning permission is still extant. Under the original planning permission, had it been fully implemented, within the two-storey arcade there would have been 613 sq.m. of gross commercial floor space with 3 no. x 2 bed flats above and this could in theory still be completed at any time, without the need to seek further planning consent. There is in fact only 480 sq.m. of the originally approved 613 sq.m. commercial floor space within the existing building.

- 5.2 The current proposal seeks to extend the Arcade along similar lines as previously approved but with a total net increase (above that which was previously approved), in commercial floor area of 77 sq.m. thus providing an extra commercial unit at ground floor level i.e. making a total of 4 units as opposed to the originally approved 3, plus the supermarket. The roof space above would be re-modelled to allow the creation of 1no x 3 bed, 1no. x 2 bed and 3no. 1 x bed flats, giving a total of 5 flats above the shops, which would be an increase of 2no. flats more than were originally approved under P85/4453/F. It is also proposed to introduce a balcony to the front and side of the proposed flats, which was not part of the originally approved scheme.

- 5.3 Given that the Arcade could be extended under the extant planning permission, officers consider that this is a material consideration that should be given considerable weight in the determination of the current proposal.
- 5.4 The commercial/shop element of the scheme falls to be determined under Policy RT8 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits small scale proposals for A1 - A5 uses within the urban areas but outside town centres, provided that:
- A. The development would not give rise to unacceptable levels of vehicular traffic or on-street parking to the detriment of the amenities of the surrounding area and highway safety; and
  - B. The development would not prejudice existing residential amenity; and
  - C. The character of the area would not be affected; and
  - D. (In the case of proposals within a local centre) that the development would be consistent with that centre's scale and function; or
  - E. (In the case of proposals outside of a local centre) development would improve the range of services to a local community and not harm the vitality and viability of an existing local centre.
- 5.5 Although having many of the characteristics of a local centre i.e. supermarket, pub, hot-food takeaway, the Westons Way development is not listed within paragraph 9.8 of the South Gloucestershire Local Plan, as being a local centre. Officers therefore consider that the proposal relates merely to individual local shops within the urban area, which themselves are considered to provide valuable local facilities; especially where a local centre is not within easy walking distance.
- 5.6 The proposal is relatively small but would improve the range of services to the local community. Furthermore the level of development proposed is unlikely to adversely affect the viability or vitality of the nearest shopping areas at Kingswood Town Centre, Warmley or Longwell Green. Criterion E of Policy RT8 is therefore satisfied.
- 5.7 Officers are therefore satisfied that, having regard to all of the above and subject to the satisfaction of the other criteria contained in Policy RT8, which will be discussed below, the proposed commercial development is acceptable in principle.

Residential Development

- 5.8 Moving to the proposed residential element of the scheme, Policy RT12 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 positively supports the residential use of upper floors of new and existing premises within local centres; and since the policy resists the change of use of existing residential accommodation above individual shops, the policy can be interpreted as equally supporting the residential use of upper floors above local shops as well.
- 5.9 Having regard to the adopted Joint Replacement Structure Plan, Policy 34 states that in making allocations for housing provision, Councils should give

priority to the re-use of previously developed land. Similarly, Policy 33 states that priority will be given to the re-use of previously developed sites *within the urban area*. Furthermore, Policy 2 of the JRSP, the locational strategy, aims to concentrate development for jobs, housing and facilities within the main urban areas, in order to maintain and develop their vitality and quality as regional and sub regional centres. JRSP Policy 19 requires development to be managed in a manner that respects local character and distinctiveness through good design.

5.10 Since the site lies within the urban area, the proposed new residential accommodation falls to be determined under Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits the residential development proposed, subject to the following criteria:

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

5.11 The site lies within the Urban Area and there is no in-principle objection to the residential development proposed. PPS3 supports the generation of mixed communities in sustainable locations and at para.20 states:

*“Key characteristics of a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people.”*

The proposed flats are therefore considered to be in accordance with the latest government advice contained in PPS3 and as such, there is no in-principle objection to flats being erected in the location proposed. The flats would be sold on the open market and would provide a valuable contribution to the low cost open market housing stock, which is increasingly in demand by single people, professional couples or first time buyers. In this case it is conceivable that the flats may even be occupied by people operating or working in the shops below, which would accord with the principles of sustainability.

5.12 Whilst the criteria contained in policies RT8 and H2 will be discussed below, officers consider that the key issues in the determination of this proposal are the implications for highway safety, impact on residential amenity and any material considerations in terms of security or environmental enhancements that may be secured through the scheme.

5.13 Density

The density of residential units that is now proposed is considered to be commensurate with that which was previously approved. One flat per commercial unit is not considered to be an over-intensification of residential accommodation for this mixed use development and is a common enough scenario where shops are found in residential suburban areas such as this. The proposed density is therefore acceptable.

#### 5.14 Scale and Design

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

- 5.15 Having regard to the amount of development that could still be carried out under the extant planning permission, the scale of additional built development is relatively small. The extension to the existing building would be at the northern end only and for most part would merely represent a continuance of the existing built form. Whilst the roof space would be utilised to provide the flats, the overall height of the building would not increase. The materials to be used in construction would match those of the existing building. The scheme design has been informed by the character and appearance of the existing building. The only significant departure from the existing appearance would be the proposed balcony, but even this is considered to adequately integrate within the established architectural vernacular. The proposed scale and design is therefore acceptable.

#### 5.16 Impact Upon Residential Amenity

A number of concerns have been raised by local residents concerning existing problems relating to noise and disturbance, most of which is related to anti-social behaviour from users of 'The Old Plough' public house and from cars and delivery lorries already visiting the site. Officers must consider whether or not the development, as now proposed, is likely to unacceptably exacerbate these problems or conversely even alleviate some of the problems through good design.

- 5.17 The proposed extension would be on the northern end of the building where, physically it will have least impact on the nearest residential dwelling houses. High hedgerows to the south and west significantly restrict views of the shops/flats from these directions. The proposed balcony would overlook the area to the front and northern side of the shops only. Officers are therefore satisfied that the proposal would not have an overbearing impact for neighbouring occupiers or result in loss of privacy from overlooking or inter-visibility from facing windows.

- 5.18 It is acknowledged that the existing facilities are well used and the introduction of an additional retail unit and hot-food takeaway would widen the amount of customer choice available, thus enhancing the centres viability and vitality. Whilst the increased choice is likely to result in increased movements of people and traffic to the site, the actual amount is difficult to quantify. Since however the proposed units are small and the site is already well used, it is unlikely that the proposal would attract significant levels of new clientele to what are only local facilities. The ongoing problems with anti-social behaviour appear to be mainly associated with the adjacent public house. Officers consider that it is for

the appropriate authorities to control this problem rather than the planning system.

5.19 At present the existing flat, takeaway and retail unit are accessed to the rear from a narrow alleyway. This alleyway is currently accessible to the general public and is often the subject of vandalism and other anti-social behaviour. Furthermore an area of open amenity space to the side of the existing building is used for impromptu games of football. If the proposed scheme were allowed, the rear alleyway would be fenced off with access from a security gate only. Access to the flats would be via a new side door only. The new build would take up the existing area of amenity space to the north, thus eliminating the opportunity to play football there. In addition the proposed new balcony would provide the opportunity for better surveillance of the areas to the front and side of the Arcade. All of these matters would make a positive contribution to reducing the current levels of anti-social behaviour. This could be further enhanced by improved landscaping and the highway improvements proposed (see the relevant sections below).

5.20 The proposed hours of operation for the new units are retail - 09.00 hrs. to 23.00 hrs. Mon to Sunday incl. and take-away - 11.00 hrs. to 23.00 hrs. Mon to Sun incl. These hours are considered to be commensurate with the existing Chinese takeaway use at the centre and can be controlled by condition. Having regard to all of the above, officers are satisfied that the likely overall impact on residential amenity would be acceptable.

#### 5.21 Transportation Issues

The proposal does not include the provision of additional off-street car parking facilities on the site. It is acknowledged that this could result in additional traffic using the adjoining highway network. To mitigate for the vehicular traffic impact of the proposed development, the applicant has agreed to make a contribution of £12,000 towards improving pedestrian facilities and road safety in the area. This contribution, which would be used towards traffic management and road safety measures, including provision of pedestrian crossing facilities on Westons Way, would be secured by an appropriate S106 Agreement.

5.22 Due to local resident concerns about vandalism and anti-social behaviour, both the Council and Avon and Somerset Police have a desire to close the existing under-pass on Westons Way. If this under-pass is to be closed off, then an alternative and safe pedestrian route across Westons Way must be provided. With the development as proposed, it is essential that good and safe access is maintained to the local shops. The Council is also committed to manage and improve choice in order to provide people with the option to travel by means other than the car, especially to destinations that are used regularly (such as local shops). It is considered that pedestrian highway improvements would meet the Council's aspirations to achieve sustainable development. Furthermore, the scheme would include the introduction of public cycle parking facilities to the front of the shops as well as secure cycle parking to the rear for future shop employees/owners.

5.23 On balance therefore and having regard to the relatively small net increase in development over and above that already approved, there are no highway objections to the proposal.

#### 5.24 Landscaping Issues

The development site comprises a small area of public open space to the north of the existing Arcade, which links into a larger linear area of open space and footways to the north of 'The Old Plough'. These footpaths lead to the underpass on Westons Way. There is a large Ash tree on the northern boundary of the application site along with some smaller hedgerow shrubs. There is an established hedgerow on the western boundary, which extends to the rear of the existing building and forms a substantial boundary treatment with the neighbouring residential garden. The application site is in the applicant's ownership.

5.25 It is proposed to remove the Ash Tree but having inspected it, the Council's Tree Officer is satisfied that the tree, having been severely pollarded, does not meet the criteria for Tree Preservation Order. Furthermore, although the tree makes some contribution to the area in terms of Policy L1, a younger tree that lies adjacent to it will be retained and will mature to a similar size. The existing hedgerow should however be retained and protected during the development phase.

5.26 The Council's Landscape Architect raises no objection to the loss of the amenity space but does consider that there is scope for further landscaping; this can be secured by condition requiring the submission of a landscape scheme to include the protection of the existing hedgerow. Subject to the submission and prior written agreement of a satisfactory scheme of landscaping, there are no landscape objections.

#### 5.27 Environmental Issues

At present it is unknown what type of business would occupy the take-away unit. Whilst an extraction and odour abatement system will be required, no further details, other than the position and height of the flue, have been submitted. In order to protect residential amenity, conditions would be imposed to secure the prior submission and approval of all details of the system. A further condition to limit noise levels to 45dB by day (7.00am to 11.00 pm) would also be imposed. Details of grease traps will also be required. The sound insulation for the new flats would be covered under Building Regulation control.

5.28 Concerns have also been raised about increased litter and rat infestation. In response, a condition would secure the provision of an additional litter bin to serve the take-away. Vermin infestation would be the subject of normal pest control measures and environmental legislation.

#### 5.29 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).

#### 5.30 Section 106 Requirements

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

preferable. In this instance, having regard to the above advice, the transportation improvements are appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

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

(i) A contribution of £12,000 towards the provision and enhancement of traffic management and road safety measures including the provision of pedestrian crossing facilities on Westons Way.

