



**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. 40/07

Date to Members: 05/10/07

Member's Deadline: 12/10/07

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: 05/10/07

SCHEDULE NO. 40/07

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

Circulated Schedule 05 October 2007

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK07/1126/F	Approve with conditions	Stationmaster High Street Warmley South Gloucestershire BS15 4NF	Siston	Siston Parish Council
2	PK07/2273/F	Approve with conditions	6 Walnut Avenue Yate South Gloucestershire BS37 7AT	Yate Central	Yate Town Council
3	PK07/2381/F	Approve with conditions	96a High Street Oldland Common South Gloucestershire BS30 9TH	Oldland Common	Bitton Parish Council
4	PK07/2451/CLE	Approve	53 High Street Wick South Gloucestershire BS30 5QQ	Boyd Valley	Wick and Abson Parish Council
5	PK07/2455/F	Approve with conditions	139 Bath Road Longwell Green South Gloucestershire BS30 9DD	Longwell Green	Oldland Parish Council
6	PK07/2477/TCA	No objection	3 Croft Close Bitton South Gloucestershire BS30 6HF	Bitton	Bitton Parish Council
7	PK07/2482/F	Approve with conditions	Woodland adjacent to The Rectory Horton Hill Horton South Gloucestershire BS37 6QP	Cotswold Edge	Horton Parish Council
8	PK07/2525/F	Approve with conditions	5 Lodge Drive Oldland Common South Gloucestershire BS30 6RQ	Bitton	Bitton Parish Council
9	PK07/2532/F	Approve with conditions	2A Chavenage Kingswood South Gloucestershire BS15 4LA	Kings Chase	
10	PK07/2640/F	Approve with conditions	27 High Street Wick South Gloucestershire BS30 5QJ	Boyd Valley	Wick and Abson Parish Council
11	PK07/2762/F	Approve with conditions	99 Dovecote Yate South Gloucestershire BS37 4PB	Dodington	Yate Town Council
12	PT07/2048/F	Refusal	Barnes Court Whitley Mead Stoke Gifford South Gloucestershire BS34 8XT	Frenchay and Stoke Park	Stoke Gifford Parish Council
13	PT07/2231/O	Approve with conditions	266 Badminton Road Coalpit Heath South Gloucestershire BS36 2QW	Westerleigh	Westerleigh Parish Council
14	PT07/2300/F	Approve with conditions	Home Farm Foxholes Lane Tockington South Gloucestershire BS32 4PF	Severn	Olveston Parish Council
15	PT07/2588/RM	Approve with conditions	15 Dragon Road Winterbourne South Gloucestershire BS36 1BQ	Winterbourne	Winterbourne Parish Council
16	PT07/2598/F	Refusal	5 Gloucester Road Thornbury South Gloucestershire BS35 1DG	Thornbury North	Thornbury Town Council
17	PT07/2753/TCA	No objection	The Vicarage and Glebe Field at Sundays Hill Lower Almondsbury	Almondsbury	Almondsbury Parish Council

CIRCULATED SCHEDULE NO. 40/07 – 05 OCTOBER 2007

App No.: PK07/1126/F
Site: Stationmaster High Street Warmley
 BRISTOL South Gloucestershire BS15
 4NF
Proposal: Installation of external metal flue.
Map Ref: 67021 73517

Applicant: Mr A Nasir
Date Reg: 12th April 2007
Parish: Siston Parish
 Council
Ward: Siston



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N.T.S

PK07/1126/F

INTRODUCTION

This application is referred to the Circulated Schedule following a number of objections/ concerns regarding the scheme being expressed by a local resident.

