



**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. 46/07

Date to Members: 16/11/07

Member's Deadline: 23/11/07

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE

DATE: 16/11/07

SCHEDULE NO. 46/07

If you wish any of the applications to be considered by the appropriate Area Committee you should return the attached pro forma not later than 5 working days from the date of the appropriate schedule (by 12 noon), to the appropriate Development Control Support Team. For the Kingswood area, extension 3544 (fax no. 3545), or the Development Control Support Team at the Thornbury office, on extension 3419 (fax no. 3440), or email Planningapplications@southglos.gov.uk.

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

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

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

Please note: - Reason for Referral

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

SIGNATURE

DATE

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

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

Circulated Schedule 16 November 2007

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK07/2113/F	Approve with conditions	1a Blackhorse Road Kingswood South Gloucestershire BS15 8DZ	Woodstock	
2	PK07/2971/F	Approve with conditions	HMP and YOI Ashfield Shortwood Road Pucklechurch South Gloucestershire BS16 9QJ	Boyd Valley	Pucklechurch Parish Council
3	PK07/2980/R3F	Deemed consent	Hop Skip and Jump Centre Grimsbury Road Kingswood South Gloucestershire BS15 9SE	Parkwall	Oldland Parish Council
4	PK07/3070/F	Approve with conditions	141 Station Road Kingswood South Gloucestershire BS15	Rodway	
5	PT07/2547/RM	Approve with conditions	30 Stone Lane Winterbourne Down South Gloucestershire BS36 1DQ	Winterbourne	Winterbourne Parish Council
6	PT07/2941/F	Approve with conditions	208 Great Meadow Road Bradley Stoke South Gloucestershire BS32 8DB	Bradley Stoke South	Bradley Stoke Town Council
7	PT07/2973/F	Approve with conditions	Danfloor Unit 1A and 1B, Badminton Road Trading Estate, Yate, South Gloucestershire BS37 5NS	Westerleigh	Westerleigh Parish Council
8	PT07/3000/F	Approve with conditions	Park Barn 27 Park Row Frampton Cotterell South Gloucestershire BS36 2BS	Frampton Cotterell	Frampton Cotterell Parish Council
9	PT07/3090/F	Approve with conditions	86 Cooks Close Bradley Stoke South Gloucestershire BS32 0BB	Bradley Stoke North	Bradley Stoke Town Council
10	PT07/3152/F	Approve with conditions	654 Filton Avenue Filton South Gloucestershire BS34 7LD	Filton	Filton Town Council

CIRCULATED SCHEDULE NO. 46/07 – 16 NOVEMBER 2007

App No.: PK07/2113/F

Applicant: Mr C Adams c/o
Agent Pegasus
Planning Group

Site: 1a Blackhorse Road Kingswood
BRISTOL South Gloucestershire BS15
8DZ

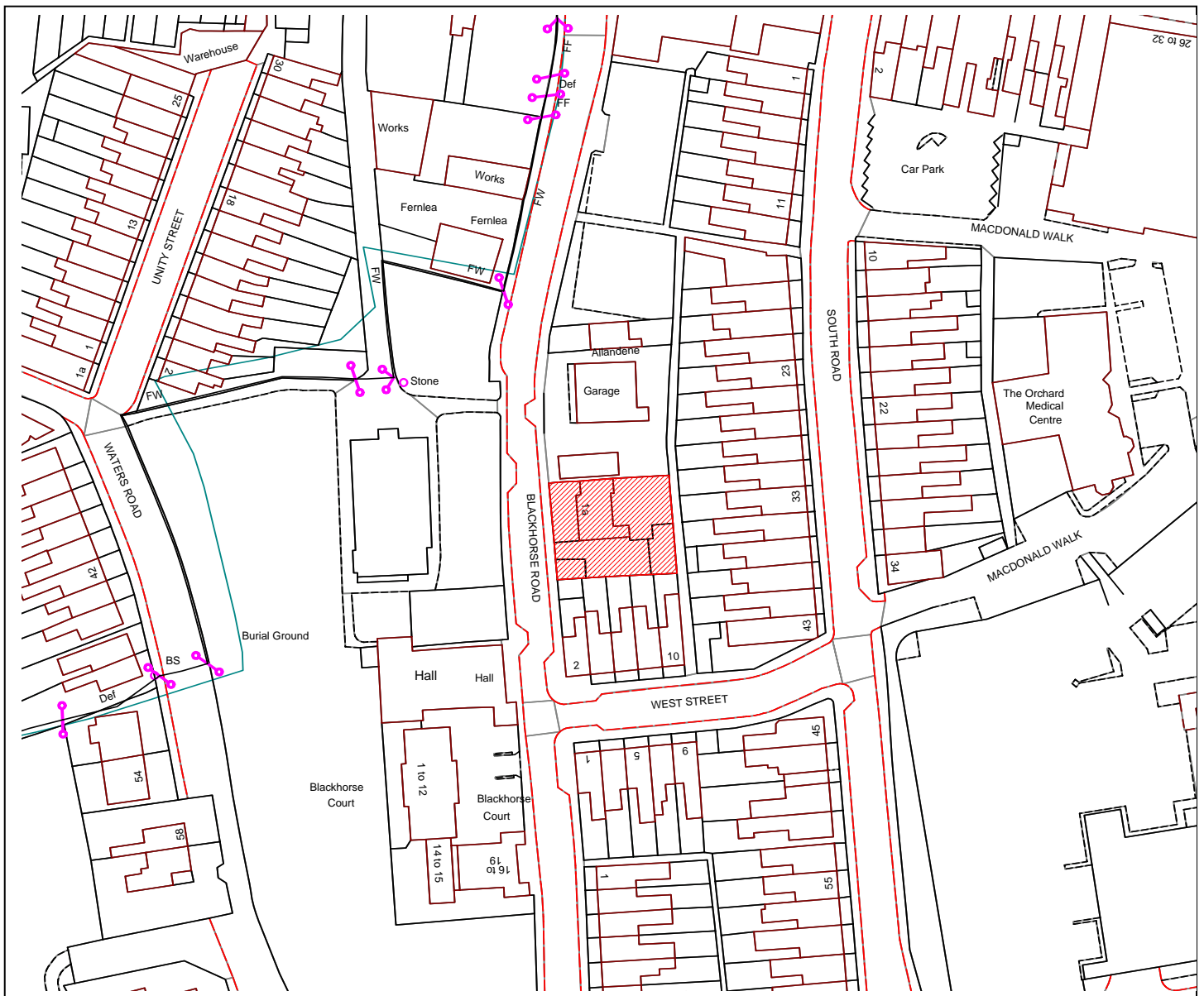
Date Reg: 10th July 2007

Proposal: Demolition of existing dwelling and
erection of 6 no. flats with 6 no. car
parking spaces, amenity space and
associated works. Construction of new
vehicular access from Blackhorse Road.

Parish:

Map Ref: 64530 73781

Ward: Woodstock



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100023410, 2007.

INTRODUCTION

This application appears on the Circulated Schedule following the receipt of objections from local residents; the objections being contrary to the officer recommendation.

- 1.1 The application relates to a detached bungalow and garages situated to the eastern side of Blackhorse Road, close to the centre of Kingswood. The total area of the site is 0.05 ha. The front boundary comprises a low wall behind which is a hedge. The existing vehicular access is from Blackhorse Road into an area of hard-standing located south of the bungalow. The site is flanked to the north by a car valeting unit with associated garage; to the south is a terrace of two-storey dwellings, which front onto West Street. Abutting the site to the rear (east) is a narrow back alley, beyond which is a further terrace of two-storey dwellings fronting onto South Road. To the west, on the opposite side of Blackhorse Road, are the Grade II Listed Wesleyan Methodist Chapel and Sunday School.
- 1.2 It is proposed to demolish the existing bungalow and garages and erect 6no. x 1 bedroom flats in a single block with 6no x car parking spaces to the rear.
- 1.3 A previous outline application (PK06/2403/O) for the erection of 6 flats with 3no. car parking spaces was refused (see history section). The current application seeks to overcome the previous refusal reasons.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1 - Delivering Sustainable Development
- PPS3 - Housing
- PPG13 - Transport
- PPG15 - Planning and the Historic Environment

2.2 Development Plans

Joint Replacement Structure Plan

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

South Gloucestershire Local Plan (Adopted) January 2006

- D1 - Design
- L1 - Landscape Protection and Enhancement
- L13 - Listed Buildings
- L17 & L18 - The Water Environment
- EP1 - Environmental Pollution
- EP2 - Flood Risk and Development
- EP7 - Unstable Land
- H2 - Residential Development within the existing Urban Area
- H4 - Development within Existing Residential Curtilages
- H6 - Affordable Housing
- LC2 - Provision of Education Facilities
- T7 - Cycle Parking Provision
- T8 - Parking Standards

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

2.3 Supplementary Planning Guidance

Advice Note 1 - "Altering Your Home"

The South Gloucestershire Design Checklist (SPD) – Adopted 23rd August 2007.

3. RELEVANT PLANNING HISTORY

3.1 P78/4455 - Change of Use of premises from residential to offices.
Approved 19th Sept 1978

3.2 P86/4555 - Extension and Internal alterations.
Approved 12th Sept. 1986

3.3 P91/4684 - 1no. 3 bed detached dwelling (outline).
Refused 24th Jan 1992 for reasons of:

- Cramped development out of character with existing pattern of development, detrimental to amenities of adjoining residents.
- Inadequate parking provision with no manoeuvring facilities to detriment of highway safety.
- Overbearing impact on adjoining property.

3.4 PK02/3450/F - Erection of detached single storey annexe for use as self-contained accommodation for dependant relative.
Approved 16th Jan 2003

3.5 PK06/2403/O - Erection of 6no flats with 3 no. parking spaces (Outline). All matters to be reserved.

Refused 30th Oct 2006 for the following reasons:

- Insufficient information to demonstrate that the proposal would not result in an overdevelopment of the site.
- Insufficient information to demonstrate that the proposal would not result in a significant adverse impact on residential amenity.
- Insufficient information to demonstrate that the setting of the nearby Listed Buildings would be preserved.
- Insufficient information to demonstrate that the development would be served by a safe access.
- Insufficient information to demonstrate that there would be adequate parking and turning facilities.
- Absence of S106 to mitigate for demand on Education service.

4. CONSULTATION RESPONSES

4.1 Parish Council
Not a parished area.

4.2 Other Consultees

4.3 South Glos. Conservation & Design Advisory Panel

The following is a summary of comments relating to the originally submitted scheme:

- Internal space standards are poor.
- Lack of private amenity space.
- The elevations are unresolved.
- Bin stores too far from highway ?
- Suggest amending scheme to provide only 2 flats per storey.

Other Representations

4.4 Local Residents

The following is a summary of comments relating to the originally submitted scheme; 10 no. letters of objection were received:

- Overlooking and loss of privacy for residents in West Street.
- Flats would be out of character with the locality.
- Inadequate parking provision to detriment of highway safety.
- Increased traffic on congested roads.
- Inadequate visibility at access.
- No pre-application assessment.
- Overbearing impact on neighbouring property.
- Inadequate drains.
- Likely damage to adjoining garage and boundary wall of 10 West St.
- Future increased noise and disturbance.
- Not sympathetic to setting of Listed Buildings opposite.
- Increased light pollution.
- Loss of light.

4.5 As a result of officer concerns about design, provision of amenity space and position of the bin store, a revised scheme was submitted. As a result, a second round of consultations was conducted, in response to which 3 no. more letters of objection were received re-iterating previous objections. The following is a summary of the specific concerns raised:

- Out of keeping with the existing Victorian buildings.
- Adverse impact on highway safety.
- Density too high.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site lies within the Urban Area and is previously developed land and can therefore be assessed as a brownfield windfall site. The existing bungalow is not afforded any special protection and does not lie within a Conservation Area. There is therefore no in-principle objection to the demolition of the bungalow and the re-development of the site for alternative residential use. 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 proposal for flats is 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 and in place of the existing bungalow. 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.
- 5.2 Having regard to the adopted Joint Replacement Structure Plan, Policy 34 states that in making allocations for housing provision, Councils should give priority to the re-use of previously developed land. Similarly, Policy 33 states that priority will be given to the re-use of previously developed sites *within the urban area*. Furthermore, Policy 2 of the JRSP, the locational strategy, aims to concentrate development for jobs, housing and facilities within the main urban areas, in order to maintain and develop their vitality and quality as regional and sub regional centres. JRSP Policy 19 requires development to be managed in a manner that respects local character and distinctiveness through good design.
- 5.3 The proposal falls to be determined under Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits the residential development proposed, subject to the following criteria:
- A. Development would not have unacceptable environmental or transportation effects, and would not significantly prejudice residential amenity; and
 - B. The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved. The expectation is that all developments will achieve a minimum density of 30 dwellings per hectare and that higher densities will be achieved where local circumstances permit. Not least, in and around existing town centres and locations well served by public transport, where densities of upwards of 50 dwellings per hectare should be achieved.
 - C. The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination; and
 - D. Provision for education, leisure, recreation and other community facilities within the vicinity is adequate to meet the needs arising from the proposals.
- 5.4 Density
Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and like PPS3 seeks to avoid development, which makes an inefficient use of land. PPS3 (para.47) indicates that a national indicative minimum density of 30 dwellings per hectare should be used and whilst not prescribing any maximum figure, the PPS encourages the highest density that can be achieved within the various local considerations that need to be taken into account.
- 5.5 PPS3 (para.50) states that *“The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.”*
- 5.6 There would be 6 units on the 0.05ha site, which equates to a density of 120 dwellings per hectare. The high density figure merely reflects the fact that the development would comprise of 6no. flats as opposed to individual dwelling houses. Having regard to the size of the plot and the scale of the building now proposed, officers consider that the proposed density would make the most efficient use of the site in this sub-urban location and in this respect alone is not considered to be an overdevelopment of the site. A larger development than

that proposed is not considered appropriate due to the proximity of the existing two-storey residential dwellings, and the character of the street scene.