The reasons for the agreement are:

(i) To improve highway infrastructure having regard to Policy T12 (A) of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

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

(3) That the application be referred back to DC East Committee if the Section 106 is not signed within 6 months of the date of this report.

**Background Papers**      **PK07/2607/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. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason:

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

3. The use of the A1 retail unit hereby permitted shall not be open to customers outside the following times 09.00 hrs to 23.00 hrs Monday to Sunday inclusive.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The use of the A5 hot food take-away hereby permitted shall not be open to customers outside the following times 11.00 hrs to 23.00 hrs Monday to Sunday inclusive.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the first use of the A5 hot food take-away hereby approved, a refuse bin shall be provided for the customers on the forecourt of the premises and thereafter permanently retained when the premises are trading.

Reason:

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

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

Reason:

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

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

Reason:

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

8. No raw materials, finished or unfinished products or parts, crates, materials, waste, refuse or any other item shall be stacked or stored outside any building on the site without the prior approval in writing of the Local Planning Authority.



Reason:

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

9. The cycle parking facilities (private and public) as shown on the Ground Floor General Arrangement Plan Drg no 1415/2010 Rev B hereby approved, shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason:

To ensure the satisfactory provision of cycle parking facilities and to accord with Policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. No development shall take place until full details of the odour abatement and extraction system to be used in the development have been submitted to and agreed in writing with the Local Planning Authority. These shall include details of:

- (i) the type of emissions;
- (ii) noise levels associated with operation of flue;
- (iii) specification and location of all fans, plant and flues;
- (iv) maintenance/cleaning schedule.

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

Reason:

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

11. Prior to the first use of the unit as a takeaway, the extraction system must be fully installed and fully operational exactly in accordance with the submitted details. The extraction system must be fully maintained to manufacturer's standards and available for operation at all times. For the avoidance of doubt, the extraction system shall include both ESP filters and carbon filters.

Reason:

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

12. The rating level of noise emitted from the extraction units shall not exceed 45dB by day (7.00am to 11.00pm). The flues shall not be operational outside of these hours unless the Local Planning Authority gives written consent to any variation. The noise level shall be determined at the nearest noise-sensitive premises. The measurements and assessments shall be made in accordance with the provisions of BS4142:1997

Reason:

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

13. Prior to the commencement of the development hereby approved, details of the proposed grease traps to be installed for the A5 hot food takeaway shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the grease traps shall be installed in full accordance with the details so approved.

Reason:

To minimise the risk of blockages to the foul drainage system in accordance with Policy EP1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

14. The hours of working on the site for the period of construction of the development hereby approved, shall be restricted to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 45/07 – 09 NOVEMBER 2007**

**App No.:** PK07/2665/F  
**Site:** The Dolphin 141 High Street Oldland Common BRISTOL South Gloucestershire BS30 9TD  
**Proposal:** Installation of replacement awnings to rear elevation and construction of canopy over rear entrance.  
**Map Ref:** 67589 71492

**Applicant:** Enterprise Inns  
**Date Reg:** 30th August 2007  
**Parish:** Bitton Parish Council  
**Ward:** Oldland Common



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100023410, 2007.

**N.T.S**

**PK07/2665/F**

## **INTRODUCTION**

This application appears on the Circulated Schedule after the receipt of objections from the local parish council; a local resident and Councillor Marc Scawen.

### **1. THE PROPOSAL**

- 1.1 The application site is located within the rear beer garden of the Dolphin Pub, Oldland.
- 1.2 The proposed development involves the erection of awnings to the rear elevation and construction of canopy over the rear entrance.
- 1.3 Following concerns raised through the consultation process the agent has submitted amended plans detailing a reduction in the projection distance of the proposed awnings. A re-consultation process has taken place and further comments received.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS 1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- D1 Achieving Good Quality Design  
EP1 Environmental Pollution

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

- 3.1 PK06/2170/F Erection of single storey front extension to form new entrance porch with ramp for disabled access.  
Approve with conditions: 6<sup>th</sup> October 2006

### **4. CONSULTATION RESPONSES**

- 4.1 Councillor Marc Scawen

I wish to object to the above planning application, the proposal would be likely to materially affect the external appearance of the building the design and appearance would be out of keeping with the character of the area and would have an overbearing impact

These parasol are far too large and I would guess be used as a smoking area/ smoking shelter. The paved garden area will be almost lost & there will be very little open space to enjoy without being surrounded by smokers

*General principles for smoking shelter*

Careful consideration should be given to the siting of shelters to ensure they do not result in a nuisance to adjoining property and occupiers

If you are minded to suggest approval I would like this to be considered by committee and be subject to a site inspection'.

4.2 Following a meeting between the landlord and Councillor Scawen the applicant submitted revised plans reducing the depth of the awning by 1.0 metre.

4.3 Bitton Parish Council

Councillors objected to the proposed awning which they felt would enclose virtually the whole of the courtyard garden area. Its size would allow use by a large number of people at any time and there is a house very close by the open side which would suffer noise disturbance and loss of amenity.

4.4 Other Consultees

Environmental Services

No adverse comments.

**Other Representations**

4.5 Local Residents

One email was received in respect of the original plans, expressing the following summarised objections and concerns:

- proposed canopy is far too excessive, in covering nearly all of the outside area
- The noise would be unbearable – particularly if a TV screen is placed beneath the canopy to enable smokers to watch live sports.
- what is wrong with the existing shelters

**Re-consultation responses**

4.6 Following a re-consultation process the following comments were received:

4.7 Bitton Parish Council

The revised proposals for replacement awnings show a reduction in depth from 5 metres to 4 metres. However, the size remains excessive for the courtyard area. The neighbour at 143, High St would still be affected by noise and disturbance and loss of amenity.

4.8 Local Resident

One email was received, expressing the following summarised objections and concerns:

- do not feel all alternatives of the “smoking area” have been exhausted. Reasonable size of garden land to left hand side of pub that remains unused – this would be an ideal location for a smoking area as it does not adjoin neighbouring properties.
- strongly object to a TV screen being erected under the canopy should the proposed application be approved.

**5. ANALYSIS OF PROPOSAL**

5.1 The proposed development involves the erection of awnings to the rear elevation and construction of canopy over the rear entrance.

5.2 Principle of Development

Policies D1 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006 are relevant to this planning application. The policies indicate that the proposed development is acceptable subject to the following consideration.

### 5.3 Design

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

It is acknowledged that the awnings will cover a sizeable part of the courtyard beer garden. However, given the location of the awnings on the rear elevation of the pub it is considered that they will not have a detrimental impact on character and appearance of the pub and the surrounding locality. In addition, the proposed rear entrance canopy is considered to be an appropriate addition to the pub. Subject to a condition requiring that details of the awning canopy colour be submitted to the Council, the development is considered to be in accordance with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

### 5.4 Environmental Pollution – Noise

Policy EP1 states that development will not be permitted which would unacceptably harm the amenity of users of the site or surrounding land as a result of pollution – in this case noise and vibration

Concern has been raised as to the impact of the proposed development on residential amenity of neighbouring properties, particularly in reference to No.143 which adjoins the south west boundary of the site.

Under the current arrangements a large number of pub customers could occupy the courtyard beer garden. It is considered that the introduction of awnings would not lead a marked increase in disturbance to such an extent that refusal could be warranted on noise grounds. Indeed the Council's Environmental Officers have not objected to the proposal. In light of this, the application is considered to be in accordance with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

### 5.5 Other matters arising

Concern was raised that a TV screen will be placed beneath the awnings leading to increased noise. It should be noted that the current scheme does not include such a proposal and in any event it would not be deemed as development. However, should a TV be installed the noise emanating from it could be controlled under separate non-planning legislation.

### 5.6 Section 106 Requirements

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

## 6. CONCLUSION

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

## **7. RECOMMENDATION**

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

**Background Papers**      **PK07/2665/F**

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

## **CONDITIONS**

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

Reason:

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

2. No development shall take place until details of the canopy colour 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.

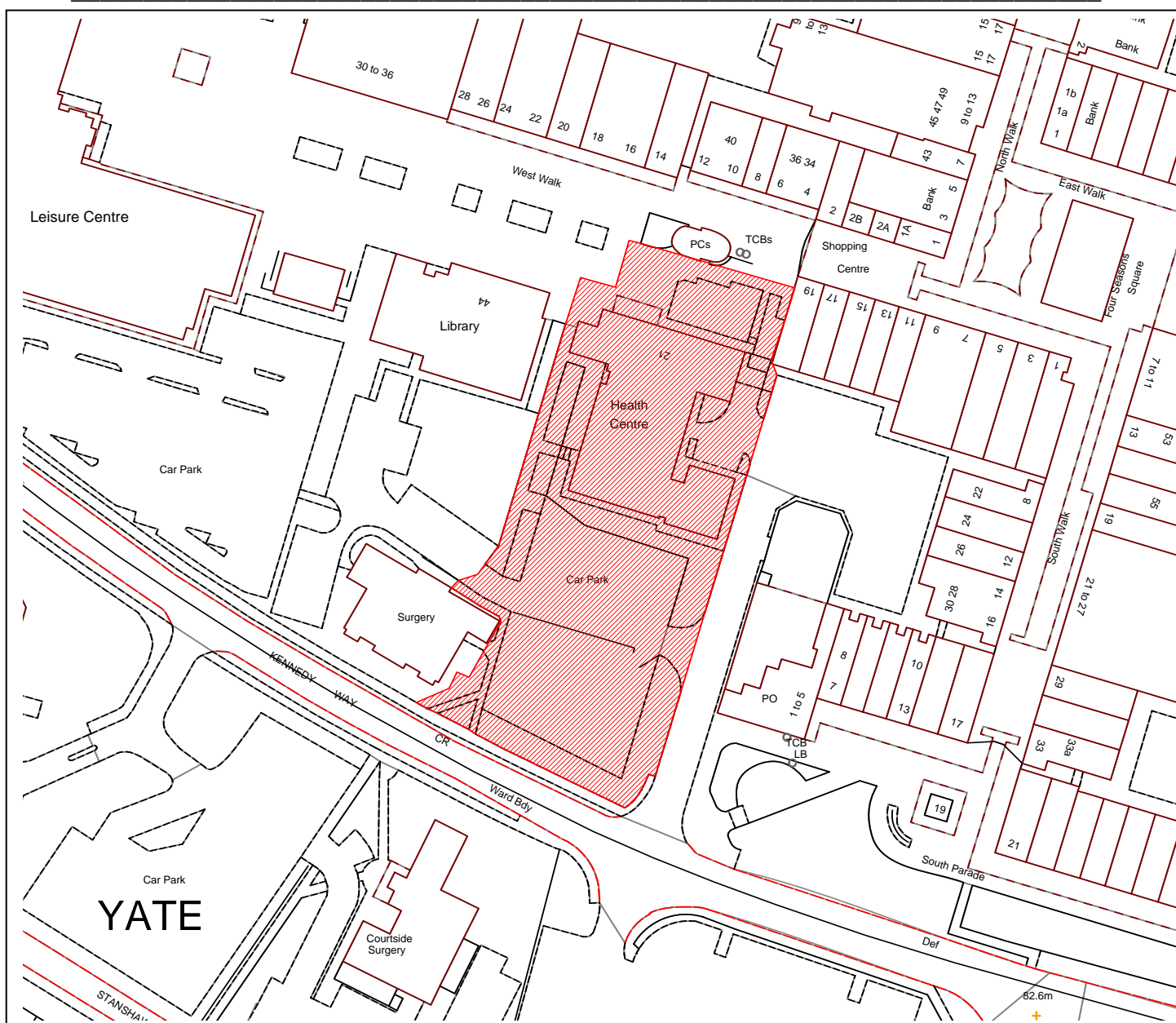
Reason:

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

**CIRCULATED SCHEDULE NO. 45/07 – 09 NOVEMBER 2007**

**App No.:** PK07/2712/F  
**Site:** Yate Health Centre 21 West Walk Yate  
 BRISTOL South Gloucestershire BS37  
 4AX  
**Proposal:** Erection of replacement three storey  
 healthcare centre with parking and  
 associated works.  
**Map Ref:** 71344 82401

**Applicant:** Mr R Pedley  
**Date Reg:** 4th September 2007  
**Parish:** Yate Town Council  
**Ward:** Yate Central



© South Gloucestershire Council 2007. All rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2007.