1. THE PROPOSAL

- 1.1 This application seeks planning permission to install an external metal extraction flue to serve a new kitchen following the change of use of the building from a former Public House (known as the Stationmaster) to restaurant, which is a change of use permitted under the Use Classes Order (1987 as amended) and so does not require planning permission in itself.
- 1.2 Since submission the position of the external flue has been moved from the west facing roof plane (as facing the car park) to the eastern side of the building. In addition to this, details of odour abatement, filtration and acoustics have also been submitted to the Council for consideration, details which were not included in the original submission.
- 1.3 The flue as now proposed will exit at ground floor level into an enclosed void, and then the flue will run along an existing flat roof before running parallel with an existing roof plane before terminating just above the roof ridge. Therefore from the main road the flue will be screened behind the existing building leaving views of the flue only from the rear.
- 1.4 Hours of operation of the flue are 1100 to 2300 hours Sunday to Thursday and 1100 to 2330 hours Friday and Saturday.

2. POLICY CONTEXT

- 2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG4	Industrial, Commercial Development and Small Firms
PPS23	Planning and Pollution Control
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design
EP1	Environmental Pollution

3. RELEVANT PLANNING HISTORY

- 3.1 None of relevance for this application.

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
The site lies within an unparished area.

Other Representations

- 4.2 Local Residents
5no. consultations responses were received from one neighbouring property which made the following summarised comments:

- Not enough information has been submitted to ensure odours discharged will not affect neighbours of the former Stationmaster Public House;
- The plan mentions the flue will be fan assisted with carbon blockers, but the effectiveness of these is questioned;
- Local residents should not be forced into keeping windows closed during the opening hours of the restaurant;
- In light of the lack of information, there is an objection to the proposed flue as local residents do not feel assured that the flue will be of the highest standard;
- If the flue was moved to adjacent to the car park, as this is directly adjacent to a neighbour's property, they would be subject to the strong odours which would be increased due to the direction of the prevailing wind;
- The flue would be visible from a neighbour's kitchen window;
- We are more satisfied with the proposed (revised) position of the flue revised, given that it would not now be visible;
- In light of the dwell time proposed, are the proposed carbon filters adequate to completely eliminate cooking odours as there is a 0.1 second discrepancy between the dwell time suggested and the rate recommended by Airclean Ltd?;
- Assurances are sought that when the flue becomes operative, the Council's Environmental Dept would take the necessary steps to ensure that the flue is upgraded if the cooking odours become a nuisance;

5. ANALYSIS OF PROPOSAL

- 5.1 It is considered that in the determination this application, the two main issues to be considered is the environmental affect of the proposed flue on the surrounding residents and the visual impact of the flue.
- 5.2 Environmental Issues
When the application was submitted, the application failed to contain any environmental details and so the initial concerns of the local residents were completely justified and shared by officers. However since this time, following numerous discussions between the Council and the applicant, details of the filtration systems and odour abatement technology have been submitted by a specialist environmental consultants. In addition an acoustic report has been submitted to identify the noise created by the operation of the flue and whether it would exceed background noise levels to the detriment of the amenities of local residents.
- 5.3 Following a detailed study of the environmental reports by the Council's Environmental Protection Officer, subject to an attached condition ensure that the system installed is as per the details contained within the reports and a condition restricting hours of operation of the flue, it is considered that the operation of the flue will not cause any undue disturbance to local residents by way of odour or noise.
- 5.4 Design/ Visual Amenity
Although there would be views of the view from surrounding neighbouring properties, from the public realm the flue would be sited behind the roof of the existing building and so would be screened from view. It is therefore considered that the character and appearance of the existing street scene of Warmley High Street would be maintained.

5.5 Although a condition is to be attached requiring details of finish and clear views of the flue will be visible from the adjacent neighbouring property, it is not considered that in the wider streetscape, the proposed flue would result in any significant loss of visual amenity. There is therefore no objection to the flue on design grounds.

5.6 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Planning permission is to be APPROVED subject to the following conditions.