- 5.7 Officers consider that given the site's location in the heart of Kingswood, where higher density development is to be expected, and the fact that the site is in a highly sustainable location close to the High Street, with its associated shopping area and regular bus routes, the site is capable of accommodating a development of higher density than currently exists on the site. Other apartment blocks are to be found within the wider locality e.g. Blackhorse Court to the south, albeit on larger plots than the application site. The density is therefore considered to be acceptable.
- 5.8 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.
- 5.9 PPS1 (para. 38) in addressing design issues states that:
"Local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness particularly where this is supported by clear plan policies or supplementary planning documents on design."
- 5.10 The locality already exhibits a mix of old and modern, residential and commercial properties. The older buildings include the Grade II Listed Wesleyan School and Meeting Room, situated directly opposite the site, and two-storey Victorian/Edwardian terraced houses along West St. and South Road. To the south west of the site is Blackhorse Court, a recent development of flats in a three-storey rendered building.
- 5.11 The proposed flats would be contained within a single detached building, the height of which would be very similar to the nearest terraced houses on West Street. The front of the building conforms adequately with the established building line on Blackhorse Road; and having a street frontage onto Blackhorse Road, the development would integrate satisfactorily within the general grain of built development within the wider locality. Access points are included within the front elevation thus creating an active edge to the street frontage, which is a characteristic of the area. The scheme now provides a 'secret garden' to the north eastern corner of the site with direct and convenient access to the bin store and cycle store.
- 5.12 Officers have considered the proposal in the context of the local architectural vernacular. The locality has an edge of Town Centre character but does not exhibit a strong local distinctiveness supported by any supplementary planning documents, neither is the locality a Conservation Area. The scheme has however been amended to provide a simplified design that will be more subservient to the Listed Buildings opposite. The use of random stone has been omitted from the materials schedule so that only brick and render are now proposed for the elevations. The overall massing of the building is not considered to be excessive and given that there is now adequate private

- amenity space provision, the proposal is not considered to be an overdevelopment of the site.
- 5.13 The applicant has indicated a willingness to accept a condition to achieve a high standard of resource and energy efficiency, which would be assessed through the Code for Sustainable Homes. It is therefore proposed to impose a condition to any planning approval, to ensure that the development is constructed to a standard of Level 3 of the Code for Sustainable Homes. On balance therefore the scale and design is considered to be acceptable.
- 5.14 Impact Upon Residential Amenity
Officers consider that whilst it is perfectly normal for buildings to be in close proximity to each other in densely populated urban locations, careful consideration still needs to be given to the impact of the development on the residential amenities of neighbours and future occupiers alike.
- 5.15 For prospective occupiers of the proposed flats, given the sustainable location of the site, an adequate area of private amenity space would be provided in the north-eastern corner of the site, and this would be enclosed by a new 1.8m high stone wall. Bin storage and a cycle store would also be provided.
- 5.16 Given the proximity of the residential properties in West Street and South Road, issues of overlooking or inter-visibility between habitable room windows may occur. The Council's adopted Supplementary Planning Guidance normally requires a minimum of 21m between facing habitable room windows, and 12m between a blank elevation and a habitable room window. The proposed building would be set to the northern side of the site where there are no residential dwellings. To the south there would be no first floor windows in the side elevation and ground floor windows would be screened by the existing and proposed high boundary walls and fences. There would be 13m between the proposed southern side elevation and the nearest end elevations of the properties in West Street. Whilst there would be windows in the rear (east) elevation of the proposed building, the ground floor windows would again be screened by the high boundary treatments. Many of the properties on South Road have two-storey extensions to the rear but most have blank end elevations. There would be 19.5m between the proposed building and the end elevation of the rear extension of no. 33 South Road, with a full 26m to the main rear elevation of this property, within which lie the habitable room windows. Officers consider that these distances are adequate and that there would be no significant loss of privacy due to inter-visibility between habitable room windows.
- 5.17 Regarding the issue of overlooking and loss of privacy, officers consider that some overlooking of neighbouring property is a ubiquitous situation in urban areas and provided that any overlooking from new developments is from a reasonable distance, this should not be justification for refusal of planning permission. With government guidelines supporting higher density developments in sustainable locations (such as this) some loss of privacy from overlooking is considered to be inevitable. In this case the proposed building would be set back some 11m from the eastern boundary of the site, where a new 1.8m high stone wall would be erected. Furthermore any overlooking of property to the east would also be across the alleyway, which runs to the back of the site. On balance therefore the proposed scheme would not result in a significant loss of privacy for neighbouring occupiers.

- 5.18 Since the proposed building would be two-storey only and set well back from the boundaries with the nearest residential properties, the building would not have a significantly overbearing impact. Furthermore, being positioned to the north-west of the site, the building is unlikely to result in a significant degree of over-shadowing.
- 5.19 The proposed flats would be sold on the open market and would provide a valuable contribution to the low cost open market housing stock, which is increasingly in demand by single people or first time buyers. Any excessive noise issues emanating from future occupants would be subject to the usual controls under Environmental Protection Legislation. Building control would ensure adequate insulation between the individual flats. Traffic already enters the site close to the southern boundary. Whilst the amount of traffic would increase, the car parking spaces have been located on the eastern edge of the site next to the rear alleyway rather than immediately adjacent to residential gardens. Blackhorse Road is very busy and given the likely levels of background noise that already exist and the fact that traffic already enters the site, it is considered unlikely that the level of disturbance from the additional traffic would be excessive.
- 5.20 Having regard to the above, officers conclude that there would be no significant adverse impact on residential amenity.
- 5.21 Listed Building and Conservation Issues
The existing building has no special designation and is not considered to be of any special historical significance. Grade II Listed Buildings lie directly opposite the site and in accordance with advice given in PPG15 and Policy L13 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 the development proposed must preserve the setting of the Listed Buildings.
- 5.22 The Listed Buildings are currently in a state of disrepair, and currently quite well screened to the front by a belt of trees. Following consultation with the Council's Conservation Officer, the form and design of the proposed building has been modified. Officers now consider that, subject to conditions to control the detailing of the building, the scheme is unlikely to adversely impact on the setting of the Listed Buildings.
- 5.23 Transportation
The proposed access would be in a similar position to that existing and a turning area would be provided within the site, thus allowing vehicles the opportunity to exit in forward gear. Six car parking spaces would be provided and these would be allocated on the basis of one space per flat, which accords with the Council's maximum parking standards contained in Policy T8 of the South Gloucestershire Local Plan (Adopted) 6th January 2006. There are therefore no highway objections to the proposal.
- 5.24 Landscaping and Tree Issues
There is no vegetation within the site, that is of such significance that it requires protection or retention. A limited amount of new planting is proposed and this can be secured and possibly enhanced by a condition to require the prior submission and approval of an appropriate landscaping scheme. Subject to this condition, there are no landscape objections.
- 5.25 Drainage Issues

The Council's Drainage Engineer has raised no objections to the principle of the development, which would also be the subject of Building Control.

5.26 Environmental Issues

Policy EP1 does not permit development that would unacceptably harm the environment, or the health, safety and amenity of users of the site or surrounding land, as a result of pollution to water, air or soil, or through noise, vibration, light, heat or radiation. These matters are generally covered by normal Environmental Health legislation rather than by the planning process. In the interests of residential amenity however, a restriction on the hours of working on the site would be secured by condition.

5.27 Concerns have been raised about increased light pollution but officers consider that given the sites location, close to the centre of Kingswood, and the fact that there is already a residential property on the site, the level of increased light pollution is likely to be insignificant.

5.28 Community Services

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

5.29 Education

Since the proposal is for 6no. small one bedroom flats only, there are no contributions required towards education facilities

5.30 Affordable Housing

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

5.31 Other Concerns Raised

Of the concerns raised that, have not been addressed above:

- If damage is caused by contractors to neighbouring property this would be a civil matter to be resolved between the respective parties and not through the planning system. In the event of planning permission being granted, the applicant would be reminded of his obligations under the Party Wall Act.
- A developer pre-application assessment is not normally carried out for a development of this relatively small scale.

5.32 Design and Access Statement

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

5.33 Section 106 Requirements

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

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

6. CONCLUSION

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

7. RECOMMENDATION

That planning permission be GRANTED subject to the following conditions:

Background Papers **PK07/2113/F**

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

CONDITIONS

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

Reason:

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

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

Reason:

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

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

Reason:

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

4. Developments shall not begin until drainage proposals incorporating Sustainable Drainage Systems (SUDS) and hydrological conditions (soil permeability, watercourses, mining culverts etc) within the development site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details and thereafter maintained.

Reason:

To ensure that a satisfactory means of drainage is provided, and to accord with Policies EP1, EP2, L17 & L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

To ensure that a satisfactory means of drainage is provided, and to accord with Policies EP1, EP2, L17 & L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

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

7. The development hereby permitted shall not be occupied nor the use commenced until the means of vehicular access has been constructed and is available for use in accordance with the approved plans.

Reason:

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

8. The access, parking and turning facilities hereby approved shall, prior to their first use, be surfaced with a bound material, and maintained as such thereafter.

Reason:

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

9. Prior to the first occupation of the dwellings hereby approved, the cycle parking as shown on the plans hereby approved, shall be provided in the form of a secure and undercover store.

Reason:

To ensure the provision of adequate and secure cycle parking facilities in accordance with Policy T7 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2007.

10. The 6 no. car parking spaces shown on the approved 'Proposed Ground and First Floor Plan Rev A' numbered 2304.L.55, shall be allocated on the basis of no more than one space per flat (whichever they may be) and maintained as such unless the Local Planning Authority gives written consent to any variation.

Reason:

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

11. Building operations shall not be commenced until samples of the roofing tiles and brickwork proposed to be used have been submitted to and approved by the Council and all such materials used in construction of the building hereby authorised shall conform to the details so approved.

Reason:

To ensure the satisfactory external appearance of the development in the interests of visual amenity and the setting of the nearby Listed Buildings and to accord with Policies D1/H2/L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. A sample panel of the render indicating colour and texture, shall be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the development is complete. Development shall be carried out in accordance with the agreed sample.

Reason:

To ensure the satisfactory external appearance of the development in the interests of visual amenity and the setting of the nearby Listed Buildings and to accord with Policies D1/H2/L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

13. No development shall take place until full details comprising plans at a scale of 1:20 of the following items shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed details.
- (a) railings;
 - (b) windows;
 - (c) eaves and verges;

Reason:

To ensure the satisfactory external appearance of the development in the interests of visual amenity and the setting of the nearby Listed Buildings and to accord with Policies D1/H2/L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

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

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

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

Reason:

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

17. Other than those shown on the plans hereby approved, no new first floor windows shall be inserted at any time in the northern or southern side elevations of the building hereby approved, unless the Local Planning Authority gives consent in writing to any variation.

Reason:

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

18. The development hereby approved shall be constructed to a standard of Level 3 of the Code for Sustainable Homes. A formal assessment pre-construction or following construction, shall be undertaken by a licensed Code for Sustainable Homes assessor and a copy of the assessors report and a certificate shall be submitted to the Local Planning Authority prior to the first occupation of the buildings.