**N.T.S**

**PK07/2712/F**



## **INTRODUCTION**

This application is reported on the Circulated Schedule because it relates to major development and an objection has been received.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the erection of a replacement health centre, to serve Yate, Chipping Sodbury and surrounding areas. The existing health centre is a detached, two storey, flat-roofed, brick building which is set back from the West Walk building line to the east of the site. It establishes a wider space across West Walk which is continued up to the leisure centre. The health centre has its own discrete parking area to the south of the site, which is presently barrier controlled. The site also extends over land to the front of the health centre, up to a public toilet block which takes up a prominent position where West Walk widens out.
- 1.2 The proposal is to demolish the health centre described above and replace it with a three storey pitched roof building, in an 'L' shape, which would stand further forward than the building to be replaced and feature a sloping frontage, softening the set back between the narrow West Walk frontage and where West Walk opens out in front of the library. The existing narrow frontage to the east of the site is three storey, while the library building is two storeys high. Due to the proposed roof, the replacement health centre would be taller than the buildings on either side of it.
- 1.3 The application proposes car parking south of the site, to be accessed from Kennedy Way. This would be in three distinct areas, for staff, 23 places closest to Kennedy Way, for the public, 18 places close to the proposed health centre and for disabled and drop off parking.
- 1.4 At present, along the western boundary of the site stands a row of trees. These are close to the building's footprint proposed to be removed and replaced with a row of hornbeams, which would continue into the car park to the rear of the site. The pedestrian path at the side of the building would be maintained, as would the circulation space between the health centre and the public toilet building, albeit reduced.
- 1.5 The replacement health centre is proposed to be contemporary in design, under a monopitch roof, with a marked overhang. It would have an irregular window pattern, glazed corner features running from ground level to the roof. The walls are proposed to be of polished concrete blockwork at ground floor with metal cladding above with a silver finish. This approach would be punctuated and counter-pointed by terracotta sections which again add vertical emphasis to balance the horizontal emphasis of the building, particularly in the (partially screened by the library) western elevation. The building is also proposed to contain, at ground floor level, a commercial pharmacy, at single storey under a flat roof, fronting onto West Walk at the eastern edge of the site. Also projecting into West Walk would be a two storey bay section which forms an identifiable focal point and entrance at the front of the building. The site lies within the flood zone of the river Frome and so a Flood Risk Assessment was submitted with the application.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1 Delivering Sustainable Development  
PPG13 Transport

- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
L1 Landscape and trees  
LC4 Community facilities  
S1 Major development infrastructure requirements  
T7 Cycle parking  
T8 Car parking  
T10 Encouraging non-car travel modes  
T12 Transportation

**3. RELEVANT PLANNING HISTORY**

3.1 No relevant development since the health centre was constructed

**4. CONSULTATION RESPONSES**

4.1 Yate Town Council  
No objection

4.2 Other Consultees  
Wessex Water

The site is within a foul water sewered area. It will be necessary for the developer to agree a point of connection into Wessex infrastructure.

Environmental Protection  
No adverse comments

Technical Services

Suggest that Flood Risk Assessment is forwarded to the Environment Agency for consultation.

Environment Agency

The FRA corroborates the Agency's new floodplain map, acknowledging that the proposed development site is located in Flood Zone 1, and is at low risk of flooding. Therefore the Environment Agency have no objection in principle to the development, subject to the inclusion of conditions which meet the following requirements.

CONDITION:

The internal finish floor level(s) of the building(s) shall be constructed no lower than 82.2 m above Ordnance Datum.

REASON:

In the interests of flood prevention.

CONDITION:

No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water runoff limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved programme and details.

REASON:

To prevent the increased risk of flooding.

### Conservation & Design Advisory Panel

The proposal was considered by Architect's Panel in October 2007. The findings were as follows:

- Comments made on pre-application drawings sought separation between the public realm and the treatment rooms. The ramp shown on the plans helps overcome this to some extent, but there is still potential for patient , privacy to be compromised, especially during out of hours service. It was suggested that the rise of the ramp is moved away from the windows.
- The design allows for easy pedestrian movement through and around the site, as suggested.
- The metal profile material at first and second storey causes some concern. The use of this material would lead to the use of flashings at all junctions which could detract from the quality of the appearance. Such a material – profiled metal sheeting – is considered inappropriate for a landmark building.

### **Other Representations**

#### 4.3 Local Residents/ Businesses

One letter of objection was received within the consultation period, from a representative for the Post Office, raising the following concerns:

- The proposal would lead to significant additional traffic movements on South Parade, having a detrimental impact on the quality of mail sorting and delivery services from Yate Delivery Office.
- The proposal will lead to the loss of car parking spaces within the health centre site and this has the potential to encourage street parking on South Parade. Mail vehicles already experience congestion here and the intensification of the health centre would exacerbate this, compromising the postal service.
- The additional floor on the health centre, as opposed to the current health centre, would have the potential to diminish light into the delivery office site
- During the construction phase, there would be impact on the post office due to noise, dust and traffic, including delivery times. Some of this could be resolved through the imposition of conditions.

NB This last point is not a valid planning concern, as it relates to the construction phase.

## **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. It should be borne in mind that the site is presently in use as a health centre. The proposal is for a larger building to replace the existing. Therefore the issues to be considered, which form the headings below, are the design of the building in its context, the implications of replacing the health centre building with a larger one and the impact on parking and transportation generally. Other issues are dealt with separately after this. Policy LC4 of the adopted Local Plan sets criteria to be met for new community facilities, which apply in this case. These are accessibility by foot and cycle, effect on residential amenity, lack of unacceptable transportation and environmental effects and on-street parking issues.

### 5.2 Design and appearance, visual amenity

Yate town centre is essentially inward-looking, with principle facades facing the four pedestrianised walks, due to the fact that most of the buildings are shops at ground floor level. This is considered to create a problem in that views into the town centre from outside the 'island' are generally of service yards, areas of landscaping and large areas of car parking. Any new building in the town centre needs to play a part in enhancing the frontage to the pedestrianised areas, but also, if possible, to enhance the views in from outside the central area. This is considered to be a prerequisite for fulfilling the requirements of PPS1 and policy D1 of the Local Plan.

With regard to the visual contribution made by the proposal, the most striking features of the building are considered to be the large monopitch roof, the partially random window arrangement and the choice of materials. None of these features have been designed or selected to fit in with the appearance of the rest of the town centre and as such, they, and the building itself (with the exception of its siting) is considered to stand out. The roof of the building could have had an apex roof, or been flat, as the bulk of the existing buildings in the centre are. The monopitch however allows the building to bridge the gap between the three storey buildings to the east of the site in the narrow part of West Walk and the two storey buildings set in more space to the west, which border the wider part of West Walk. The potential monolithic nature of the roof is considered to be successfully offset by the changes in height and the recessing of parts of the wide side elevations.

The window pattern is an example of form following function, considered to be appropriate to buildings having specific uses. Each room requires natural light. The rooms are laid out to meet their functions, therefore, while the ground floor layout achieves regularity, the first floor does not. In most of the elevations, the second floor helps achieve some vertical balance by following the window pattern set by the ground floor layout.

The Architects Panel made comments, reported above, on the proposed design. With regard to these, the ramp has been re-sited as shown on amended plans, to bring it away from the treatment rooms and the applicants' agents have stated that the use of lead flashing will not necessarily be required. In respect of this, a condition has been appended below requiring details to be submitted of the window surrounds, which are likely to feature recesses instead of flashing at the joints between windows and the metal sheeting. With regard to the Panel's final comment regarding the suitability of that material, it is considered that the selection of metal sheeting is unusual. It would bring a new finish to the palette of materials visible in the town centre and as such would underline the landmark status of the building. Using a shiny material is considered to compliment the polished concrete of the ground floor in an appropriate manner, which would further enhance the modernity of the overall design.

Taking the elevations in turn, the northern elevation, as it faces West Walk, needs to advertise the building. At the eastern end is a single storey flat roofed pharmacy, with a glazed frontage appearing like a shop front. A glazed round corner unit marks each corner at the front and between these is the entrance feature. This is half glazed, two storeys high and is considered to carry the appearance of a front door, appropriate to the main entrance of the building, accessed from the pedestrianised area. The side elevations are much longer than the front and rear, again marked by glazed corner sections from ground to eaves. The western elevation, next to the footpath from the car parks, is more

regular in appearance. Full views of this would be limited by the adjacent library. The eastern elevation can be seen from the service yard to the rear of West Walk and South Walk, as well as from the disabled parking area. This elevation is broken up by the diverse palette of materials and the recessed area at second floor level. The rear, southern, elevation is considered to be key in terms of the appearance of Yate town centre from outside the 'island' in which it sits. It is considered that this elevation of the health centre should make a visual contribution to a vista currently dominated by buildings which face towards the pedestrianised area. The scope of a functional building to achieve this is considered to be limited. However, the success or otherwise of the building within its setting stands to be judged in these terms, not least as an exemplar for future redevelopment of the town centre. The southern elevation carries a mix of horizontal and vertical elements, expressed through the variation of materials. The same split as on the other elevations, at ground/ first floor level is maintained, while one corner is glazed and the other is picked out in terracotta. This is considered to be important, as most of the views of the building from the south will feature either one or the other corner of the health centre. The window arrangement is fairly regular, apart from a strong vertical line formed by a strip of glazing up to eaves level which marks the edge of the terracotta section. The elevation is considered to be striking in its context, demonstrating the plane of the monopitch roof. The relevant narrowness of the building from this direction, in comparison to the sides, allows what is considered to be a successful balance of horizontal and vertical emphasis, although it is acknowledged that the existing trees and landscaping will obscure or filter views of the building in its entirety.