Background Papers PK07/1126/F

Contact Officer: Robert Nicholson
Tel. No. 01454 863536

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 applicant is to ensure that the ventilation system is installed and maintained as prescribed in the scheme of works provided by BTM Ventilation Services, as received by the Council on 30th July 2006. This scheme of works was supplemented by an acoustic report provided by Acoustic Consultants Limited (ref. 4082/SRP/BL/rc September 2007). The applicant should ensure that the above-mentioned scheme of works incorporates the mitigation measures proposed in the Acoustic Consultants Ltd report to attenuate the noise from the kitchen extraction system. The acoustic report predicts by measurement and calculation that the noise levels at the nearest noise sensitive premises will be 3db below background if the report's recommendations are

followed in full. The acoustic report assumes that the applicant/agent will check the manufacturers data with regard to noise levels is accurate (point 7.0 of the acoustic report refers.) Also the acoustic report assumes that the attenuation required (silencer) to achieve the correction Sound Insertion Losses will be obtained from a specialist source (point 8.2 of the acoustic report).

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy (E3/E4/E6*) of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The operation of the flue hereby authority shall only run between the hours of 1100hrs to 2300hrs Sunday to Thursday and 1100hrs to 2330hrs Friday and Saturday.

Reason

To accord with the findings of the submitted acoustic report (as received by Council on 25/09/07) and to protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the operation of the flue hereby authorised, details of the flue's external finish are to be submitted to the local planning authority for written approval.