Reason:

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

CIRCULATED SCHEDULE NO. 46/07 – 16 NOVEMBER 2007

App No.: PK07/2971/F

Applicant: Mr A Wheeler
National Offender
Management
Service

Site: HMP and YOI Ashfield Shortwood Road
Pucklechurch BRISTOL South
Gloucestershire BS16 9QJ

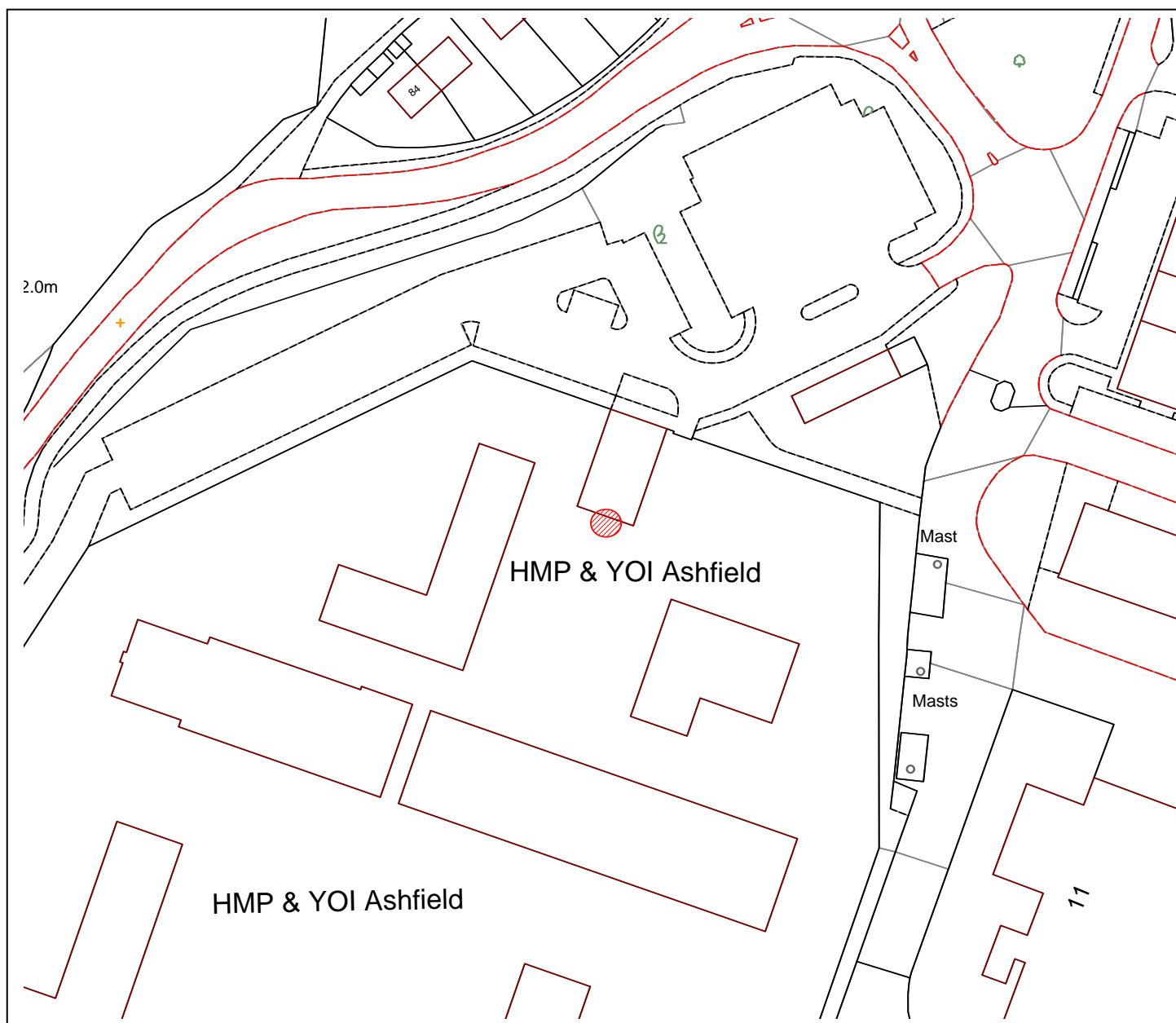
Date Reg: 4th October 2007

Proposal: Installation of 1.8 m wall mounted
satellite dish, 5m above ground level.

Parish: Pucklechurch Parish
Council

Map Ref: 69616 76024

Ward: Boyd Valley



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INTRODUCTION

This application appears on the Circulated Schedule following objections received from Pucklechurch Parish Council, which are contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to HMP and YOI Ashfield, which is situated on the eastern side of Shortwood Road, Pucklechurch. The site lies next to Pucklechurch Trading Estate and is close to the edge of the Bristol and Bath Green Belt.
- 1.2 It is proposed to install a Very Small Aperture Terminal (VSAT) on behalf of the Ministry of Justice. The VSAT dish would measure 1.8m in diameter and is required to provide a link to the essential HMPS communications channels. The proposal is part of a wider programme to provide 'Wide Area Network' (WAN) to 150 prison establishments. The WAN provides essential disaster recovery for the Prison Service – ensuring access at all times to critical IT and communications systems fundamental to the operation of the prison.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 - Delivering Sustainable Development
PPG2 - Green Belts
PPG8 - Telecommunications
The Stewart Report – Mobile Phones and Health
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) 6th January 2006
D1 - Design
S5 - Telecommunications
- 2.3 Supplementary Planning Guidance
Telecommunications Network Infrastructure - August 2005

3. RELEVANT PLANNING HISTORY

- 3.1 PK04/0854/F - Erection of resources centre, horticultural store, restaurant facility and techniques store. Construction of entrance courtyard, synthetic all weather surface and safe surface for exercise with associated works.
Approved 24th May 2004
- 3.2 PK04/2697/F - Erection of resources centre, restaurant facility and staff car park providing 15no. spaces.
Approved 11th November 2004.
- 3.3 PK05/1554/F - Erection of 1no. storage building.
Approved 30th June 2005

4. CONSULTATION RESPONSES

- 4.1 Pucklechurch Parish Council

Object and make the following comments:

- Why does the dish need to be so big.
- Where is the dish to be positioned.
- The dish should be mounted so as not to be obtrusive from the outside.

4.2 Other Consultees
None

Other Representations

4.3 Local Residents
No responses

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposal must be determined in the light of criteria listed in Policy S5 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which relates to Telecommunications development. These criteria relate to, impact on residential amenity, need to minimise the impact on the environment with regards to siting, design and landscaping and the balance between the technical needs of the operator and conservation of the environment.

5.2 In support of the application the applicant has submitted documentation to demonstrate the following :-

- Need – to provide coverage to 150 prison establishments.
- The proposed installation provides the best opportunity to meet network requirements and to minimise visual intrusion.

Having considered all of the documentation and evidence provided in support of the application, officers are satisfied that the proposal is acceptable in principle subject to the following criteria being met.

5.3 Siting

The dish needs to be located within the prison site and in unrestricted line of site of the satellite. It is proposed to locate the dish on the southern gable end of the Gate House, 5m above ground level. The Gate House is 12m high and situated within the high security walls of the prison. As the southern gable end of the Gate House faces in to the site, the dish would not be visible from the public realm outside the prison walls. The proposed siting is therefore considered to be appropriate.

5.4 Design and Landscape Issues

A 1.8m diameter antenna is the minimum required to deliver the specified communications link. The design of the equipment is standard and as the dish would not be visible from the nearby open Green Belt land, there would be no adverse impact on the visual amenity of the Green Belt or landscape in general.

5.5 Highways

There are no highway objections to the proposal.

5.6 Health and Environmental Issues

The VSAT is a two-way satellite service so the antenna is used for both transmission as well as reception. The proposal complies with ICNIRP guidelines. The mast will not be located close to any 'sensitive' sites as defined in the Stewart Report.

5.7 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document (Adopted) 23rd August 2007.

5.8 Section 106 Requirements

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

6. CONCLUSION

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

7. RECOMMENDATION

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

Background Papers **PK07/2971/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).

CIRCULATED SCHEDULE NO. 46/07 – 16 NOVEMBER 2007

App No.: PK07/2980/R3F

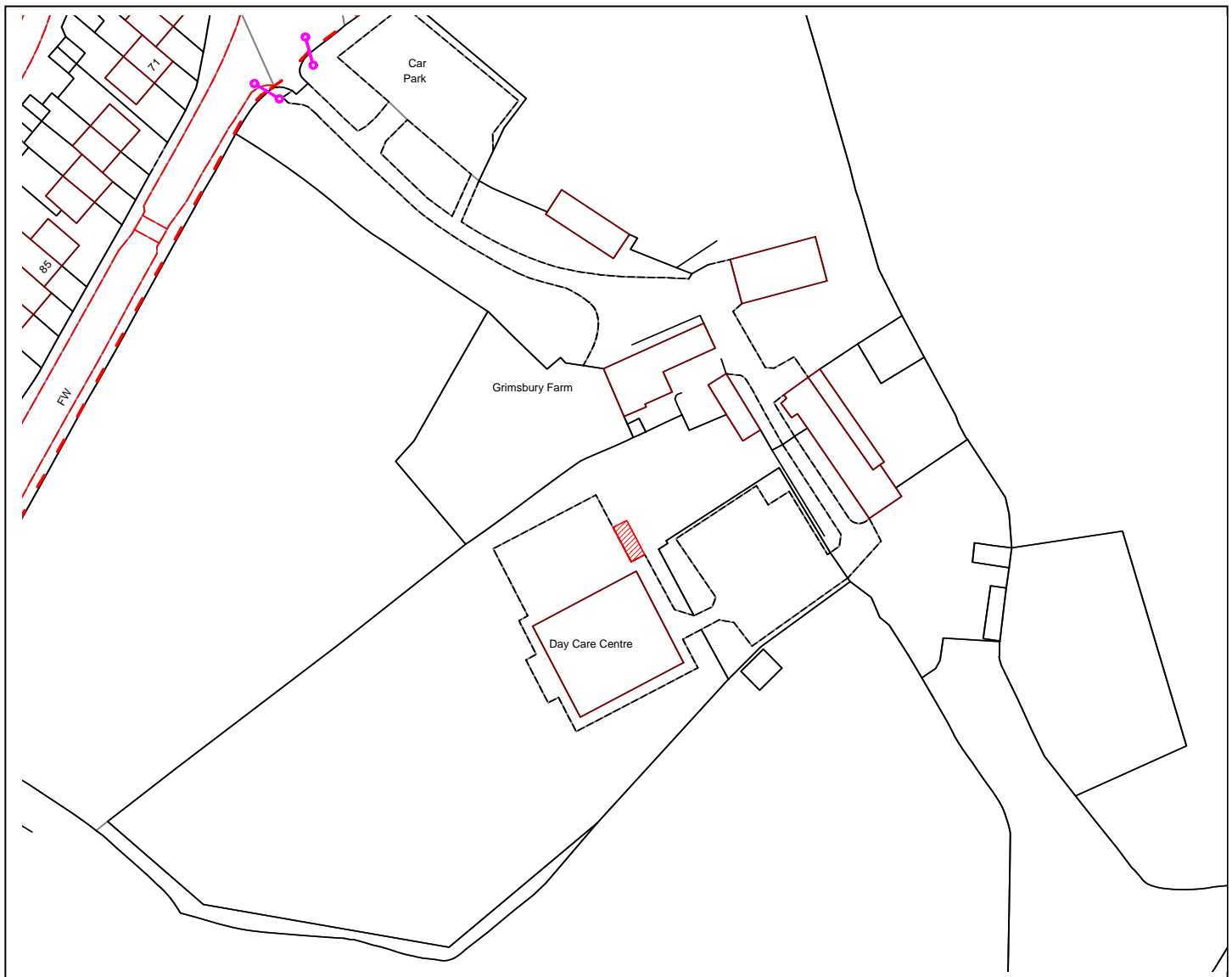
Applicant: Mr J Milford
Hop, Skip And Jump
CharitySite: Hop Skip and Jump Centre Grimsbury
Road Kingswood BRISTOL South
Gloucestershire BS15 9SE

Date Reg: 4th October 2007

Proposal: Erection of detached shed/garage for
ancillary storage of equipment.Parish: Oldland Parish
Council

Map Ref: 66338 73122

Ward: Parkwall



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100023410, 2007.

N.T.S

PK07/2980/R3F

INTRODUCTION

This application appears on the Circulated Schedule because the site relates to land under the ownership of the Council.

1. THE PROPOSAL

- 1.1 The application site is located within the existing urban area and consists of a section of open grass land associated with the Hop Skip and Jump Centre on the Grimsbury Farm complex.
- 1.2 The grass land is located between a tarmac play area – which is directly accessed from the Hop Skip and Jump day care centre – and the site boundary with the neighbouring Social Service building.
- 1.3 The proposed development consists of a new shed for the secure and covered storage of play equipment.

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
 - L1 Landscape Protection and Enhancement
 - L5 Open Areas within the Existing Urban Areas and Defined Settlements

3. RELEVANT PLANNING HISTORY

- 3.1 P98/4303 Erection of children's play and support centre (D1)
Approved: 23rd July 1998
- 3.2 P99/4410 Erection of children's play and support centre (D1)
Approved: 30th June 1999
- 3.3 PK04/0252/R3F Change of use of agricultural land to remembrance park and burial land. Conversion of existing barn to cafe. Erection of temporary administration building, facilities building and outdoor shelters. Construction of new vehicular access and associated landscaping and works.
Deemed consent: 15th April 2004

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
No comments received.
- 4.2 Other Consultees

Environment Agency
No adverse comments.

Other Representations

- 4.3 Local Residents
No comments received.

5. ANALYSIS OF PROPOSAL

- 5.1 The proposed development consists of a new shed for the secure and covered storage of play equipment.

- 5.2 Principle of Development
Policies D1, L1 and L5 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 / Visual Amenity
Policy D1 of the Local Plan seeks to ensure that new development achieves a high standard of design.