The main entrance has been analysed above. There are other entrance points, the ramps to which are considered to have the potential to be architectural features in themselves. For that reason, a condition has been appended requiring details of the railings to be used to be submitted, in order to secure a high standard of treatment. It is considered therefore that the application is acceptable in terms of its design and complies with Policy D1.

### 5.3 Impact of proposed building on surrounding uses

An objection has been received from the Post Office regarding loss of light into their delivery building. The proposal is for the health centre to stand northwest of the Post Office building. It would indeed, at three storeys, be taller than the surrounding buildings and one storey higher than the current health centre, but its nearest point would be over 29 metres away and it would be located in a position where it would only block sunlight in the late evening in the summer. This is not considered to compromise the Post Office building. With regard to the impact upon other buildings, as stated above, the health centre would infill a gap between the three storey office buildings over shops to the east and the two storey library to the west. As the proposed replacement health centre roof form would slope down to the west, the increased height is minimal next to the library. With regard to the impact to the west, the proposed health centre is separated from the first and second floor offices by the 8 metre width of the pharmacy. The effect of this, allied to the design sloping the frontage towards the library is considered to remove the possibility of any overbearing effect being felt to the east of the site.

### 5.4 Transportation

This proposal is seeking planning permission to build a new health centre in order to replace the existing facility on the site. The new building, although larger in size, would have similar footprint to the existing one. The site is part of

the Town Centre precinct adjacent to West walk and accessed from a shared road off Kennedy Way. Accessibility to the proposed development would benefit from its town centre location. West Walk to the north is pedestrianised and walking distance between the site and the bus station is less than 300m. Pedestrian and cycle links to the site are strong and as such the proposed new health centre would be in a highly sustainable location. The existing car park to the health centre is located to the rear of the shops that face on the West Walk and South Walk. This car park is crossed by a right of way access road serving the rear of the library and Kennedy Way Surgery. There are also other desired pedestrian routes through the car park but these are not all clearly defined or marked. As part of the proposal, new pedestrian routes through and to the site have been introduced. These routes will be defined by the colour and texture of the paving materials. As a consequence of better defined routes to, from and across the site for pedestrians and those approaching by car, the use of the site will be improved.

In terms of parking, the proposed redevelopment of Yate community healthcare centre will result in no loss of car parking spaces. There are currently total of 52 spaces under the control of the existing health centre and this parking provision would not alter when the scheme is completed. From that total of number of 52 spaces (under the control of the applicant) 24 spaces would be barrier controlled (i.e. designated spaces for specialists' staff) and that is the same as the existing situation. The visitor/patient parking on the site will be 23 spaces. The number of disabled parking spaces on the site will be increased from 3 to 5 spaces. One of the key facilities that will be introduced as part of the new design parking layout is the provision of a drop-off point. It is considered that this would assist greatly in emergency cases. This drop-off (lay-by) would be located in a logical position, in close proximity to the main entrance.

The Post Office has expressed concerns about the impact of the development on traffic and parking in the area as well as the likely disruption/delay to Royal mail vehicle movements. The major factor to note in this case is that the development is within the town centre. It is considered that the effect on highway capacity would not be an issue because the proposed health centre is a replacement for the existing. The new facilities would be larger and cater for a greater number of users, but not to the extent that the increase in road traffic would be noticeable. It must also be remembered that people that use the facilities would not all be drivers. Among people that travel by cars to this development, there would be people who travel as passengers thereby sharing their trips with others. There would also be people who would walk and some using public transport facilities.

In respect of access, it must be pointed out that the proposed development would not alter existing vehicular access to the site and has no direct impact on the post office vehicular access. The Highways Officer is satisfied that the new health centre would not adversely affect the shopping centre or the Post Office during peak periods. Any disruption during reconstruction of the health centre would be of a temporary nature.

In compliance with the Local Plan parking policy, secure and undercover cycle parking are also proposed on the site. A suitable planning condition is appended to secure these facilities on site.

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

- 1) Prior to the first occupation of the new building provide footway improvements in accordance with submitted and approved plan.
- 2) Prior to the first occupation of the new building provide off-street parking and cycle parking all in accordance with the submitted and approved plans. The off-street parking and cycle provision on site shall subsequently be maintained satisfactory thereafter.

#### 5.5 Proposed Pharmacy

The design of the proposed pharmacy has been analysed above. This unit would operate under Use Class A1 (retail), which is appropriate to the town centre and is considered to comply with policy RT9. This part of the proposal would not result in the loss of any existing retail space.

#### 5.6 Tree and landscape Implications

The site is generally exhibiting some signs of its age and in terms of the site landscape this is manifesting itself in terms of uneven and patched paving, overgrown and/or dying shrubs and worn grass areas. The lack of available space and the hardsurfaced area to the front of the site make landscaping opportunities very limited. The trees close to the site however, are generally in good condition and the landscape issues therefore revolve around how they are treated. In any case, a landscaping condition has been appended to ensure that any limited opportunities are taken advantage of. With regard to hard landscaping, the submitted scheme shows a number of approaches to paving utilising varying materials to enhance permeability for pedestrians.

The application shows the removal of four trees, all birches, two of which are close to reaching the end of their lifespans. These trees are protected by Tree Preservation Orders. The proposal involves their replacement with six festigiate hornbeams, to be planted in the same position as the row of birches, between the health centre and the library. This is considered to be acceptable by the Council's Tree Officer. In addition to this, four new trees are proposed to effectively continue the row into the car park area to the south of the site.

A condition shown below requiring the landscaping details to be submitted will also cover details of the new trees to be planted.

#### 5.7 Flood Risk

In order to address possible flood concerns raised by the Council's Technical Services Section, the application was referred to the Environment Agency. The Agency acknowledged that the site is at a low risk of flooding and recommends that conditions are applied to mitigate flood risk. These two conditions appear below.

#### 5.8 Other Issues

The site is currently used from 0800 to 1900 and later for occasional evenings. The replacement Health Centre is proposed to be in use between 0730 and 2100 during the week and 0800 to 2000 at weekends. This is confirmed in the condition appended below. Activities in the evenings at the Health Centre would include community functions in conjunction with the Primary Care Trust, in a similar way to the present arrangement. The site lies 40 metres from the nearest residential properties, those being the flats across the service yard in South Walk. At this distance and given the nature of the use of the health centre, it is considered that the proposal would be unlikely to cause any impact to existing levels of residential amenity for those flats. The operating hours

condition is considered to be suitable to prevent any late evening noise and disturbance which may arise through members of the public visiting and leaving the health centre. Since the construction work for the proposed building would be likely to take up to 22 months, a construction times condition has also been appended below.

#### 5.9 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).

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

### 7. RECOMMENDATION

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

**Background Papers**      **PK07/2712/F**

**Contact Officer:**    **Chris Gosling**

**Tel. No.**                **01454 863787**

### CONDITIONS

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

Reason:

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

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



Reason:

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

3. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include means of enclosure (railings); hard surfacing materials; minor artefacts and structures (eg refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (eg drainage power, communications cables, pipelines indicating lines, manhole). Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

Reason:

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

4. The internal finish floor level of the building shall be constructed no lower than 82.2 m above Ordnance Datum.

Reason:

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

5. No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water runoff limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved programme and details.

Reason:

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

6. The hours of working on site during the period of construction shall be restricted to 0730 to 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 flats at South Walk and to accord with Policy EP4 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 D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. The use hereby permitted shall not be open to customers outside the following times 0730 to 2100 Monday to Friday and 0800 to 2000 at weekends.

Reason:

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

9. The development hereby approved shall be constructed to a BREEAM standard of 'very good.' 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 the first occupation of the building.

Reason:

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

10. Before any works commence on works hereby approved, the following details in respect the following shall be submitted to and agreed in writing by the local planning authority:

1. samples of all external materials comprising roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features and rainwater goods;
2. sample external wall elevations and external wall sections at 1:20 scale
3. drawings at 1:5 scale of sectional profiles of the window and door frames, external wall corners and parapets

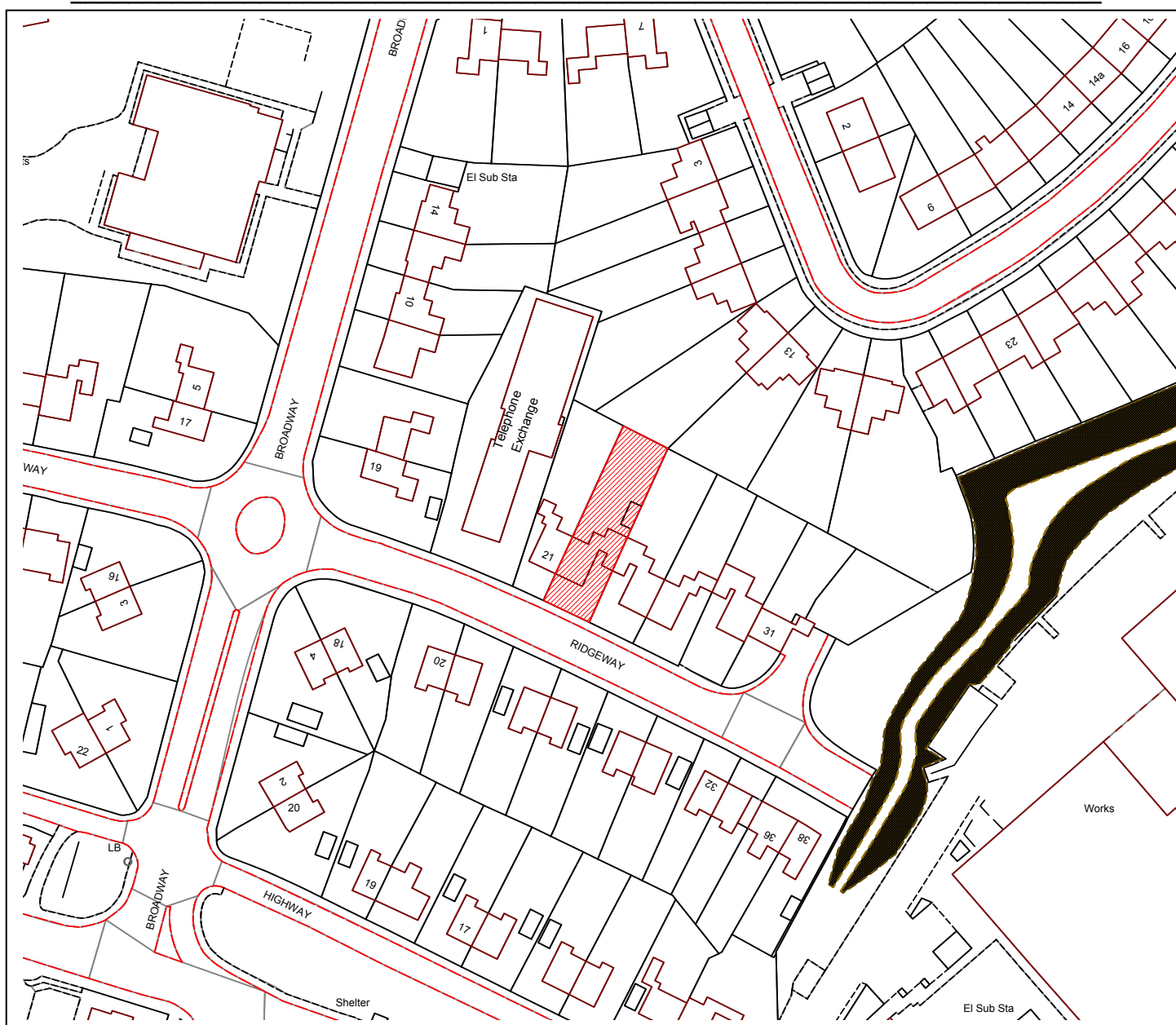
The development shall thereafter be carried out in accordance with the agreed details.