Reason

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

CIRCULATED SCHEDULE NO. 40/07 – 05 OCTOBER 2007

App No.: PK07/2273/F

Applicant: Mr T Pearce & Miss J Hackney

Site: 6 Walnut Avenue Yate BRISTOL South Gloucestershire BS37 7AT

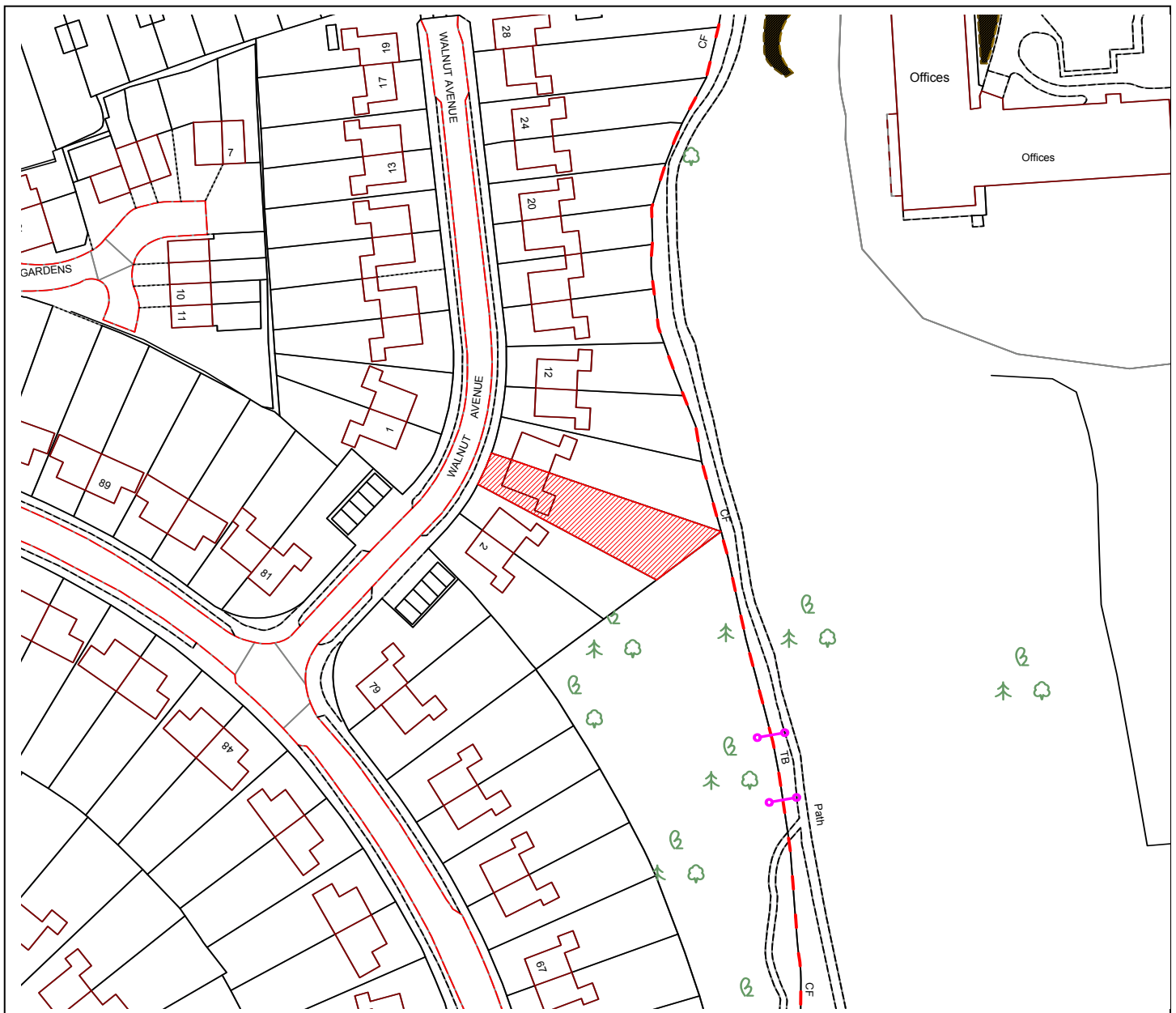
Date Reg: 25th July 2007

Proposal: Demolition of existing outbuildings to facilitate the erection of a two storey rear and single storey side extension to form additional living accommodation.

Parish: Yate Town Council

Map Ref: 72221 82923

Ward: Yate Central



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N.T.S

PK07/2273/F

INTRODUCTION

This application appears on the Circulated Schedule because of one objection from a local resident.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the demolition of existing outbuildings to facilitate the erection of a two storey rear and single storey side extension to form additional living accommodation.
- 1.2 The application property consists of a semi detached two storey brick faced dwelling with a tiled pitched roof. It is located within the defined settlement boundary of Yate.

2. POLICY CONTEXT

2.1 National Guidance

PPS 1 Delivering Sustainable Development
PPS 3 Housing

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T8 Car Parking Standards
T12 Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Advice Note 2: House Extensions

3. RELEVANT PLANNING HISTORY

- 3.1 None.

4. CONSULTATION RESPONSES

4.1 Yate Town Council

No objection.

Other Representations

4.2 Local Residents

One letter of objection received from local residents expressing the following summarised objections and concerns:

- extension will block light into kitchen and bedroom
- no other application has been passed for a double to the rear, only double to the side.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design / Visual Amenity

The application property consists of a semi detached dwelling that displays a traditional suburban form and modest scale. The proposed extensions would project 3 metres into the rear garden. The two storey element would be finished with a gable roof to match the height of the existing property. The single storey element would be finished with a simple lean-to roof. It would be constructed from materials that match the existing dwelling. The fenestration size and appearance would be informed by the existing fenestration. Accordingly, in line with Policy H4, the extension is considered to respect the scale, proportions, design and character of the host dwelling and is therefore an appropriate addition to the dwelling and the streetscene.

5.3 Residential Amenity

Overbearing Analysis

Concern has been raised that the proposed development will block light to the adjoining neighbouring property.

In reference to this it should be noted that there is no right to light across land which a person does not control. Regardless of this fact, the extension would project 3 metres into the rear garden. This distance complies with the guidance contained the Council's supplementary planning guidance 'Advice Note 2: House Extensions'. Consequently, it is considered an overbearing impact will not occur in this instance.