- 5.4 The proposed shed will measure 6 metres in length, 3 metres in width and reach a maximum height of approximately 3.8 metres. The roof will be mono pitch in profile and constructed from concrete tiles to match the Hop Skip and Jump building. The wall will be finished with a through colour render and the doors constructed from steel. It is considered that the siting, form, mass and scale, together with the chosen construction materials, results in a building that respects and enhances the character of the site.

- 5.5 Impact of trees
Policy L1 seeks to ensure that the character and quality of landscapes within South Gloucestershire are conserved and enhanced. In addition, Policy L5 seeks to ensure that within the Existing Urban Area the quality and contribution that an open area makes to the locality is not harmed.

- 5.6 A number of trees are located within close proximity of the proposed east elevation of the storage shed. These trees are considered to contribute to the rural character and setting of the area. In addition, they would provide suitable screening of the proposed shed, when viewed from the east, and assist in the structure's successful integration within the landscape. Whilst these trees are located outside the land owned by the applicant their canopies would overhang both the site and the proposed shed. Accordingly, it is considered necessary to request an Arboricultural Method Statement be submitted to ensure that the trees are not harmed. Accordingly, a condition will be appended to the decision notice to request that prior to commencement of the development such a statement be submitted and agreed by the council.

- 5.7 Design and Access Statement

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

5.8 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK07/2980/R3F**

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 a Arboricultural Method Statement in respect of the trees which will overhang the site of the proposed development has been submitted to and approved in writing by the Local Planning Authority. The scheme will be implemented in accordance with the agreed Method Statement.

Reason:

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the trees, and to accord with Policy L1 and L5 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 46/07 – 16 NOVEMBER 2007

App No.: PK07/3070/F
Site: 141 Station Road Kingswood BRISTOL
 South Gloucestershire BS15 4XX
Proposal: Change of use from retail (Class A1) to
 hot food takeaway (Class A5) as defined
 in the Town and Country Planning (Use
 Classes Order)1987 (as amended).
 Installation of flue to rear elevation.
 (Resubmission of PK07/1448/F).
Map Ref: 65840 75217

Applicant: Mr D Mein
Date Reg: 16th October 2007
Parish:
Ward: Rodway



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N.T.S

PK07/3070/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the change of use of a shop to a hot food takeaway outlet. The site is a former Post Office branch which stands at one end of a parade of 8 units, two of which remain in active A1 retail use. The site is vacant at present. The parade contains the site, two hot food takeaways, an A1/A5 sandwich shop with hot food takeaway element, a hairdressers (A1), an office, another vacant unit and it is anchored by a convenience store at the other end of the parade.
- 1.2 The site is bordered on one side by a footpath, which links Station Road with Yew Tree Drive and an access lane leading to garages, in between. There is currently a flat above the site, which is served by a lay-by for parking in front of the parade.
- 1.3 The proposal also involves the erection of a flue, which would vent to the rear of the building at a height of one metre above eaves level. Full details of the ventilation system and an acoustic report have been submitted with the application. The hours of operation applied for are 1100 to midnight from Monday to Saturday and 1800 to 2300 on Sundays.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
RT11 Retention of shops in parades
T7 Cycle parking
T8 Car parking standards
T12 Highway safety

3. RELEVANT PLANNING HISTORY

- 3.1 PK07/1448/F Change of use from A1 to A5 Withdrawn
NB This application was withdrawn on officer advice as it was not accompanied by sufficient details on noise and ventilation.

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
Unparished area
- 4.2 Other Consultees
Public Rights of Way
Unlikely that this proposal would have any impact upon the adjoining Public Right of Way KW3. No objection is raised and informatives are recommended for the decision notice.

Environmental Protection

I am satisfied that the proposed mitigation measures are sufficient for an Indian food premises. Professional guidelines (Defra, Guidance on the Control of Odour and Noise) have been followed in choosing appropriate types of filters i.e. carbon filters with 0.3 second dwell time, to prevent odour nuisance.

A very thorough acoustic report shows that the British Standard 4142:1997 assessment was used to address noise control; the results show that after the use of noise control measures such as the acoustic fan casing, the noise level will be -6dB below the existing background noise level.

Other Representations

4.3 Local Residents

14 letters of objection were received, citing the following concerns:

- * Too many food outlets in the parade at present a further one is unnecessary
- * Too much late night traffic and associated noise
- * The parade encourages anti social behaviour, congregating youths and litter, particularly along the lane next to the site
- * Cooking smells
- * Staying open until midnight would affect residential amenity
- * There is an advertisement in the shop for delivery drivers, where would the vehicles be parked?
- * There may be no room for the flue as well as keeping entry free to the flat above the site
- * Food waste could be stored close to back gardens
- * Combined effect of existing and proposed flues on visual amenity
- * People visiting the premises will block driveways
- * Operating hours mean that cleaning up takes place after closing and generates further noise
- * Effect on already poor air quality
- * Consultation on the application was not widespread enough

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The principle of the loss of a retail unit is governed by policy RT11. This policy sets criteria to be met by any subsequent use, if the loss of the retail unit is deemed acceptable. The other issues to be analysed below are the environmental effects of the proposal, together with those effects upon residential amenity, as well as transportation and the effect of the proposed flue. These issues form the headings below.

5.2 Loss of retail unit

Policy RT11 sets three criteria to be met if a retail unit in a location such as the site can be lost. Only one of these needs to be met for the proposal to be acceptable. In this case it is considered that criterion B applies, as, there are satisfactory alternative retail facilities in the locality. Regional guidance states that the walking distance to the nearest shop should be 400 metres. In this case, there is a convenience store located at the other end of the parade, under 50 metres away. Having met this test, there is one further criterion to be met by the development proposal:

The proposed use would not result in unacceptable environmental or transportation effects and would not prejudice residential amenity.

These issues are analysed below:

5.3 Environmental Effects

The Council's Environmental Protection section has commented on this proposal, as at 4.2 above. They have analysed the acoustic report and the ventilation details which were submitted to accompany the application and come to the conclusion that in terms of both noise and odour, that there would be no detrimental environmental effects arising from this proposal.

5.4 Transportation effects

The Council's Transportation section commented on the application as follows: The site is located on Station Road, a principle classified highway with a posted speed limit of 30 mph. There is an existing lay-by outside the site. This proposed change of use would have a peak transport impact at a time when the majority of the surrounding businesses have closed or their demand upon the local infrastructure is minimal. In light of the above there is no transportation objection to this proposal.

It is considered that this proposal, due to the lay-by at the front of the site, provides safer parking conditions than many such units in other locations. No transportation objection has been raised and it is considered that the proposal meets this part of the relevant policy, as well as complying with the highway safety policy T12.

5.5 The proposed flue

A flue is proposed to emerge from the middle of the single storey rear extension, from the kitchen area of the proposed unit. From this point it would follow this flat roofed extension towards the back wall of the flat above and then run up the rear wall, venting at one metre above eaves level on the rear elevation. As such, it is considered that the flue would only be glimpsed from the side of the site, when viewed from Station Road. It would be markedly more significant when viewed from the rear of properties in Yew Tree Drive, however, this would be in the context of the rear elevations of commercial properties, with flats over. There are existing flues to the rear of other units in the parade and the cumulative effect of adding this further flue to them is not considered, in the context, to harm visual amenity. A condition has been recommended below requiring details of the colour of the flue. Subject to implementation of this, it is considered that the flue could be painted a matt colour to allow it to blend in better with the rest of the site.

The consultation process has brought up a potential issue regarding the effect of the flue on the flat above the site. It would be to the side of an existing first floor window and is not considered to have any overbearing impact upon that room. With regard to the effect of the flue on residential amenity, arising from noise or fumes, these are analysed below. It is noted that this property would be closest to the site and therefore have the greatest potential to be affected by the proposal.

5.6 Residential Amenity

When assessing the effects of this proposal on residential amenity, it should be borne in mind what the existing situation is. There are two hot food takeaways in the parade which open in the evening at the moment. The effect of this proposal would be to bring about a third unit. While there is potential for additional noise, fumes and activity to arise as a result, the impact of the this proposal, in each instance, would be to increase the effects which already exist.

The operating hours applied for with this application are noted in section 1 above. However, any opening times beyond those of the nearby hot food takeaways is considered to have an impact on residential amenity of their own, rather than in tandem with the existing situation. The current authorised opening hours in the rank are: up to 2300 Sunday to Thursday and up to 2330 on Fridays and Saturdays for the business next door to the site (planning permission ref. no. K3076 from 1979) and under planning permission PK03/3867/F, the business next to that has to abide by the following opening hours:

The premises shall not be used for sales to the public outside the following times, 8.30am - 11.00pm Monday to Thursday inclusive, 8.30 am - 11.30pm Friday and Saturday, and 12.00 noon to 11.00pm Sundays.

Against this background, the hours applied for would appear to be slightly excessive in terms of late evening opening. In the interests of consistency and to avoid any detrimental impact on residential amenity, a condition recommended below requires that the site should keep to operating hours of 1100 to 2300 from Monday to Thursday, 1100 to 2330 on Fridays and Saturdays and 1800 to 2300 on Sundays.

With regard to odours generated by cooking at the site, Environmental Protection considered that the ventilation system, details of which accompanied the application, would be suitable to deal with odour problems.

With regard to noise, the acoustic report is considered to give the proposed equipment the potential to operate at below current background noise levels. It is important to ensure that the ventilation equipment is operated in compliance with the submitted details and this has been required by condition below.

5.7 Other issues

A number of other issues arose through the consultation process, one of them being the level of consultation carried out. Residents were notified in accordance with the Council's standard procedure for a change of use application.

Regarding the practice of those using the parade parking in Yew Tree Drive and walking through the footpath, there is no practical way of preventing customers doing this. However, it does require some local knowledge and passing trade is considered to be much more likely to use the lay-by at the front of the site and parade generally. It is also considered that the large residential catchment area for the site allows effective access also on foot or by cycle.

It is considered that the issue of litter could be resolved with a condition, recommended below, requiring that a bin is provided and erected on land in front of the site. While this would be outside of the applicant's declared ownership, it would be possible to locate a bin on the footway, which is highway land, without compromising freedom of movement for pedestrians. This application is for a takeaway selling Indian food. This is not considered to generate much litter on site. However, approving planning permission would change the use class of the site and any other hot food takeaway could subsequently use the site. A subsequent use could well generate a greater amount of litter through selling food which could be eaten near the premises. The number of A5 units in the area was also raised through the consultation process. This is not a valid planning concern, as the planning system should encourage and not stifle competition: The greater the number of outlets there is should keep the price of takeaway food down through competition, as well as increasing the range of choice for consumers.

5.8 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK07/3070/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 premises shall not be used for sales to the public outside the following times, 1100 to 2300 Monday to Thursday inclusive, 1100 to 2330 Friday and Saturday, and 1800 noon to 11.00pm Sundays.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy RT11 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the commencement of the use hereby permitted, details should be submitted to and agreed in writing relating to the final colour of the flue. The flue shall be painted in that colour and thereafter maintained in such a manner within one month of the first use of the premises as a hot food takeaway.

Reason:

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

4. Prior to the first operation of the use hereby approved, a litter bin of a design to be submitted to and approved in writing by the Local Planning Authority shall be erected in front of the premises and thereafter maintained.

Reason:

To prevent littering and protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy RT11 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The extraction and odour abatement system shall be used and maintained in full accordance with the details approved under this planning permission.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy RT11 of the South Gloucestershire Local Plan (Adopted) January 2006.