Reason:

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

**CIRCULATED SCHEDULE NO. 45/07 – 09 NOVEMBER 2007**

<b>App No.:</b> PK07/2751/F	<b>Applicant:</b> Mr B Summerhill
<b>Site:</b> 23 Ridgeway Yate BRISTOL South Gloucestershire BS37 7AF	<b>Date Reg:</b> 7th September 2007
<b>Proposal:</b> Erection of two storey side extension to form integral garage and additional living accommodation with front entrance porch. (Resubmission of PK07/1335/F).	<b>Parish:</b> Yate Town Council
<b>Map Ref:</b> 72045 82562	<b>Ward:</b> Yate Central



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2007.

**N.T.S**

**PK07/2751/F**

## **INTRODUCTION**

This application appears on the Circulated Schedule after the receipt of one objection from local residents.

### **1. THE PROPOSAL**

- 1.1 The application site is located within the Defined Settlement Boundary of Yate and consists of part of the residential curtilage associated with No.23 Ridgeway.
- 1.2 The proposed development involves the erection of a two storey side extension. The proposal includes the provision of an integral garage.
- 1.3 The original plans presented a side extension with a first floor set back 0.8 metres from the existing front of the dwelling. However, following officers' concerns that this would have an overbearing effect on the side facing bedroom window of the neighbouring property to the east, No. 25, the agent has amended the plans so that the first floor front elevation is set back 2 metres from the front of the dwelling.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS 1 Delivering Sustainable Development  
PPS 3 Housing
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
T8 Car Parking Standards  
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance / Documents  
South Gloucestershire Advice Note 2: House Extensions  
The South Gloucestershire Design Checklist (Adopted) August 2007

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

- 3.1 PK07/1335/F                      Erection of two storey side extension with rear dormer window to form garage and additional living accommodation.  
Withdrawn: 7<sup>th</sup> June 2007

### **4. CONSULTATION RESPONSES**

- 4.1 Yate Town Council  
No comments received.

### **Other Representations**

#### 4.2 Local Residents

One letter has been received during the course of the original consultation period. This contained the following summarised objections and concerns:

- extension will block light to No.25
- ground floor element will extend beyond original footprint of the property
- pleased to see 1 metre gap between the extension and the garage serving No.25

#### 4.3 Re-consultation responses

No further comments were received during the re-consultation process associated with this application.

### 5. ANALYSIS OF PROPOSAL

5.1 The proposed development involves the erection of a two storey side extension. The proposal includes the provision of an integral garage.

#### 5.2 Principle of Development

Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 are relevant to this planning application. The policies indicate that the proposed development is acceptable subject to the following consideration.

#### 5.3 Design

Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development achieves a high standard of design. Policy H4 carries this principle forward for new residential development.

5.4 The original application (PK07/1335/F) was withdrawn as a result of the following design concerns: the proposed dormer failed to integrate successfully with the host dwelling; the first floor contained a Juliet balcony with French doors, the introduction of which was considered to be an alien architectural feature out of character with the host dwelling; and, the width of the extension was considered to be too horizontally expansive and out of proportion with the host dwelling.

5.5 The current application has omitted the French Doors and Juliet balcony, together with the dormer window, and the width of the extension has been reduced to create an addition that appears in proportion with the host dwelling. As a result of these omissions the application has overcome the previous concerns which lead to the application being withdrawn. However, it should be noted that the current scheme is different as the ground floor element of the extension projects approximately 1.2 metres forward of the existing front of the house. Whilst this type of design approach is not encouraged as it can result in the original form of the dwelling becoming engulfed by the new extension, leading to a lack of subservience as generally required by the Council's supplementary planning guidance, the fact that numerous other properties display forward projecting ground floor elements means that a refusal reason on this issue could not be substantiated. Furthermore, the extension will be constructed from materials that match the palette of materials displayed on the host dwelling. In light of the above, it is considered that the visual appearance of the development accords with Policy D1 (A) and H4 (A) of the South Gloucestershire Local Plan (Adopted) January 2006.

#### 5.6 Residential Amenity

- Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development does not prejudice the amenities of nearby occupiers.
- 5.7 In respect of the original plans, concerns were raised by the neighbouring property to the east (No.25) that the extension would have an overbearing impact and block light to side of this neighbouring property. (In reference to the loss of light, it should be noted that a person does not have a right to light across land which they do not control).
- 5.8 The side bedroom in No.25 has only one window facing directly towards the proposed extension. Under the original plans the separation distance between this window and the extension would have been restricted to less than 6 metres – a distance that is significantly below the overbearing tolerance distance of 12 metres, as contained within the Council’s supplementary planning guidance. However, following officer’s concerns, the agent has amended the plans so that the first floor extension is set back 2 metres from the front of the existing house. This will restore the original separation distance so that the perpendicular outlook from the bedroom window will not be reduced, albeit that the outlook to the north – towards the extension – will be less than the current situation. In light of this amendment, officers consider that an overbearing impact will not be experienced by occupiers of the first floor bedroom in No.25. Concern was also raised that the ground floor element of the extension projects forward of the existing building line. In this instance owing to the limited projection distance of just 1.2 metres and its limited height, the erection of a standard two metre high boundary treatment would screen the majority of the ground floor element to such an extent that it is considered a harmful overbearing could not occur. Accordingly, it is considered that the development complies with Policy H4 (B) of the South Gloucestershire Local Plan (Adopted) January 2006.
- 5.9 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. Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006 provides maximum parking standards.
- 5.10 The proposed development will contain an integral garage measuring 3 metres in width and 5.1 metres in length. Whilst the length of this garage is 0.9 metres below the length normally requested, the fact that the back of the garage leads through to a store measuring 3 metres wide by 3.5 metres long, ensures that non car modes of transport, such as bikes, can be easily accommodated together with a car. In combination with the front of the site which is capable of accommodating two vehicles, the level of parking would satisfy the requirements of Policy T8. Furthermore, it is not considered that the development will prejudice highway safety. It is therefore considered that the development accords with Policy T8 & T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 5.11 Section 106 Requirements  
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a

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

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

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

**Background Papers**      **PK07/2751/F**

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

### **CONDITIONS**

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

Reason:

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

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

Reason:

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

**CIRCULATED SCHEDULE NO. 45/07 – 09 NOVEMBER 2007**

**App No.:** PK07/2882/F  
**Site:** 39 Leicester Square Soundwell  
 BRISTOL South Gloucestershire BS16  
 4PD

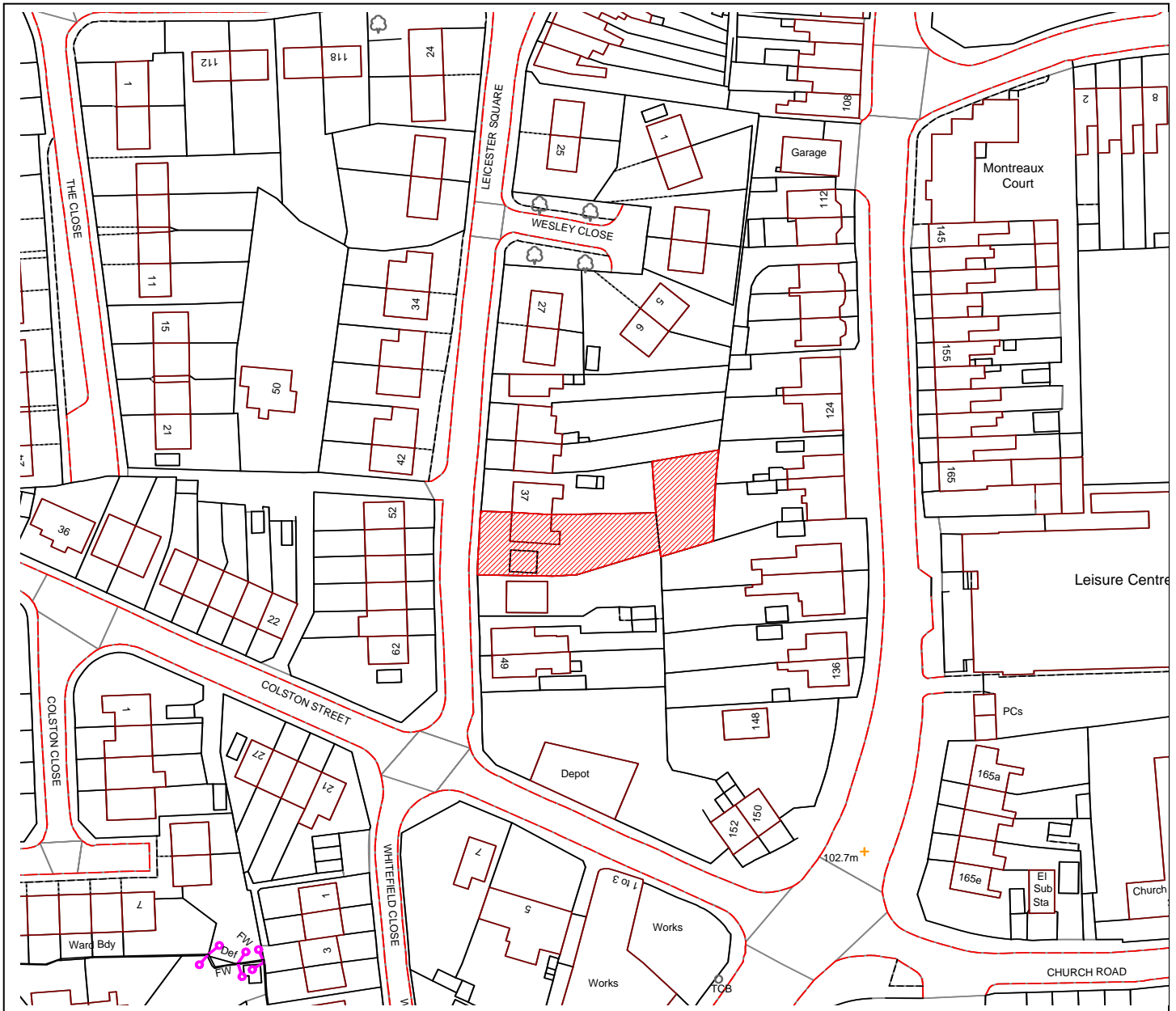
**Applicant:** Mr M Hoyle  
**Date Reg:** 24th September  
 2007

**Proposal:** Conversion of existing dwelling to form  
 2no. self contained flats and erection of  
 2no. self contained flats with associated  
 parking and works.