5.4 Privacy Analysis

The side elevations will not contain windows. Consequently, a loss of privacy will not occur at neighbouring properties. The new windows in the rear elevation will have no greater impact than the current outlook situation. Accordingly, the proposal is considered acceptable in residential amenity terms.

5.5 Transportation

Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development would not have a detrimental impact upon highway safety and amenity in the locality. Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006 provides maximum parking standards.

In this instance, because the property currently has no off street parking facilities and the extension will not increase the number of bedrooms contained within the dwelling, there is no requirement to provide new parking facilities. Furthermore, it is also considered that the proposal will not prejudice highway safety. Accordingly, in transportation terms the application is considered acceptable.

5.6 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK07/2273/F**

Contact Officer: **Edward Purnell**

Tel. No. **01454 863056**

CONDITIONS

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

Reason

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

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

Reason

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

3. No windows shall be inserted at any time in the side elevations of the extensions hereby permitted.

Reason

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

CIRCULATED SCHEDULE NO. 40/07 – 05 OCTOBER 2007

App No.: PK07/2381/F
Site: 96a High Street Oldland Common
 BRISTOL South Gloucestershire BS30
 9TH

Applicant: Mr S Hippisley
Date Reg: 3rd August 2007

Proposal: Erection of detached garage.

Parish: Bitton Parish
 Council

Map Ref: 67774 71701

Ward: Oldland Common



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N.T.S

PK07/2381/F

INTRODUCTION

This application appears on the Circulated Schedule because of an objection from the local parish council.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the erection of a detached garage parallel with the northern boundary of the site.

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

H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

T8 Car Parking Standards

T12 Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Advice Note 2: House Extensions

3. RELEVANT PLANNING HISTORY

- 3.1 PK06/3374/F Erection of 2 storey side and single storey rear extensions to provide additional living accommodation and garage. Refusal: 8th January 2007.
- 3.2 PK07/1106/F Erection of 2 storey side and single storey rear extensions to provide additional living accommodation. Erection of front porch. (Resubmission of PK06/3374/F). Approve with conditions: 21st May 2007.

4. CONSULTATION RESPONSES

4.1 Bitton Parish Council

Councillors objected to the application because of concerns about dominance both over the adjacent property and its dominance of the site due to its large scale. No turning area is identified or off-street parking shown, as should be required given the location of this site on a busy road. Councillors noted that there are windows in the side of the adjacent house which would look out onto the proposed garage and be badly affected by the proximity of the building.

Other Representations

4.2 Local Residents

No objection.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006, allows for the principle of development with existing residential curtilages subject to considerations of design, residential amenity and highway safety.

5.2 Design/Visual Amenity

Concern has been raised that the garage will dominate the site owing to its large scale. In this instance it is considered that because the front elevation of the garage would be set back 4 metres from the front elevation of the dwelling it would sit comfortably on the site whilst allowing the form and appearance of the recently extended dwelling to remain dominant. Furthermore, the external appearance of the garage has been informed by design and appearance of the recently extending dwelling and is therefore considered to be an appropriate addition to the streetscene.

5.3 Residential Amenity

Overbearing Analysis / Privacy Analysis

The garage would be sited parallel to the northern boundary of the site. Concern has been raised as to the impact of the garage on the neighbouring property to the north, No. 96. This benefits from a single storey extension which projects along the entire boundary. It contains a number of windows which face towards the site of the proposed garage. However, because these are high level lights and obscure glazed, officers are satisfied that an overbearing impact and a loss of privacy will not occur and the development is therefore considered acceptable in residential amenity terms.

5.4 Amenity Space

Whilst the extension does project into the rear garden sufficient garden space (front and rear) will remain to serve occupiers of the property.

5.5 Highway Safety Analysis

Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development would not have a detrimental impact upon the highway safety. Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006 provides maximum parking standards.