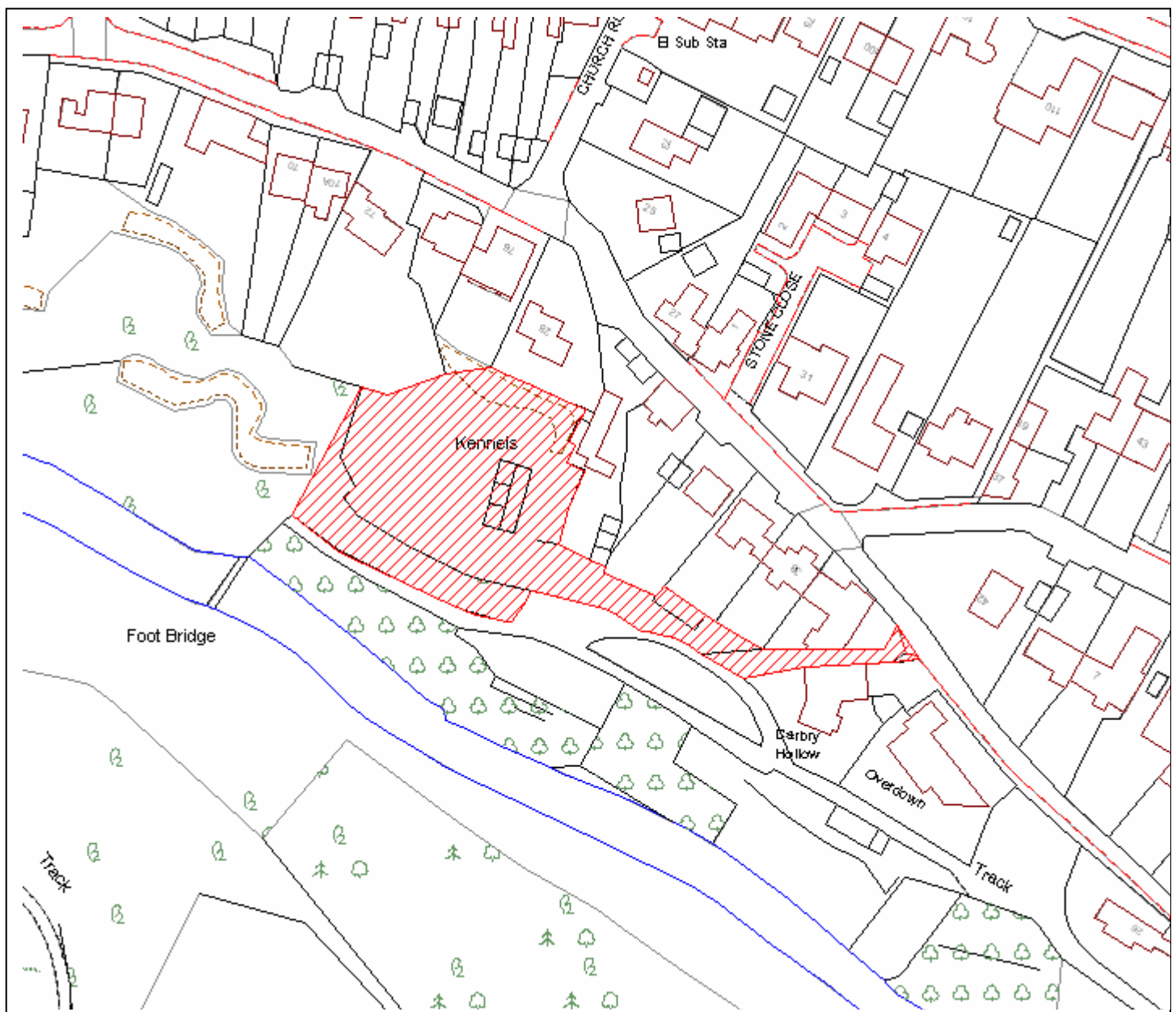
6. No outside storage of material/goods/waste shall take place at the premises.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy RT11 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 46/07 – 16 NOVEMBER 2007

App No.: PT07/2547/RM	Applicant: Mr C Heaton
Site: 30 Stone Lane Winterbourne Down South Gloucestershire BS36 1DQ	Date Reg: 20th August 2007
Proposal: Erection of 1 no. detached dwelling and detached garage. (Approval of reserved matters to be read in conjunction with outline planning permission PT04/2336/O)	Parish: Winterbourne Parish Council
Map Ref: 65391 79514	Ward: Winterbourne



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100023410, 2007.

1. THE PROPOSAL

- 1.1 This application relates to the approval of Reserved Matters (layout (siting), scale (design), appearance and landscaping) for the erection of one no. detached dwelling and garage on land at 30 Stone Lane, Winterbourne Down. Means of access was considered as part of the outline planning permission PT04/2336/O granted consent on 16 August 2004.
- 1.2 The site is some 0.18 hectares and is irregular in shape. It lies within the settlement boundary of Winterbourne and currently forms part of the rear garden area associated with 30 Stone Lane which is located at a significantly higher level than the application site. The rear gardens of 72, 74 and 76 Church Road and that of 28 Stone Lane back onto the site and are also some 6-8m higher than the application site. A cliff forms the backdrop to much of the site. The River Frome and the recreational pedestrian route of the Frome Valley Walkway run to the south with Green Belt beyond.
- 1.3 There are several trees close to the southern boundary where the land drops away quite sharply and a large oak tree is sited within the cliff to the rear of the site. These trees are important to the character and appearance of the area and are subject to a TPO (Ref 38/06). A small number of fruit trees are to be removed as part of the scheme.
- 1.4 Access to the site was approved under the outline application and is taken off an existing access track via The Dingle and is also the route of public footpath LWB 72. As part of the outline application the access was improved by including surfacing and drainage works. Moreover, the installation of a dry riser system is to be provided to overcome the issue of fire brigade access.
- 1.5 Members are reminded that a recent application (PT07/0309/F) relating to the demolition of one dwelling (40 Stone Lane) and the erection of four detached dwellings was recently considered at the DC (West) Committee on 13 September 2007 where it was resolved to grant full planning permission.
- 1.6 The proposed dwelling is two storey in nature and of significant size. It has an overall width of some 25m, maximum depth of 15m and a ridge height of 9m. It consists of the main building and incorporates 2no. projecting side and front extensions. It is to have a render finish with natural stone to the front elevation. The roof is of Double Roman tiles, Breckland Brown in colour. A detached triple garage is located to the front and to the west of the property and measures 8m in width, 5.5m in depth and has a ridge height of 4.4m with materials to match the proposed dwelling.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS9	Biodiversity and Geological Conservation
PPG13	Transport
PPG14	Development on Unstable Land

2.2 Development Plans

Joint Replacement Structure Plan

Policy 1	Sustainable Development Objectives
Policy 2	Location of Development
Policy 33	Housing Provision and Distribution
Policy 34	Re-use of Previously Developed Land
Policy 35	Housing Density

2.3 South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
L1	Landscape Protection and Enhancement
L5	Open Areas Within the Existing Urban Areas and Defined Settlements
L17	The Water Environment
L18	The Water Environment
EP2	Flood Risk and Development
H2	Proposals for Residential Development Within the Existing Urban Area and Defined Settlement Boundaries
H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T8	Parking Standards
T12	Transportation Development Control Policy for New Development
LC12	Recreational Routes

2.4 Supplementary Planning Guidance

Design Checklist
Trees on Development Sites

3. RELEVANT PLANNING HISTORY

- 3.1 PT03/2035/O Erection of one dwelling (outline).
Refused on access grounds and dismissed on appeal 5 February 2004.
- 3.2 PT04/2336/O Erection of one dwelling (outline). Resubmission of PT03/2035/O)
Approved 16 August 2004.
- 3.3 PT06/2804/F Demolition of 2 no. dwellings to facilitate erection of 5 no. detached and 2 no. semi-detached dwellings.
Refused 2 November 2006 on the following grounds:-
a) increased use in sub-standard access;
b) increased hazards upon road users and pedestrians using Public Footpath LWB 72;
c) adverse impact upon trees covered by TPO ref 38/06;
d) future occupiers would be likely to need to remove or reduce the trees given the possible impact upon residential amenity, to the detriment of the trees covered by TPO.
e) fails to determine impact of development upon the adjoining Site of nature Conservation Interest (SNCI) and impact upon protected species known to inhabit the locality;
f) fails to provide an appropriate level of affordable housing and provision for education.

- 3.4 PT07/0309/F Demolition of 1 no. dwelling and outbuildings. Erection of 4 no. detached dwellings and associated parking and access.
Approved subject to a legal agreement 13 September 2007. Decision notice not yet issued.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
Strong objection to the proposal on the grounds that proposal is for a very large house which is unsuitable for the site; access is unsuitable for construction vehicles; a full nature investigation should be undertaken due to the nature of the site; access could cause structural damage to neighbours property.

Other Consultees

- 4.2 Sustainable Transport
No objection.

Other Representations

- 4.3 Local Residents
3 letters have been received objecting to the proposal on the following grounds:-
a) access is dangerous;
b) access is a public right of way;
c) damage to properties from vehicles, especially construction vehicles using the access;
d) loss of privacy;
e) stability of rock face and other boundary constructions;
f) size and design of dwelling;
g) application for dwelling recently refused on land on The Dingle.

Of the above a, b, c and g are not relevant to this current application as the access arrangements and principle of development has already been accepted by virtue of the outline planning permission PT04/2336/O. With regard to e, this is a structural matter and will be covered by the relevant building regulation requirements but will be discussed further below.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The principle of development for one detached dwelling on this site has already been accepted by virtue of outline planning permission PT03/2336/O, as well as four dwellings under application PT07/0309/F. The current application seeks approval of all reserved matters with the exception of access. The main issues to therefore consider under this Reserved Matters application are the layout, scale, appearance and landscaping. As the site lies within the curtilage of 30 Stone Lane, policy H4 of the adopted Local Plan is particularly relevant. This policy sets out the criteria for assessing new dwellings within existing residential curtilages and includes issues such as design and residential amenity. Policy H4 allows such development subject to the following criteria:-

A) respects the massing, scale, proportions, materials and overall design and character of the existing property and the character of the street scene and surrounding area;

Winterbourne is characterised, with few exceptions, by small scale detached and semi-detached buildings of varying design, essentially rural in character, particularly within the vicinity of the site. However, some of the properties to the rear of the site are 1960's style detached dwellings of no particular architectural merit. The application site is self-contained and largely hidden from view due to its site level set well below Church Road and Stone Lane. It is also well screened by the abundant tree growth and vegetation of the wooded slopes of the Frome Valley to the south which enclose and screen views into the site to a significant extent. It is not considered that the site will be generally visible in the broader landscape or from the adjoining Green Belt.

In terms of the building's design, the scale of the development is significant and provides a substantial dwelling. However, the site is of a size that can amply accommodate a dwelling of the size proposed. The design of the property is contemporary in its approach and incorporates design features such as two projecting front extensions and a small wing on either side of the main dwelling. This breaks up the overall scale and massing of the proposal. The insertion of a two storey projecting glazed staircase to the rear elevation adds further visual interest as well as breaking up the linear nature of the rear elevation. The scale of the dwelling is also lessened by the hipped nature of all roof forms. The proposed materials are also considered acceptable.

B) would not prejudice the amenities of nearby occupiers;

Concern has been raised that the proposal will result in loss of privacy to occupiers of properties to the rear and above the site, especially 72, 74 and 76 Church Road and 28 and 30 Stone Lane and as part of the application, sectional drawings have been submitted to show how the proposal relates to these dwellings.

The proposal has been designed to ensure that the majority of windows are located to the front elevation which directly overlooks the Frome Valley with no properties affected. Moreover, only high level windows are proposed at first floor level to both side elevations. This will ensure that no overlooking or loss of privacy occurs over the rear gardens of 72, 74 and 76 Church Road as well as 30 Stone Lane. To the rear elevation, there are only 2 bedroom windows and glazed stairway proposed. Although 28 Stone Lane is located some 17m away from the rear elevation of the dwelling, the windows are set well below the ground level of this property. A large Oak tree set in the rock face also screens this property to a large degree.

Most of the proposal is located below the level of the rock face, aside from part of the roof. However, this will largely be screened from view by existing boundary treatment and the distance of the proposal from surrounding properties will further reduce any impact. As such the development is not considered to result in any adverse impact to residential amenity and is acceptable.

- C) would not prejudice highway safety or the retention of an acceptable level of parking provision, and an acceptable level of parking provision is provided for any new dwelling;**

The access has already been determined under the outline application. The proposal provides ample parking and turning area and as such accords with this policy criterion.

- D) would not prejudice the retention of private amenity space.**

The proposed dwelling has significant garden area and the amenity space associated with 30 Stone Lane is also considered acceptable.

5.2 Other Issues

With regard to structural/stability issues, advice contained within PPG14 sets out national policy guidance on the issue of developing unstable land. It states that the responsibility for determining whether land is suitable for a particular purpose rests primarily with the developer and/or landowner. There is no evidence to suggest that this site is unstable or to suspect there may be problems with stability. The developer has also undertaken some investigative work regarding this issue in relation to the PT07/0309/F application. Moreover, it is the function of the Building Regulations whether the detailed design of the buildings and their foundations will allow the buildings to be constructed and used safely.

- 5.3 With regard to the issue of possible structural damage to a property adjacent to the access road from construction traffic, this matter is considered to be of a civil nature. However, it has been referred to the Council's Highway Structural Engineer. It has been suggested that as good practice, the developer should undertake a structural condition survey of the property in question that records any existing defects before construction work commences. The agent has confirmed that the applicant has been advised to undertake such a survey prior to the redevelopment of the access lane.

5.4 Design and Access Statement

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

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 That the Reserved Matters submitted in accordance with conditions 01 and 02 associated with Outline Planning Permission PT04/3336/O dated 16 August 2004 be **Approved**.