**Parish:**

**Map Ref:** 64744 75093

**Ward:** Staple Hill



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2007.

**N.T.S**

**PK07/2882/F**



## **INTRODUCTION**

This report is referred to the Circulated Schedule to Members in accordance with procedure given that objections have been received.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks consent for the conversion of an existing dwelling to form 2 no. 2 bed flats and by extending the building to the side and rear creating an additional 2 no. 2 bed flats. The extended area would involve the removal of a garage situated to the side.
- 1.2 In terms of dimensions the extended area would have a width of approximately 5.9 metres, and depth to match that of the original property with a single storey element adjoining that to the rear of the original property. In terms of height, the new build would have a hipped roof to the front, rear and side. Four parking spaces are shown to the front of the building with bin storage to the front. The rear garden area is to be used communally by the occupiers of all the flats.

### **2. POLICY CONTEXT**

- 2.1 National Guidance
- |       |                                    |
|-------|------------------------------------|
| PPS1  | Delivering Sustainable Development |
| PPS3  | Housing                            |
| PPG13 | Transportation                     |
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
- |     |   |
|-----|---|
| D1  | Achieving Good Quality Design in New Development  |
| H2  | Proposals for Residential Development within the Existing Urban Area and Defined Settlement Boundaries  |
| H5  | Residential Conversions, Houses in Multiple Occupation and Re-use of Buildings for Residential Purposes |
| L1  | Landscape Protection and Enhancement  |
| T7  | Cycle Parking   |
| T8  | Parking Standards   |
| T12 | Transportation Development Control Policy for New Development   |
| EP4 | Noise sensitive development   |

The South Gloucestershire Design Checklist (SPD) Adopted August 2007

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

There is no relevant planning history

### **4. CONSULTATION RESPONSES**

4.1 The area is unparished

4.2 Sustainable Transport

The proposal is to convert the existing three bedroom house into 2 no. two-bed flats. It is also proposed to demolish the existing detached double garage

and erect a two storey extension to create two additional two-bed flats. This will make a total of four two-bed flats on the site.

Four parking spaces are proposed, one for each dwelling, located to the front of the site onto Leicester Square. This level of parking is within the maximum standards set out in Policy T8 of the SGLP and is therefore considered acceptable. It is proposed to locate the bin and cycle store to the rear of the site. This is acceptable although I have concerns that the store may not be large enough to accommodate the four cycles and eight bins required. I also have concerns that the pedestrian access to the side of the building may not be wide enough to accommodate the bins or cycles being moved through it. Clarification on this is required prior to the issuing of any planning permission. Subject to the above, there is no transportation objection to this proposal.

#### 4.3 Tree Officer

There is a row of established Leyland Cypress forming a hedgerow on the southern boundary of the property. Central to the front of the property is a Weeping Willow. The tree has been heavily pruned in the past with varying levels of recovery from these works. The tree is situated beneath telephone cables which will also have governed the height to which it could have grown. The tree is in poor form, in a declining condition and would not merit inclusion on a Tree Preservation Order. There is no objection to its removal.

#### 4.4 Local Residents

There have been 5 letters of objection received. The grounds of objection can be summarised as follows:

- The inclusion of a communal garden may result in noise and disturbance to adjoining occupiers
- The parking provision is inadequate particularly given existing parking problems in the area
- A willow tree will have to be removed to the front of the property to the detriment of the environment and no details are given in respect of landscaping to the rear
- The design of the development is out of keeping with the houses in the rank, these being detached or semi-detached
- The proposal will result in loss of light
- There is an error in the design and access statement
- The proposal will/may result in the loss of the current divider between the application site and No.41 consisting of trees and hedges

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The proposed development comprises two elements. The sub-division of the existing semi-detached property known as No.39 to 2 no. 2 bed flats and the erection of a new structure to the side (to effectively form a terrace) also to contain 2no. 2 bed flats.

Policy H2 considers proposals for residential development within the urban Area, allowing for such development provided that the development would not

have an unacceptable environmental or transportation effect and would not significantly prejudice residential amenity. Furthermore the development should achieve a minimum density of 30 dwellings per hectare subject to compatibility with the site, its location and access, with higher densities possible in appropriate sustainable locations. The site should not be subject to unacceptable levels of noise disturbance, air pollution etc and provision for education, leisure, recreation and other community facilities should be adequate to meet the needs arising from the proposals.

The impact upon the environment, transportation and residential amenity are considered in more detail below. With respect to the density, the development of 4 units on this site equates to 60 dwellings per hectare. This density is considered compatible with the site and its surroundings.

It is not considered that the site is subject to any unacceptable existing environmental constraints and given the scale of the proposal it is not considered that the proposal will give rise to any shortfall in local service provision.

With respect to the subdivision of an existing building to flats, 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. Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006 reflecting the aims and objectives set out in this guidance considers the criteria for proposals for the conversion of existing residential properties into smaller units of self-contained residential accommodation. The policy recognises the important contribution that smaller units can make to the supply and range of housing provision in South Gloucestershire and supports the conversion where appropriate of larger properties subject to consideration of the following criteria.

## 5.2 Character of Surrounding Area

Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for such development provided that there is no adverse impact upon the character of the area. It is acknowledged that the area predominantly consists of single properties however the area is predominantly residential in character. It is not considered that permitting smaller units of accommodation within this context would provide a valid justification for the refusal of the application particularly given the guidance in PPS3 (para 10). This stresses the need for smaller units of accommodation stating that the planning system should provide a mix of housing to help create mixed and inclusive communities, which offer a choice of housing and lifestyle. Para 31 of PPS3 identifies the conversion of existing housing to smaller units as an important source of housing. PPS3 does however indicate that such development should not be at the expense of the quality of the built environment (see design below)

It is not considered that the proposal would adversely affect the character of the area.

## 5.3 Design

Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to achieve a high standard of design in all new development having regard to scale, form and materials both in relation to the original property and within the wider context.

The design has been amended following negotiations, as an original proposal involved addition of an attached structure with fully hipped roof. This element read neither as an extension to the original semi-detached pair or as a fully detached property and the scheme would have been rejected without alteration to the design.

The scheme has been amended such that the new element is almost a mirror image (in terms of roofscape and detailing) of its counterpart to the other end of the resultant terrace of three properties. It is considered that the amendment ensures that the new structure integrates successfully with the adjoining buildings. A chimney has also been added to the roof to maintain the balance within the terrace. It is not considered that the introduction of a terrace of three properties would appear incongruous in the street scene given that there is a mix of semi-detached, detached and terraced houses within the vicinity of the site.

It is considered, subject to a condition to secure the use of matching materials, that the proposal is acceptable in design terms and thus in accord with Policy H2, H5 and D1 of the South Gloucestershire Local Plan (Adopted January 2006).

#### 5.4 Residential Amenity

Policy H2 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006 considers that such development should be permitted provided that it would not prejudice the amenities of nearby occupiers.

The proposal would result in the addition of a side extension to accommodate two of the proposed flats. Given the location of this element any impact must be assessed against the impact upon the immediate neighbour to the south. Given the scale and the location of the proposed new element that would lie alongside the flank wall of No.41, it is not considered that there would be any significant loss of amenity to that occupier either in terms of privacy or the physical impact of the building.

Concern has been raised that the small annexe situated to the rear of the new structure would result in loss of light particularly given the possible removal of the boundary treatment. It is not considered given the distance from this element to the boundary with No.41 of approximately 4 metres (and its scale in particularly its height of 3.5 metres, with the roof hipped away from the boundary) that any significant loss of amenity would result to this adjoining occupier.

#### 5.5 Transportation

Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006 considers that such a development would be acceptable provided an acceptable level of parking is identified. Policy T12 assesses development in terms of the impact of the development upon the wider highway network with the priority being highway safety.

Concern has been indicated that inadequate parking provision is made. A total of four parking spaces are proposed, one for each dwelling, located to the front of the site onto Leicester Square. Officers consider that this level of parking is within the maximum standards set out in Policy T8 of

the South Gloucestershire Local Plan (Adopted January 2006) SGLP and is therefore considered acceptable.

A bin and cycle store were originally proposed to the rear of the site. It was unclear how this facility would operate and following negotiation the bin storage was moved to the front of the site. A condition will be attached to the decision notice requiring full details of bin storage and cycle storage (which could be located/retained to the rear). On this basis it is considered that the proposal is in accord with the aims and objectives of Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

#### 5.6 Amenity Space Provision

Government guidance in PPG3 calls for Local Planning Authorities to be flexible with amenity space standards required in conjunction with conversions of buildings into flats. The provision of private amenity space is not generally associated with 1 or 2 bed flats given that this form of accommodation is not associated with family housing. In these circumstances therefore the provision of communal gardens as proposed by this application is considered acceptable.

#### 5.7 Landscaping

Concern has been expressed regarding the loss of a willow to the front as well as the possible impact upon the boundary treatment between No.39 and No.41.

The Council Tree Officer has viewed the Willow Tree and other vegetation to the front and it is not considered that the tree is of significant value or worthy of protection, (the applicant has indicated that two trees will be added to the rear garden in compensation). The remaining boundary treatment located from the front to along side the existing garage (demolished as part of the proposal) largely comprises an overgrown conifer (leylandii) hedge within the ownership of the applicant which may have to be removed. It should be noted that this element could be removed at any time regardless of the application. No alterations to the rear of the site are proposed and this area would be used as a communal garden.

A condition will be attached to the decision notice to require full details of the proposed boundary treatment of the site (along the boundary between No.39 and No.41) in the interests of visual amenity and the privacy of the adjoining occupier. A condition will also be attached to the decision notice to require a scheme of management for the communal areas to ensure their effective upkeep.

#### 5.8 Drainage

There is no objection to the proposal from the Council Drainage Engineers subject to a condition requiring the submission of a mining report prior to the commencement of works (given that the site is situated within a former mining area).

#### 5.9 Other Issues

Concern has been raised regarding an error in the design and access statement in relation to the number of the application site. The applicant has acknowledged

this error however this is not considered to be a material consideration as the application site is made clear in both the application form and submitted drawings.

Concern has been raised that the proposal would result in some noise and disturbance given the creation of a communal area. It is not considered that any impact given the scale of the proposal and size of the garden would be significant.

## **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**

That planning permission be granted subject to the following conditions

**Background Papers**      **PK07/2882/F**

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

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

### **CONDITIONS**

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

Reason:

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

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

Reason:

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

3. 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 T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the first occupation of the development hereby permitted, full details of cycle storage shall be submitted to and approved in writing by the Local Planning Authority.

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.

5. Prior to the first occupation of the development hereby permitted, full details of bin storage shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with these approved details.

Reason:

To ensure the provision of adequate refuse storage and to accord with Policy D1(H) of the South Gloucestershire Local Plan (Adopted)

6. The residential units hereby approved shall not be occupied until a scheme for the management of the communal areas of the development (both internal and external) for the first 2 years of occupation has been submitted and agreed in writing by the Local Planning Authority. The scheme should include management responsibilities and maintenance schedules. The scheme for the management of communal areas shall be carried out as approved.