5.6 Concern has been raised that no turning area has been identified for off street parking. However, following the submission of an amended plan showing a turning stub with a further parking space alongside, it is considered that, in combination with the two spaces contained within the garage, sufficient parking space will exist to satisfy the requirements of T8. Furthermore, the turning stub will enable vehicles to exit and enter the highway in a forward gear. Accordingly, it is considered the development will not prejudice highway safety.

5.7 Section 106 Requirements

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

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

6. CONCLUSION

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

7. RECOMMENDATION

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

Background Papers **PK07/2381/F**

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

CONDITIONS

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

Reason

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

2. The materials to be used in the construction of the external surfaces of the garage hereby permitted shall match those used in the recently extended dwelling (PK07/1106/F).

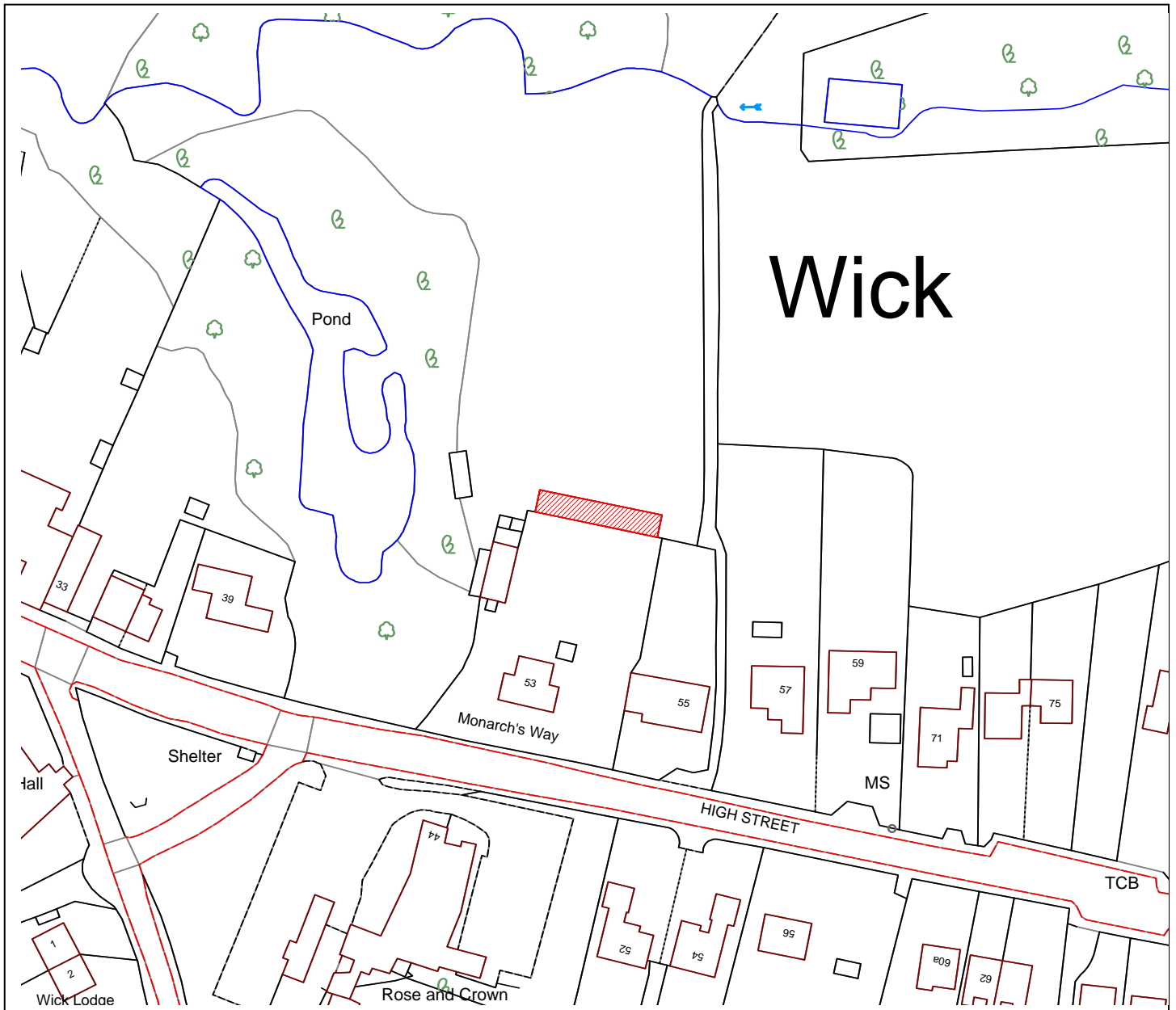
Reason

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

CIRCULATED SCHEDULE NO. 40/07 – 05 OCTOBER 2007

App No.: PK07/2451/CLE
Site: 53 High Street Wick BRISTOL
 South Gloucestershire BS30 5QQ
Proposal: Application for Certificate of Lawfulness
 for an existing use of outbuilding for
 ancillary residential purposes.
Map Ref: 70486 72768

Applicant: Mrs Murison
Date Reg: 10th August 2007
Parish: Wick and Abson
 Parish Council
Ward: Boyd Valley



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N.T.S

PK07/2451/CLE

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This application for a certificate of lawfulness proposes that one outbuilding just outside of, but adjoining the existing residential curtilage has been used for ancillary domestic purposes for a period in excess of ten years.
- 1.2 Four sworn statements have been submitted in support of the application – one from the current owner Sheila Murison and three from other parties with knowledge of the site.
- 1.3 This application is the resubmission of the previous application PK06/0929/CLE. The applicant has submitted additional information with this current application in support of their certificate.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK06/0929/CLE Certificate of Lawfulness for existing use of outbuilding for ancillary residential purposes.