Background Papers **PT07/2547/RM**

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

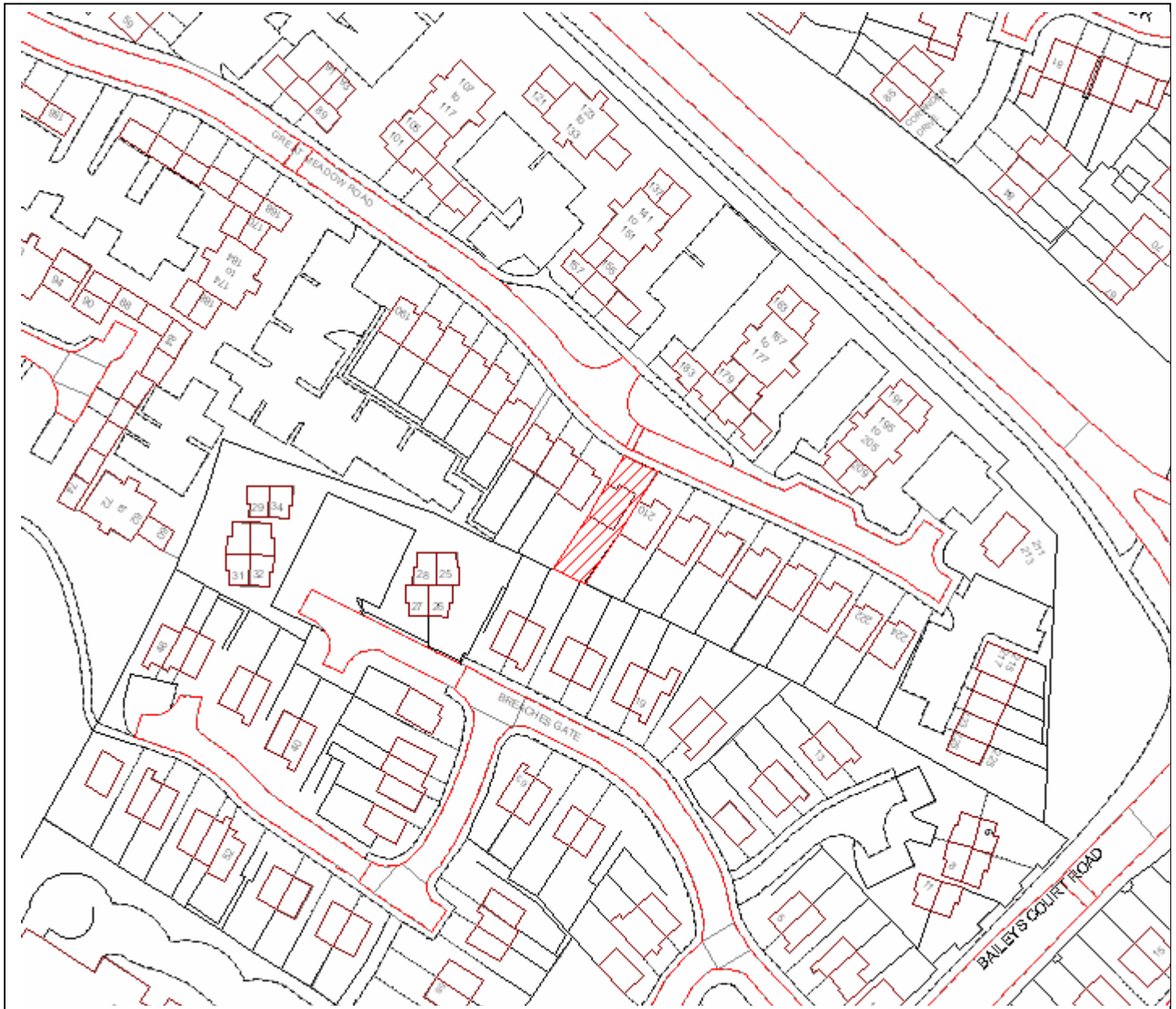
CONDITIONS

1. Prior to the commencement of development, details of design measures to prevent impact of vehicles to the property of Carby Hollow shall be submitted to and approved in writing by the Council and the agreed protection measures shall be erected prior to the development commencing.
2.
Reason(s):
To protect the property of Carby Hollow from vehicles and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of protective measures for the trees within and adjacent to the site that are covered by Tree Preservation Orders. The approved protection measures shall remain until the development is completed.

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

CIRCULATED SCHEDULE NO. 46/07 – 16 NOVEMBER 2007

App No.:	PT07/2941/F	Applicant:	Mr N McKenzie
Site:	208 Great Meadow Road Bradley Stoke South Gloucestershire BS32 8DB	Date Reg:	28th September 2007
Proposal:	Erection of two storey rear extension to provide additional living accommodation.	Parish:	Bradley Stoke Town Council
Map Ref:	62925 80871	Ward:	Bradley Stoke South



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N.T.S

PT07/2941/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of a first floor rear extension to provide an enlarged bedroom.
- 1.2 The application site comprises a detached two-storey dwelling on the south side of Great Meadow Road, Bradley Stoke.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Achieving Good Quality Design in New Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Development within Residential Curtilages
- 2.3 Supplementary Planning Guidance
South Gloucestershire Urban Design Checklist (SPD) Adopted 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 P89/0020/177: Residential development. Permitted: 26 November 1989
- 3.2 PT00/0063/PDR: Rear conservatory. No objection: 24 January 2000
- 3.3 PT03/1316/F: Conversion of existing garage. Permitted: 3 July 2003

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
No objection
- 4.2 Other Consultees
No comments received

Other Representations

- 4.3 Summary of Local Residents Comments:
One letter received expressing the following concerns:
 - The size, scale and design of the development would adversely affect the light and privacy of the property behind;
 - Light pollution is a major concern;
 - It appears that the trees (which provide some privacy and a little greenery) will not be retained.

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 comprises a detached dwelling on the south side of Great Meadow Road. Permission is sought for a first floor rear extension that would enlarge bedroom 2 allowing the creation of an ensuite bedroom.

5.3 The proposal would build above the existing rear conservatory (that stretches the full width of the dwelling) and thus this would require strengthening. As per this existing structure, the proposal would project 3m in depth although it would measure only 3.15m in width. The proposal would be encompassed by a fully hipped pitched roof whilst materials would match those of the host dwelling.

5.4 In view of the above the proposal is considered acceptable and in keeping with the general character of the area. Nevertheless, it is also noted that by virtue of its rear positioning, it would not appear readily visible from public viewpoints.

5.5 Residential Amenity

Properties either side form two-storey detached units with both benefiting from rear conservatories. Having regard to that property adjacent to the proposal, it appears to be a bedroom window that is positioned closest to the boundary. Nonetheless, in view of the limited depth of the build, and given that it would be stepped in from the existing flank wall of the dwelling, it is not considered that any significant adverse impact in residential amenity would be caused.

5.6 In view of the position of the proposal adjacent to the west flank boundary, it is not considered that any significant adverse impact in residential amenity would be caused to those neighbouring occupiers to the east of the application site.

5.7 Properties behind sit at an appreciable distance from the host dwelling in view of the associated rear gardens serving these properties. Further, boundary screening limits views between. As such, and notwithstanding the comments received, it is not considered that any significant adverse impact in residential amenity would be caused. Further, given the distance involved between these properties, any refusal reason would be very unlikely to prove sustainable.

5.8 Outstanding Issues

In response to those concerns raised, it would not appear that the proposal would necessitate the felling of any trees.

5.9 Design and Access Statement

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

5.10 Section 106 Requirements

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

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

6. CONCLUSION

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

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 **PT07/2941/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.

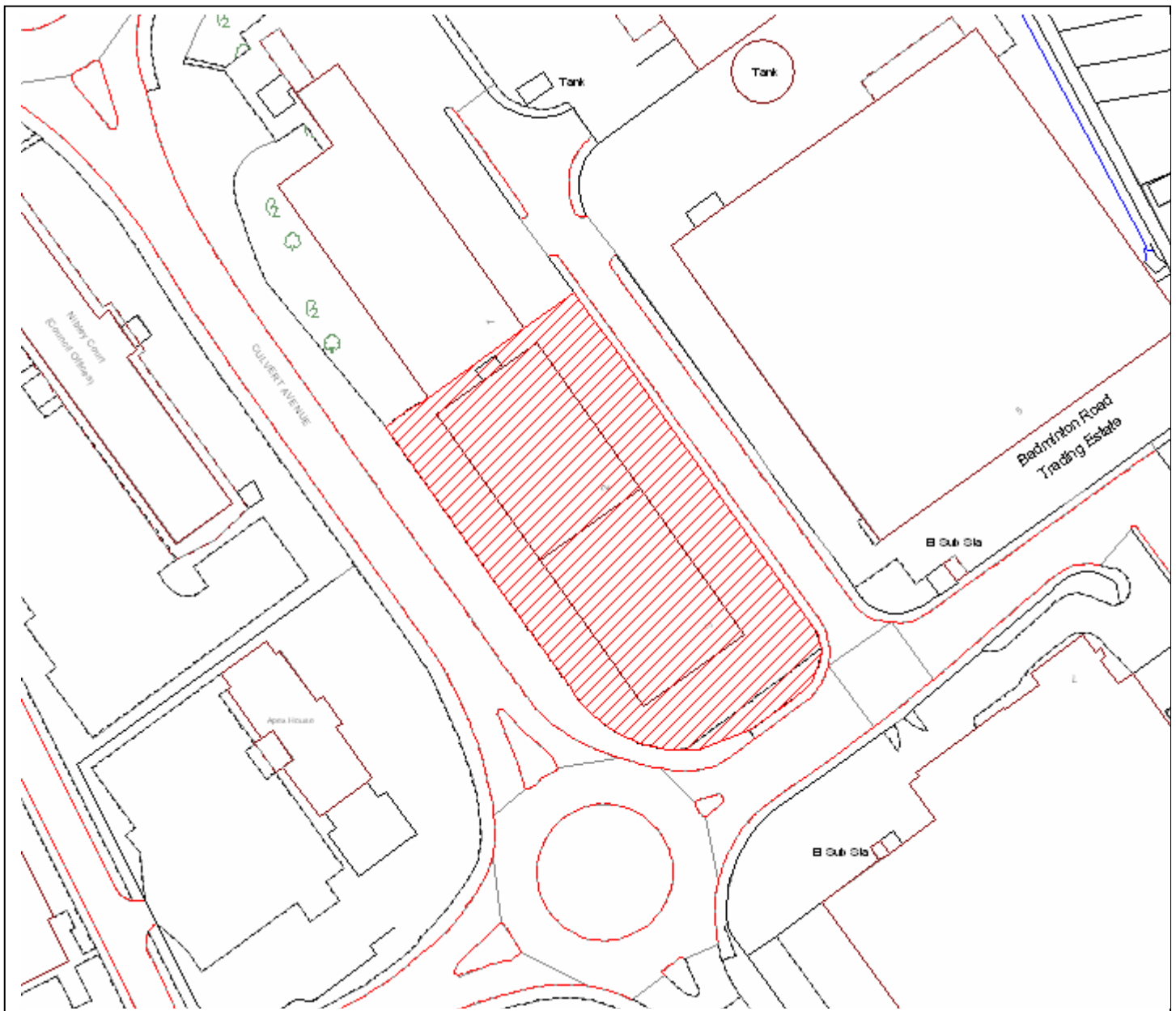
3. No windows shall be inserted at any time in the east and west elevations of the property as extended.

Reason(s):

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

CIRCULATED SCHEDULE NO. 46/07 – 16 NOVEMBER 2007

App No.:	PT07/2973/F	Applicant:	Mr I C Dexter Danfloor (UK) Ltd
Site:	Danfloor Unit 1A and 1B, Badminton Road Trading Estate, Yate, South Gloucestershire BS37 5NS	Date Reg:	4th October 2007
Proposal:	Erection of extension to existing warehousing. (Re-Submission of planning application PT07/1841/F)	Parish:	Westerleigh Parish Council
Map Ref:	69720 82318	Ward:	Westerleigh



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INTRODUCTION

This Planning Application appears on the Circulated Schedule as it is a major application.

1. THE PROPOSAL

- 1.1 The site consists of an industrial unit located within the Badminton Road Trading Estate. Access to the site is from Culvert Avenue.
- 1.2 The proposed development is a resubmission of the previously withdrawn planning application (PT07/1841/F). As with the previous application, this proposal seeks planning approval for the construction of an extension to the South-Eastern elevation of the building adjacent to Culvert Avenue. However, this application details changes to the design of the development in order to overcome concerns relating the visual appearance of the final development.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1 Delivering Sustainable Development
PPG4 Industrial and Commercial Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- D1 Achieving Good Quality Design in New Development
E3 Employment Development in the Urban Area/Settlement Boundaries
E4 Safeguarded Employment Areas
T12 Transportation Development Control Policy for New Development
T8 Motor Vehicle Parking Standards
T7 Cycle Parking Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Urban Design Checklist (SPD) adopted 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/1841/F Erection of extension to existing warehouse. Withdrawn

4. CONSULTATION RESPONSES

4.1 Westerleigh Parish Council

No Objection.