Reason:

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

7. Prior to the commencement of works, full details of the proposed boundary treatment between the new property and No.41 Leicester Square shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accord with the approved details.

Reason:

To ensure a satisfactory standard of external appearance and in the interests of residential amenity and to accord with Policy D1, H2 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

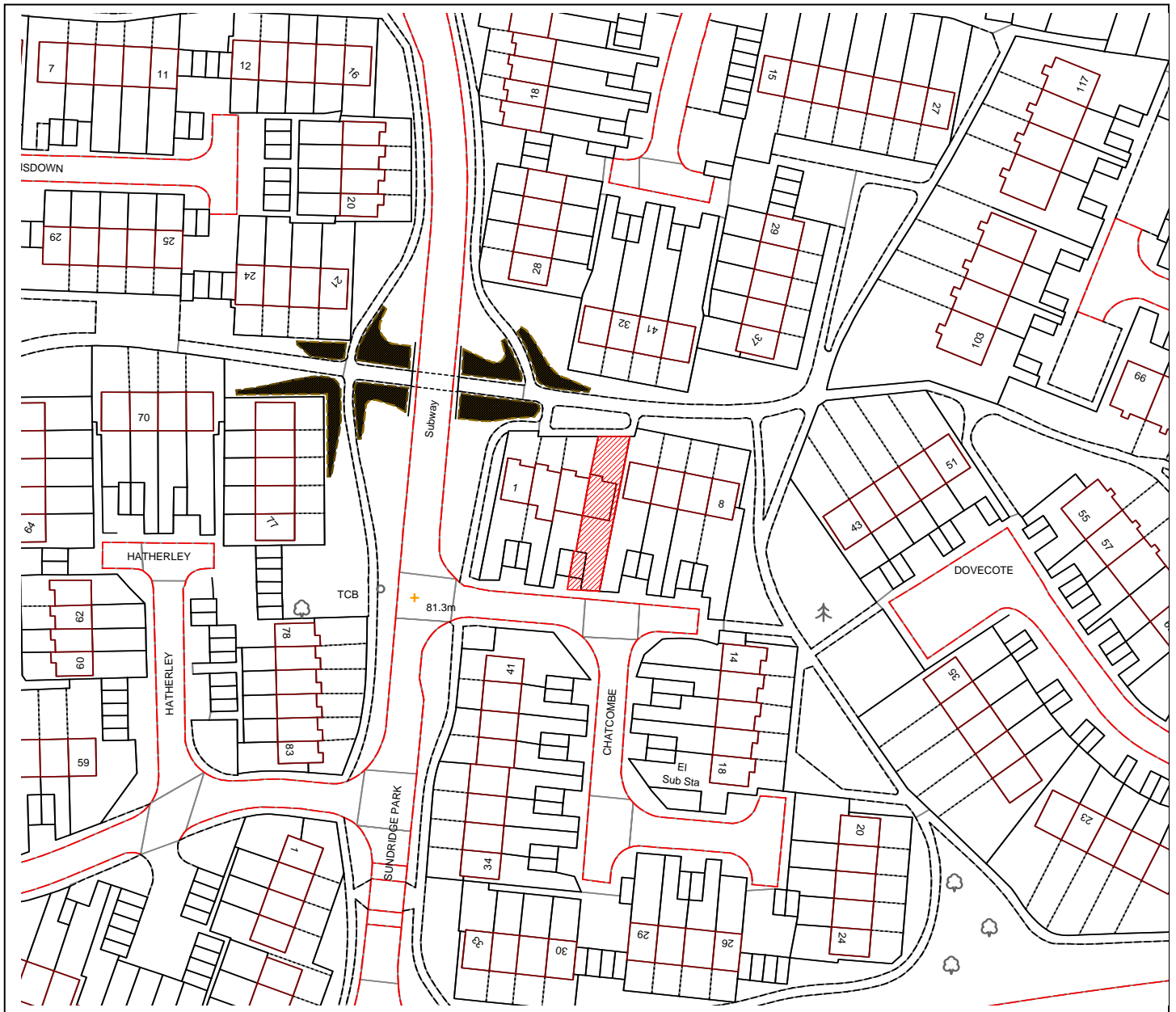
Reason:

To prevent non-point source pollution and flooding, and to accord with Policies L17L18 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 45/07 – 09 NOVEMBER 2007**

**App No.:** PK07/3020/F  
**Site:** 4 Chatcombe Yate BRISTOL South Gloucestershire BS37 4JD  
**Proposal:** Erection of 2 storey and single storey rear extensions to provide additional living accomodation.(Resubmission of previous application PK07/2289/F)  
**Map Ref:** 71249 81515

**Applicant:** Mr Wakeman  
**Date Reg:** 9th October 2007  
**Parish:** Yate Town Council  
**Ward:** Dodington



© South Gloucestershire Council 2007. All rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2007.

**N.T.S**

**PK07/3020/F**



## **INTRODUCTION**

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

## **1. THE PROPOSAL**

- 1.1 The applicant is seeking full planning permission for the erection of an extension to the rear of the existing property. The extension is to consist of a single storey element spanning the entire rear of the property and then a two storey element across half of the property. The purpose of the extension is to provide a dining room and WC at ground floor and a new bedroom at first floor.
- 1.2 This application is the resubmission of a previously refused application on the site. The previous scheme was for a two storey extension to span across the entire rear elevation of the dwelling. The previous application was refused for the following reason;

*'The proposed extension, by reason of its height close to the boundary with No. 5 Chatcombe, will have an overbearing, overshadowing and oppressive effect on No. 5 with a detrimental impact on existing levels of residential amenity. The application is thus contrary to the requirements of Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.'*

The scheme has been redesigned to reduce the impact of the extension on No. 5 Chatcome in an attempt to overcome the previous refusal reason.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPG 1 General Policy and Principles

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design in New Development

H4 Development within Existing Residential Curtilages, Extensions and New Dwellings

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PK07/2289/F           Erection of two storey rear extension to provide additional living accommodation.  
Refused September 2007

## **4. CONSULTATION RESPONSES**

- 4.1 Yate Town Council  
No objection

## **Other Representations**

#### 4.2 Local Residents

One letter of objection has been received from a local resident. A summary of the points of concern are as follows:

- The extension will have an effect on sun light in the garden
- The extension will make the neighbours house less attractive to buyers
- The extension will be out of keeping with the character of the area
- It will result in a huge, over-powering wall facing the neighbour.

### 5. ANALYSIS OF PROPOSAL

#### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan allows for development keeping in character of the area with criteria for design, scale, highway and impact upon visual and residential amenities met.

#### 5.2 Design/ Visual Amenity

The proposed extension meets an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. A material consideration in the determination of this application is the fact that the property on the opposite side of the road – No. 41 Chatcombe has a similar, yet larger rear extension already in place. Whilst being a large extension, the ridge of the two storey element is to be kept below the ridge height of the original dwelling thus appearing suitably subservient. The pitch of the roof over the two storey element of the extension is kept very low in order to limit the impact of the extension on the neighbouring property. Matching face brick further contributes to its integration.

Whilst being located to the rear of the dwelling, due to the fact that the dwelling is on a Radburn style estate, the extension will be clearly visible from the highway. Given that a similar extension is visible on the neighbouring property, it is not considered that the extension subject of this application would have any detrimental impact on the character of the area of street scene. The design of the proposed extension is thus considered to be acceptable.

#### 5.3 Residential Amenity

As a general rule of thumb, rear extensions to terraced properties are normally restricted to three metres in depth. This is in order to protect the amenities of the neighbouring properties whilst allowing for useable extensions. Indeed, the proposed extension is restricted to three metres in depth where it runs parallel to the boundary with the attached property No. 3 Chatcombe. It is appreciated that the neighbours are concerned about the impact of the extension on their property and possible overshadowing. The rear elevation of both the application site and the neighbouring property face south. It is indeed possible therefore that the proposed extension may cause limited shadows in early morning. However, for the majority of the day, the extension will have no significant impact on the amount of sunlight entering the attached dwelling No. 3. Two storey extensions at a depth of three metres right up to the boundary with the neighbouring dwelling are common place in and thus the impact on the attached property No. 3 is deemed to be acceptable.

The main rear wall of No. 5 Chatcombe, is set 5m back from the main rear wall of the application site. It is important to note however that No. 5 is detached from the application property and there is a small degree of separation. It is considered by your officer that there is greater scope for detrimental impact on the amenities of No. 5 – as was the previous refusal reason. This application

therefore seeks to limit the extension close to the boundary with No. 5 to single storey only. Indeed the eaves height of the single storey element of the extension is limited to 2.3 metres in height meaning that the bulk of the extension will be screened by the existing 1.8 metre high boundary fence. The impact on No. 5 Chatcombe is now considered to be acceptable and the previous refusal reason has been overcome.

#### 5.4 Transportation

The application proposes no alterations to the existing parking arrangements.

#### 5.5 Other Issues

Issues of devaluation and impact on future selling of neighbours properties are not for consideration as part of the planning process.

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

### 7. RECOMMENDATION

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

#### Background Papers      **PK07/3020/F**

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

#### CONDITIONS

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

Reason:

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

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

Reason:

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

## CIRCULATED SCHEDULE NO. 45/07 – 09 NOVEMBER 2007

**App No.:** PT07/2850/F  
**Site:** 78 Huckford Road Winterbourne  
 BRISTOL South Gloucestershire BS36  
 1DU

**Applicant:** Mrs J Felson  
**Date Reg:** 18th September  
 2007

**Proposal:** Erection of 2 storey side extension and  
 single-storey rear extension to provide  
 additional living accommodation

**Parish:** Winterbourne Parish  
 Council

**Map Ref:** 65099 80348

**Ward:** Winterbourne



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100023410, 2007.

N.T.S

PT07/2850/F

## **INTRODUCTION**

The application appears on the Circulated Schedule in view of the concerns expressed by the neighbouring resident and the objection raised by Winterbourne Parish Council.

### **1. THE PROPOSAL**

- 1.1 The application seeks planning approval for the erection of a two-storey side extension and single-storey rear extension to provide a study/ office and WC with an ensuite bedroom above, with a new kitchen and playroom at the rear.
- 1.2 The application site comprises a semi-detached two-storey dwelling on the north side of Huckford Road, Winterbourne.

### **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 Urban Design Checklist

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

- 3.1 None

### **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
Objection: 'Lack of garage space. There is nowhere to park cars'.
- 4.2 Other Consultees  
Highways DC: no objection
- 4.3 Summary of Local Residents Comments:  
One letter received expressing the following concerns:
  - a) The proposal would have an adverse effect on daylight/ sunlight entering the neighbouring garden to the side;
  - b) A change in levels along the boundary dictates that the existing garage wall acts as a retaining wall. It has been agreed with the applicant that a new retaining wall will be built in this position;
  - c) The neighbour has reluctantly agreed to the removal of three trees at the end of their garden. Any damage to the rockery should be made good;
  - d) It is noted that no windows are shown within the side elevation;
  - e) It is anticipated that if any changes are made to the plans, there will be an opportunity to comment.
- 4.4 In response, the applicant states (by means of an email and subsequent letter):
  - a) 74 Huckford Road has a two-storey side extension without a garage;

- b) Three cars can be comfortably accommodated forward of the dwelling;
- c) The double garage serving no. 80 and the large tree at the rear of the of the writers' garden restricts more light than would the proposal;
- d) The trees stand on the boundary and thus overhang the application site;
- e) An integral garage is uneconomical due to heat loss;
- f) The neighbour finds it is distracting when the applicants lights are on as these shine through the side windows into his garden;
- g) The trees need to be pruned regardless to avoid damage to the garage;
- h) The reduced depth of the build (in comparison with the garage) would increase light to the neighbours' property.