Withdrawn December 2006

4. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 4.1 The supporting evidence submitted with the application takes the form of 4 sworn statements. One from Leonard Jones, one from Mr. B. Mumford, one from Jean Constance Rosemary Tidman, and one from the current owner Sheila Murison.

5. SUMMARY OF CONTRADICTIONARY EVIDENCE

- 5.1 None received

6. CONSULTATION RESPONSES

- 6.1 Wick and Abson Parish Council
No response received.

Other Representations

- 6.2 Local Residents
None Received.

7. EVALUATION

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

7.2 The relevant test of the submitted evidence

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

7.3 The sworn statement from Jean Constance Rosemary Tidman declares that she resided at 53 High Street, Wick from 1945 to 1958. Mrs. Tidman ceased residence at the property in 1958 but her parents continued in their residence from 1958 until 1993. The sworn statement identifies that Mrs. Tidman continued to visit the property regularly between 1958 and 1993. In 1993 Mrs. Tidman returned to reside at the property where she lived until 2004.

From Jean Constance Rosemary Tidman’s close personal knowledge of the site from 1945 to 2004 she confirms that, ‘the storage building shown hatched on plan 1 annex to this declaration has always been used for a range of domestic uses in association with 53 High Street. These uses included general domestic storage and storage of garden implements’.

Plan 1 attached to the declaration matched exactly the identification plan submitted with the application.

7.4 The sworn statement from Mr. B. Mumford declares that he is 71 years old and has been a resident in Wick all his life. Mr. Mumford knew the previous owners Harold and Dorothy Wright well and visited on many occasions up until August 2004. From Mr. B. Mumford’s personal knowledge of the site he confirms that, ‘the storage building shown hatched on plan 1 annex to this declaration has always been used for a range of domestic uses in association with 53 High Street. These uses included general domestic storage and storage of garden implements’.

Plan 1 attached to the declaration matched exactly the identification plan submitted with the application.