4.2 Sustainable Transport

No Objection subject to the provision of two secured and lit cycle parking places

Other Representations

4.3 Local Residents

No Comments received at the time of compiling this report

5. ANALYSIS OF PROPOSAL

- 5.1 The proposed development consists of the extension to an existing industrial warehouse located within a protected employment area within the urban area associated with Yate.
- 5.2 Principle of Development
Policies E3 and E4 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 considerations.
- 5.3 Design
Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development achieves high standards of design. Policy E3 and E4 carry this principle of good design forward.
- 5.4 The subject building and adjacent building are set back from the highway (Culvert Avenue) by approximately 18 to 20 metres of open land and constructed to a clearly defined building line. The first 8 to 10 metres of this land is dedicated highway verge with the remainder being landscape with trees and grass (to the South East elevation of the adjacent building) and to gravel and planters (to the South East elevation) of the subject building.
- 5.5 The subject building and the adjacent building are of no particular architectural merit and are purely functional in appearance. They are constructed with a steel frame, brick cladding (with high level windows) and profiled cladding to the roof. However, the proposal is in a very prominent location along the approach to the Badminton Road Trading Estate/Business Park. It is considered that the position of the development site is such that any development upon it must be very good quality in design and visual terms in order to actively enhance this context.
- 5.6 The proposed extension would take place on the 10 metre wide strip of land to the South East of the subject building currently laid out to gravel with planters and is to be the full length of the existing building. This area is not considered to be of any particular value in this context. Officers have engaged in negotiation with the developer with the aim of achieving a good quality structure on this site; and to overcome the previous concerns relating to the withdrawn application (PT07/1841/F) The proposal drawings detail the use of a steel frame as used in the existing building which would be clad with a mixture of profiled cladding and window detailing to eaves level. The existing building is very bland and horizontal in appearance; however the use of slightly projecting bays to the front of the extension, together with the introduction of window detailing would enable a more vertical emphasis to be achieved, so breaking down the bland horizontal expanse of the existing building. Although no specific cladding and fenestration detail, it is considered that an appropriately worded condition is sufficient to ensure that suitably high quality materials are used in the final construction. Subject to the use of this condition, it is considered that the development is acceptable in design terms and will enable significant improvements to the visual amenity of the approach to the business park.
- 5.7 Having regard to the above it is considered that the proposed development, would sufficiently overcome the previous officer concerns; and would be

consistent with Policy D1, E3 and E4 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.8 Residential Amenity

Given the proximity of the nearest residential property, it is considered that the proposed development would have no material impact upon the privacy and residential amenity of nearby dwellings.

5.9 Transportation

It is considered that the highway network can adequately accommodate traffic generated by this proposal and that there is sufficient vehicular parking available within the application site and associated area. However, it is considered that the development would generate a requirement for two cycle parking spaces within the development in order to encourage alternative modes of transport to the private car. Although there are fundamental objections to the proposed development in its current form, it is considered that this can be adequately dealt with by way of an appropriately worded should a future application be approved.

5.10 Subject to the above, the proposed development is acceptable in transportation terms.

5.11 Design and Access Statement

The Design and Access Statement submitted with this application is considered to demonstrate that the applicant has adopted a design approach that is consistent with the Councils Design Checklist Supplementary Planning Document (Adopted)

5.12 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That planning permission be granted subject to the following conditions

Background Papers **PT07/2973/F**

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

CONDITIONS

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

Reason(s):

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

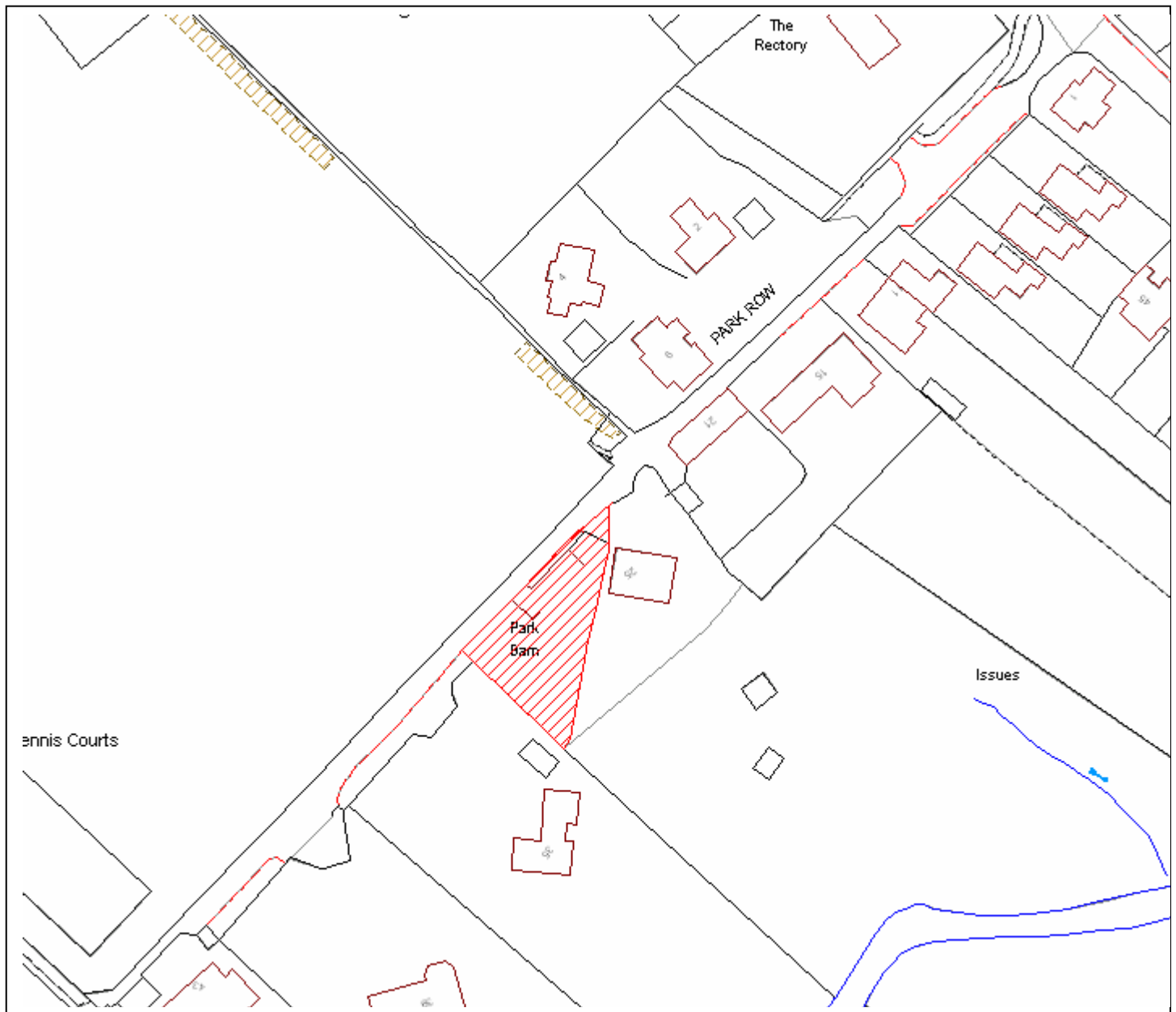
2. No development shall take place until details and samples of all roofing and external cladding materials and fenestration materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

To ensure a satisfactory standard of external appearance and to accord with Policy D1, H3 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 46/07 – 16 NOVEMBER 2007

App No.: PT07/3000/F	Applicant: Mrs S Warren
Site: Park Barn 27 Park Row Frampton Cotterell South Gloucestershire BS36 2BS	Date Reg: 8th October 2007
Proposal: Erection of detached garage	Parish: Frampton Cotterell Parish Council
Map Ref: 66334 81687	Ward: Frampton Cotterell



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N.T.S

PT07/3000/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a detached double garage with the residential curtilage of a converted barn.
- 1.2 The application site forms a two-storey barn conversion on the south eastern side of Park Row, Frampton Cotterell. The property is located beyond the settlement boundary and within the green belt.
- 1.3 Planning approval is required for the proposal in view of a planning condition attached to the property at the time of its conversion (P97/1256):
'Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking that Order) no development as specified in Part 1 (Classes A, B, D, E, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior permission in writing of the Council.'

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPG12	Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
H4	Development within Residential Curtilages
GB1	Development within the Green Belt
T8	Parking Standards
T12	Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Urban Design Checklist (SPD) adopted 2007
Development in the Green Belt

3. RELEVANT PLANNING HISTORY

- 3.1 P94/2283: Conversion of barn to dwelling. Refused: 21 November 1994
- 3.2 P95/1539: Conversion of barn to dwelling. Permitted: 24 April 1996
- 3.3 P97/1256: Conversion of barn to dwelling. Permitted: 15 May 1997
- 3.4 PT00/3228/F: Erection of two-storey front and single-storey rear extension. Permitted: 26 January 2001

- 3.5 PT05/0102/F: Erection of two-storey and first floor-side extension to form kitchen with two bedrooms over. Permitted: 14 April 2005

4. **CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Parish Council
No objection
- 4.2 Other Consultees
Highways DC: no objection

Other Representations

- 4.3 Summary of Local Residents Comments:
One letter received expressing the following concerns:
- When the barn was originally converted, the planning committee was asked to consider vehicle turning areas within the property;
 - The erection of the double garage will reduce car parking/ turning ability;
 - Traffic will be increased further into Park Row trespassing onto the privately owned turning areas of Orchard House and Fairview House and using the public turning/ parking areas.

5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development
Planning policy H4 allows for the principle of development within residential curtilages subject to considerations of design, residential amenity and highway safety. Further, where in the green belt, policies H4 and GB1 advise that works should not comprise a disproportionate addition over and above the size of the host dwelling.
- 5.2 Design/ Visual Amenity
The application site comprises a two-storey barn conversion on the south east side of Park Row. The property abuts the road frontage aiding to provide an enclosed garden area which is only visible through the vehicular entrance gates to the front of the property.
- 5.3 The proposal seeks permission for a detached double garage that would stand adjacent to the eastern boundary (6.5m from the dwelling) against a 1.8m high (approx.) rendered boundary wall. It would measure 6m in length and depth whilst would and be encompassed by a pitched roof reaching 4.2m in height. Materials would comprise painted render to the rear and side elevations with a stone clad front to match the dwelling.
- 5.4 The proposal would not appear readily visible from the public viewpoints with it largely only seen when viewed from the driveway entrance. Accordingly, and in view of the limited size of the build, the proposal is considered to be acceptable and in keeping with the general character of the area.
- 5.5 Impact upon the Openness of the Green Belt
In view of the limited size and position of the proposal, and having regard to its relatively discreet position, it is not considered that the proposal would cause any significant adverse impact to the openness of the green belt.

5.6 Residential Amenity

The neighbouring dwelling to the east sits forward of the host unit and appears to benefit from an extensive garden area which extends behind the application site. Nevertheless, this boundary is marked by a 1.8m high (approx.) boundary wall with coniferous tree screening provided on the neighbours' side. As such, and given the limited size of the build, it is not considered that any significant adverse impact in residential amenity would be caused.

5.7 All other neighbouring properties sit an appreciable distance from the site of the proposal whilst the boundary treatment enclosing the applicant's rear garden helps to ensure that the proposal would be largely screened. It is not therefore considered that any significant adverse impact in residential amenity would be caused.

5.8 Highway Safety

The existing site layout allows for an extensive driveway area with the garage to be sited beyond this and stepped back into the raised garden. The proposal would not therefore compromise the existing parking/ turning areas and thus there is no transportation objection to this current proposal.

5.9 Design and Access Statement

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

5.10 Section 106 Requirements

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

6. CONCLUSION

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

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 **PT07/3000/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).

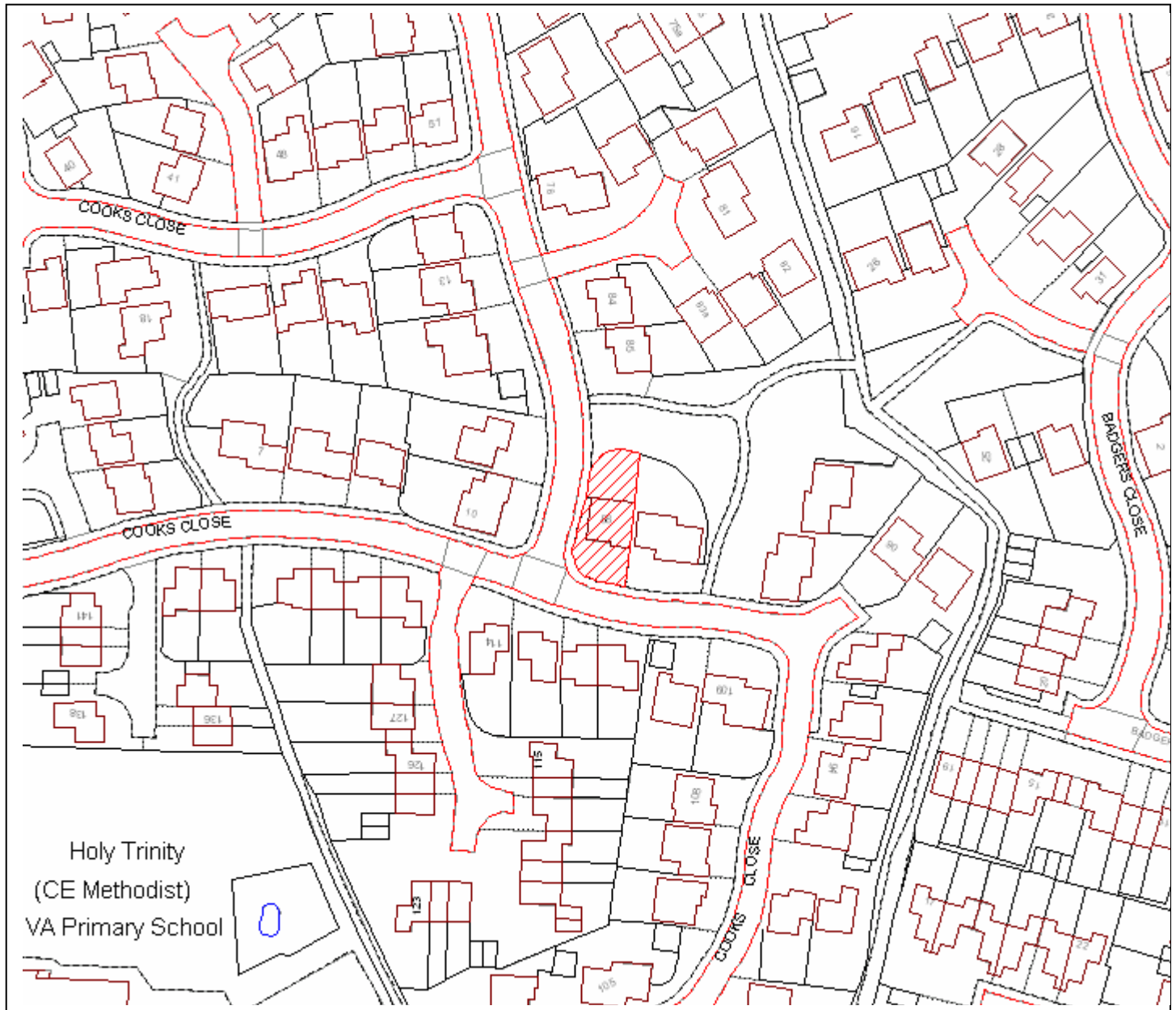
2. The stone to be used in the construction of the front elevation of the garage hereby permitted shall match that used in the existing dwelling.