## 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 two-storey semi-detached dwelling that benefits from a detached brick built garage. However, this has been subsequently attached to the property by means of an MDF construction providing additional garage accommodation to the front with it extending flush with the front wall of the dwelling. A further MDF build provides a small attached outbuilding behind.

5.3 The proposal seeks to replace these aforementioned structures with a two-storey side and single-storey rear extension. The side addition would extend flush with the host dwelling and provide a study and WC at ground level with an ensuite bedroom above. The single-storey rear addition would comprise a lean-to structure of 3m in depth that would extend the full width of the extended dwelling. This would provide a new kitchen and playroom.

5.4 In response, whilst the two-storey side extension would not appear subservient to the host dwelling, it would replicate the design of the existing extension to the attached property. This element of the proposal is therefore considered to be acceptable. The same is true of the rear lean-to which would not be readily visible from the public viewpoints.

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

### 5.6 Residential Amenity

The attached dwelling benefits from a flat roofed conservatory stood adjacent to the shared boundary that would appear to fall slightly short of 3m in depth. It is noted that this benefits from high level facing windows although these are obscure glazed. As such, and given the limited depth of the single-storey extension proposed, it is not considered that any significant adverse impact in residential amenity would be caused.

5.7 The neighbouring properties to the opposite side front Bradley Avenue and thus are afforded an element of spacing from the proposal by reason of their rear gardens. Nonetheless, concern has been expressed, most notably in view of the increased massing and scale of the host dwelling which would affect the daylight/ sunlight entering the rear of these properties.

- 5.8 In response, the rear garden of the writer measures some 15m in length and thus it is considered that any associated refusal would be unlikely to prove sustainable. In this regard, it is further noted that given the orientation of the dwellings, sunlight should not be significantly affected. The absence of side facing windows (presently there are four first floor flank windows including one bedroom window) would also be of benefit to these neighbouring residents.
- 5.9 In view of the above, it is not considered that permission could be reasonably withheld on this basis with no significant adverse impact in residential amenity considered to be caused.
- 5.10 Highway Safety  
The site is located off the unclassified Huckford Road which serves as access to the wider highway network. The existing garage and outbuildings would be lost whilst the proposal would allow the creation of an extra bedroom.
- 5.11 In view of the above, and having regard to the requirements of policy T8, ideally three parking spaces would be provided for the proposed four bed dwelling. However, policy T8 details a maximum provision thus there can be no highway objection to the provision as detailed which would allow two car parking spaces forward of the dwelling. A condition should though be attached any permission requiring the provision and retention of these two spaces.
- 5.12 Design and Access Statement  
A Design and Access Statement is not required as part of this application.
- 5.13 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**      **PT07/2850/F**

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

### **CONDITIONS**

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

Reason(s):

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

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

Reason(s):

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

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

Reason(s):

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

- 4 The existing off-street parking facilities (providing for two vehicles) shall be permanently retained exclusively for that purpose (and shall be finished with a bound surface).

Reason(s):

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

## CIRCULATED SCHEDULE NO. 45/07 – 09 NOVEMBER 2007

<b>App No.:</b>	PT07/2965/F	<b>Applicant:</b>	Mr G Sinclair
<b>Site:</b>	2 The Brimbles Filton BRISTOL South Gloucestershire BS7 0RU	<b>Date Reg:</b>	3rd October 2007
<b>Proposal:</b>	Alterations to facilitate conversion of 1 no. dwelling to 2 no. dwellings with associated works.	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	60579 78568	<b>Ward:</b>	Filton



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100023410, 2007.

**N.T.S**

**PT07/2965/F**

## **INTRODUCTION**

The application appears on the circulated schedule because of objections from local residents.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission to convert a 2-storey detached house to a pair of semi-detached 2-storey 3-bed dwellinghouses. 2No. in-curtilage parking spaces are proposed for each unit with bin storage located to the side of the properties, towards the rear. Each dwellinghouse will have a separate private accessible amenity space created from the severance of the existing garden to the rear of the property.
- 1.2 The application site is situated within a small cul-de-sac of 7No. detached properties in the established urban area.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS Delivering Sustainable Development  
PPS3 Housing  
PPG13 Transport

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

D1 Achieving Good Quality Design in New Development  
H2 Residential Development within the Existing Urban Area  
H4 Development within existing residential curtilages.  
H5 Residential conversions.  
T12 Transportation Development Control Policy for New Development  
T7 Cycle Parking Standards  
T8 Parking Standards

#### 2.3 Supplementary Planning Guidance Design Checklist SPD (Adopted).

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

- 3.1 No relevant history.

### **4. CONSULTATION RESPONSES**

#### 4.1 Filton Town Council No objection.

- 4.2 Sustainable Transport  
No objection subject to conditions and legal agreement (to secure a financial contribution to the mitigation of development traffic in the north fringe).

#### 4.3 Local Residents

Objections from 5No. residents on the following grounds:

- a) Inappropriate access.
- b) Lack of/impact upon landscaping.
- c) Street light situated in front of access.
- d) Dominance of bin storage and parking.
- e) Small gardens.
- f) Out of keeping with character.
- g) Lack of parking in cul-de-sac/access problems.
- h) Inconsistencies on the planning application form.
- i) Safety of children at risk.
- j) No on site turning.
- k) No shortage of 3-bed houses in area.
- l) Structural analysis required.
- m) Should planning permission be approved, restrictions relating to fencing, storage of buildings materials within the site, gates should open inwards, and contractors vehicles should not be parked in The Brimbles.

### 5. ANALYSIS OF PROPOSAL

#### 5.1 Principle of Development

The application site comprises a detached 2-storey house. Policy H5 supports the conversion of existing residential properties into smaller units of self-contained residential accommodation provided the proposal does not prejudice the character of the locality and residential amenities, and would provide adequate off-street parking (also policy T7 and T8) and amenity space. As also required by policies D1 and H4, any built development should respect the character of the property and area, residential amenity should not be adversely affected, and there should be no adverse traffic hazards. Having regard to these policies, the main issues are therefore:

- a) Design/Impact on character of locality.
- b) Residential amenities (including amenity space).
- c) Transportation issues.

#### 5.2 Design/Impact on character of locality

Having regard to the design changes to the existing building, these are primarily minor in nature involving the insertion of two front doors positioned centrally on the building, one new first floor window on the side elevation facing No 3, the replacement of an existing integral garage door with two windows (matching materials stated in application) and minor reconfiguration of other windows. The design changes to the existing building are entirely acceptable.

5.3 The 2No. tandem car parking spaces for each dwelling to be created adjacent to the side boundaries will entail the removal of shrubs, bushes and small trees. The landscaping to be removed is of no amenity value worthy of protection. Two small front gardens will be provided within which new landscaping will be situated. Landscaping along the front boundary includes a row of conifers. Again, this landscaping is of no amenity value worthy of retention. Appropriate landscaping within the front gardens can be assured by way of a planning condition.

5.4 Two private gardens will be provided immediately to the rear of each proposed property. An appropriate layout and design will be achieved that will not result

in any undue impact on the character of this small cul-de-sac. As such the proposal, in design terms, is considered to accord with policies H5 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006. There is no reason to remove permitted development rights, the existing development of 7 units benefit from full permitted development rights.

#### 5.5 Transportation

The Council's Transport Engineer raises no objection to the access arrangements. Two car parking spaces are provided for each property. It is clearly essential that these are accessible. A streetlight appears to preclude access to the proposed dwelling that will be adjacent to No.3. A condition is therefore recommended for its re-positioning. Adequate bin storage is proposed to the rear of the proposed car parking spaces. Adequate cycle parking is achievable - the units are single dwellinghouses with their own private gardens. As with other similar applications, a financial contribution is required towards the North Fringe Development Major Scheme (Transport Matters). In this case the required contribution is £1,800. The applicant has agreed to enter a legal agreement in order to secure this contribution. Therefore, subject to a condition to secure the required parking, there is no transportation objection. The proposal complies with policy T7 & T8 of the South Gloucestershire Local Plan (Adopted) January 2006.

#### 5.6 Residential amenities

The only additional window on the side elevations is a first floor bathroom window situated on the elevation facing No.3. This window can be suitably conditioned to be of obscure glaze only. The position of the parking spaces raises no significant amenity concerns. There will therefore be no adverse impact on neighbouring amenities sufficient to justify refusing planning permission. The amenity relationship between the proposed units is also acceptable.

#### 5.7 Other matters

Comments made in respect of an alleged "no shortage" of 3-bed properties in the area is of no material weight in the assessment of this application. Structural issues will be considered through the Building Regulations application. Details of fencing and walls are required by condition. Other matters relate to highways issues; the council's Transport Engineer raises no objection.

#### 5.8 Section 106 Requirements

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

#### 5.9 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 (Adopted).

## 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 (1) That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) (or alternative appropriate legal agreement) within 12 months of this determination to secure the following:

- (a) Financial contribution of £1,800 towards the North Fringe Development Major Scheme (Transport Measures).

Reason: To ensure mitigation of development traffic in the North Fringe Network in accordance with the South Gloucestershire Local Plan (Adopted) January 2006, figures 8.2 and 8.3.

- (2) That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.
- (3) If the S.106 Agreement (or alternative appropriate legal agreement) is not signed and sealed within 12 months of this determination then, in view of the length of time the application should either:
- (a) Return to the Development Control Area Committee for reconsideration or alternatively.
- (b) The application should be refused due to the failure to secure the Heads of Terms listed above under a section 106 agreement, for the reasons listed in section (1).

### Background Papers      **PT07/2965/F**

**Contact Officer:**    **Michael Simmons**  
**Tel. No.**                **01454 863643**

## 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 windows other than those shown on the plans hereby approved shall be inserted at any time in the side elevations at first floor level of the development hereby approved.

Reason(s):

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H4 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 3 Prior to the use or occupation of the development hereby permitted, and at all times thereafter, the proposed first floor window on the side elevation facing No.3 The Brimbles shall be glazed with obscure glass only. The obscure glazing to be used shall be at least level 3 obscure glazing.

Reason(s):

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H4 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 4 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(s):

To protect the character and appearance of the area to accord with Policies H4, H5 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 5 The off-street parking facilities for all vehicles shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose. The existing street light that precludes access to the proposed parking spaces shall be relocated to a position to be first agreed in writing by the local planning authority prior to the building to which it relates first being occupied.

Reason(s):

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