Reason(s):

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

CIRCULATED SCHEDULE NO. 46/07 – 16 NOVEMBER 2007

App No.: PT07/3090/F	Applicant: Mr & Mrs R Scott
Site: 86 Cooks Close Bradley Stoke South Gloucestershire BS32 0BB	Date Reg: 17th October 2007
Proposal: Erection of detached garage with associated works (Resubmission of PT07/1803/F)	Parish: Bradley Stoke Town Council
Map Ref: 61583 83043	Ward: Bradley Stoke North



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100023410, 2007.

N.T.S

PT07/3090/F

INTRODUCTION

This application appears on the Circulated Schedule after the receipt of one objection from the Town Council and one objection from a local resident.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the erection of a detached garage in the rear garden. The proposal would be approximately 7m in length and 3.8m in width.
- 1.2 The application site relates to a detached dwelling situated within a well established residential area. The rear of the site adjoins an area of public open space.
- 1.3 This application is a resubmission of the previously withdrawn application PT07/1803/F.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Development within Existing Residential Curtilages
T12 Transportation Development Control Policy in New Development
- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/1803/F – Erection of detached garage and associated works
Withdrawn

4. CONSULTATION RESPONSES

- 4.1 Bradley Town Council
Object to access being obtained across open green space, which may set a precedent. A site meeting is recommended.
- 4.2 Transportation
No objection

Other Representations

- 4.4 Local Residents
One letter has been received from a local resident objecting to the proposal because the proposal would be out of keeping with the character with the house.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for the extension to residential dwelling subject to there being no adverse impact on the residential amenity and highway safety.

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

5.2 Residential Amenity

The application site is situated on a corner plot which is adjoined by one dwelling to the side (No. 88 Cooks Close) and public open space to the rear. The proposed detached garage would be sited at the rear of the garden, which would be approximately 6 metres from No. 88. Given this distance and proposed form and scale of the proposal, it is considered that the garage would not adversely impact residential amenity of any nearby residential occupiers. Additionally, it is considered that the proposal would not prejudice the retention of adequate amenity space.

5.3 Design and Visual Amenity

The proposed garage would be sited at the rear of the dwellings garden adjacent to the existing wall which adjoins the public open space. This wall would be demolished as part of the application and would be replaced by the side wall of the garage. The garage would be situated in a prominent location which would be visible in the street-scene. The proposed garage would adopt a good quality design approach. The form, scale and massing of garage would respect the proportions of the dwelling and the materials would match the original dwelling. As such, notwithstanding the objection from a local resident, it is considered that the proposed design solution would respect the character and the appearance of the existing dwelling and the locality.

5.4 Highway Safety

The movement of vehicles leaving the proposed detached garage would need to reverse onto the highway. As Cooks Close is an unclassified highway there would be no adverse impact on highway safety. On that basis there is no transportation objection to this current proposal. It is recommended that two conditions are attached to request that the driveway should have a bound surface and that a 2 metre by 2 metre splay should be provided and maintained to the proposed wall nearest the existing property. An informative would also be attached to inform the applicant that the proposed crossover construction should be carried out to the satisfaction of the Street Care Manager.

5.5 Public Open Space

The proposed garage would result in the proposal encroaching onto the adjacent public open space by approximately 0.7 metres. The Councils Community Open Space department were consulted and they had no objection to the loss of this open space. This is because the proposed development would neither affect the overall amenity value of the open space to the community nor appear to affect any wildlife diversity. A site visit was undertaken by a Community Spaces Tree Officer who stated that the proposal would not adversely impact the trees on the adjacent open space.

The re-alignment of the wall, the line of which would be formed by the proposed building, would provide an open space equivalent to that lost by the southwest

corner of the new building and the driveway proposals over the open space land. Evidence has been shown from the Council Property service department that this area of land can be licensed to the property owner to gain access. However, this does not grant permission to build on this land, as such it is recommended that an informative is attached to stress the importance that the necessary consent is sought from Councils Property Services department as landowner prior to the commencement of development.

5.6 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PT07/3090/F**

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

CONDITIONS

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

Reason(s):

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

2. The proposed driveway shall be constructed of a bound material.

Reason(s):

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

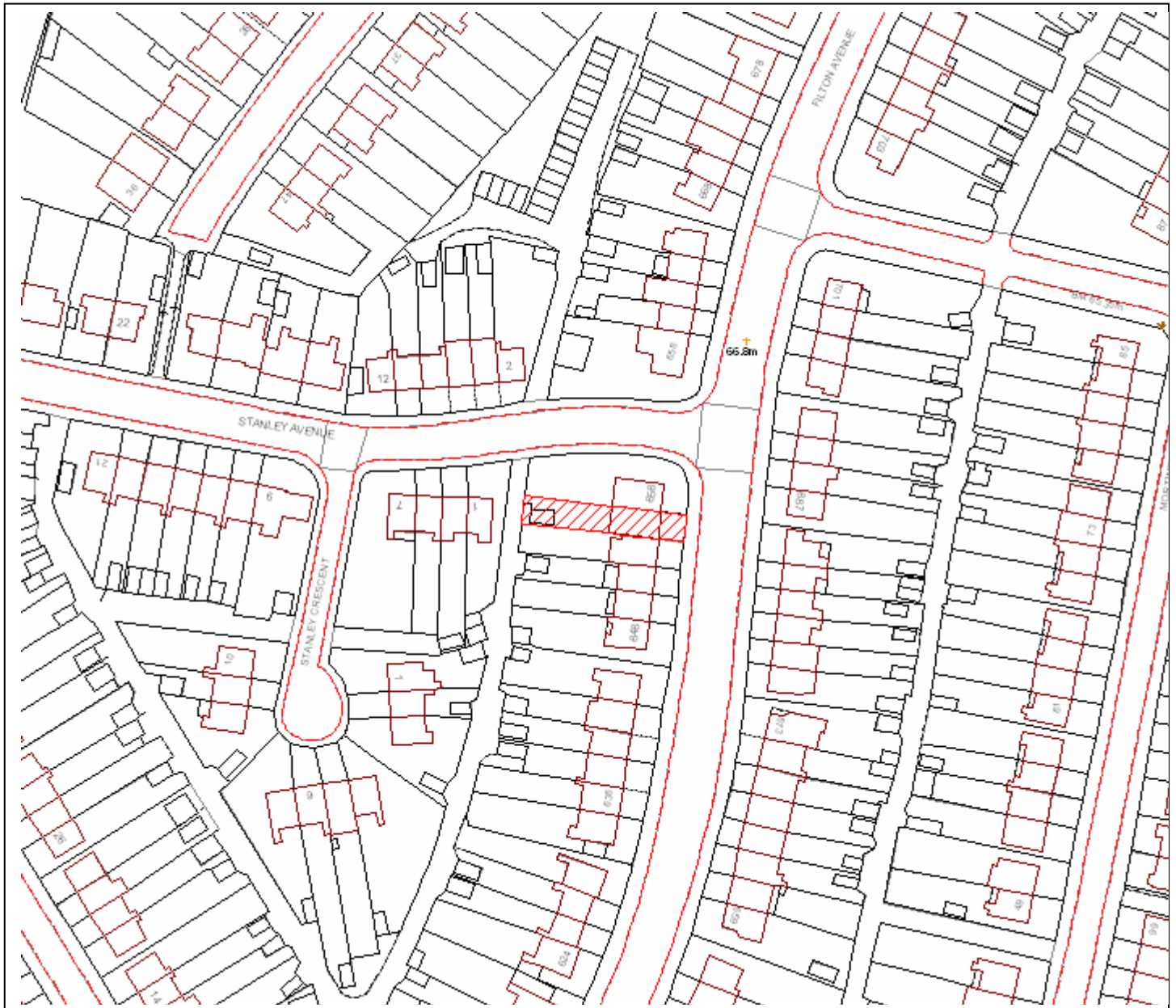
3. No development shall take place until details of a 2 metres by 2 metres inter-visibility splay has been submitted and agreed in writing with the Local Planning Authority. Development shall then proceed in accordance with the details so agreed.

Reason(s):

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

CIRCULATED SCHEDULE NO. 46/07 – 16 NOVEMBER 2007

App No.: PT07/3152/F	Applicant: Mr & Mrs B Hewett
Site: 654 Filton Avenue Filton South Gloucestershire BS34 7LD	Date Reg: 23rd October 2007
Proposal: Erection of rear conservatory (Retrospective)	Parish: Filton Town Council
Map Ref: 60775 78637	Ward: Filton



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N.T.S

PT07/3152/F

INTRODUCTION

This application has been referred to the Council's Circulated Schedule due to two letters of objection received from local residents.

1. THE PROPOSAL

- 1.1 This retrospective application relates to the erection of rear conservatory at 654 Filton Avenue, Filton. The proposal measures 2.7m in depth, 5m in width and has a maximum height of 2.4m. It is constructed of brickwork to match the existing dwelling with polycarbonate roof. The south (side) elevation is of blank brickwork but the north (side) elevation has one window and three high level windows, all of which are obscurely glazed. The extension is attached to an existing single storey rear extension of similar width and depth, resulting in an overall depth of 5.4m.
- 1.2 The adjoining properties of 652 and 656 Filton Avenue also have single storey rear extensions having a depth of 2.2m and 2.7m respectively. The application site is a terraced property with vehicular access to the rear. The site lies within the urban area of Filton.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Developmen
H4 Development within Existing Residential Curtilages, Including
Extensions and New Dwellings
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
Design Checklist – South Gloucestershire Urban Design Checklist (SPD)
adopted 2007

3. RELEVANT PLANNING HISTORY

- 3.1 N3411 Erection of domestic garage.
Approved 7 April 1977.

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
Enquire as to whether the proposal is conservatory or extension.

The Officer has clarified and informed the Town Council that the proposal relates to the erection of a conservatory to an existing extension.

Other Consultees

- 4.2 Sustainable Transport
No objection.

Other Representations

4.3 Local Residents

2 letters have been received objecting to the proposal on the following grounds:-

- a) too large;
- b) out of character;
- c) loss of privacy/overlooking;
- d) loss of light/sun.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

In assessing applications for residential extensions, policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 is particularly relevant. Extensions are normally permitted provided they respect the massing, scale, overall design and character of the existing property and street scene and would not prejudice amenities of nearby occupiers, highway safety or the retention of adequate private amenity space.

5.2 It is considered that, on balance, the application accords with the above policy criteria. Although the overall depth of the proposal, when viewed in conjunction with the previous extension is some 5.4m, the adjoining properties have also been extended. As such the proposal only extends 3.3m and 2.7m beyond the rear elevations of no. 652 and 656 Filton Avenue respectively. Due to the limited height of the extension, the materials used and the fact that existing boundary treatment consists of 1.8m fencing, only a small proportion of the extension is visible.

5.3 A maximum 0.6m of the proposal is visible above the fencing, falling to 0.3m. It is therefore considered that the proposal will not result in any overbearing impact or loss of light to an unacceptable degree, especially as the proposal is single storey in nature. In terms of loss of privacy, only one of the side elevations has any windows but these are obscurely glazed and high level. The boundary fence also ensures that overlooking is not an issue. As such the proposal is acceptable in residential amenity terms. With regard to the size and design, the proposal is also acceptable. The development does not detract from the character of the existing dwelling or the area to such a degree as to warrant a refusal. Adequate garden area will also remain and access/parking arrangements are unchanged by the proposal.

5.4 Section 106 Requirements

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

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 Retrospective planning permission be granted.

Background Papers **PT07/3152/F**

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