7.5 The sworn statement from Leonard Jones identifies that he has been a resident in Wick from 1962 to the present date and has a full knowledge of the property 53 High Street Wick. From 1962 to 1983 Mr. Jones resided at No. 39 High Street Wick when he moved to No. 85 High Street, Wick where he still lives. During the period February 1995 to July 2004, Mr. Jones was employed as a garden at No. 53 High Street, Wick by Mrs Wright. When Mr & Mrs Murison acquired the property in August 2004, they retained Mr. Jones as the gardener. From Leonard Jones personal knowledge of the site he confirms that, 'the storage building shown hatched on plan 1 annex to this declaration has always been used for a range of domestic uses in association with 53 High Street. These uses included general domestic storage and storage of garden implements'.

Plan 1 attached to the declaration matched exactly the identification plan submitted with the application.

7.6 The sworn statement from Sheila Murison identifies that she, together with her husband purchased The Grange, 53 High Street, Wick in August 2004 and have thereafter resided at the property. From Sheila Murisons personal knowledge of the site she confirms that, 'the storage building shown hatched on plan 1 annex to this declaration has always been used for a range of domestic uses in association with 53 High Street. These uses included general domestic storage and storage of garden implements'.

7.7 It is the considered view therefore that on the balance of probability and in light of the information submitted, the building has been used for general domestic storage for a period in excess of ten years. No evidence has been submitted contrary to this and thus it is recommended that the certificate be granted.

8. CONCLUSION

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

9. RECOMMENDATION

9.1 A certificate of lawful development be granted.

Background Papers **PK07/2451/CLE**

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

CIRCULATED SCHEDULE NO. 40/07 – 05 OCTOBER 2007

App No.: PK07/2455/F	Applicant: Mr S Taylor
Site: 139 Bath Road Longwell Green BRISTOL South Gloucestershire BS30 9DD	Date Reg: 10th August 2007
Proposal: Erection of single storey side extension to provide ancillary granny annexe. Erection of 1.8m high entrance gate.	Parish: Oldland Parish Council
Map Ref: 65979 70927	Ward: Longwell Green



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N.T.S

PK07/2455/F

INTRODUCTION

This application appears on the Circulated Schedule because of one objection from a local resident.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the erection of a single storey side extension and erection of a 1.8 metre high entrance gate. The extension would project 6 metres into the side garden and measure approximately 7 metres in length. It would be finished with a hipped roof.
- 1.2 The application forms state that the extension would provide ancillary residential accommodation for carers of the applicant's two daughters, one of whom is wheelchair bound and in need of constant care. The erection of a 1.8m high entrance gate and new access has been proposed because the proposed extension would block vehicular access to the garage which is currently accessed from the front drive.
- 1.3 The application property consists of a bungalow. Its character is primarily defined by two bow windows on the front elevation and its simple roof shape comprising of four hipped planes. In recent years the property, and the site, have benefited from a number of extensions and these are listed below under section 3.1.
- 1.4 Following discussions between officers and the applicant amended plans were requested to alter the shape of the roof. These were received on the 20th September 2007.

1.b Information submitted in support of application

- 1.5 Following the submission of an objection from a local resident, the applicant submitted a response letter detailing the following summarised points:
- objections raised are the same as those raised in respect of the refused garage proposal. Consequently, this was determining factor in proposing an extension on the side of the property.
 - the applicant has no control over the speed of cars approaching along adjoining highways
 - as regards to suggestion that the proposal results in overdevelopment the neighbours are aware of their children's medical condition (cerebral palsy)
 - the objecting neighbour can not even see the proposed extension
 - only motorcycles and pedestrians could use the rear access
 - the garage is not being used for a commercial purpose

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
- H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
- T8 Car Parking Standards
- T12 Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Advice Note 2: House Extensions

3. RELEVANT PLANNING HISTORY

- 3.1 P76/4388 Erection of rear garage (Previous ID: K1417)
- 3.2 PK03/2382/F Erection of detached garage
Approved with conditions. 13th October 2003.
- 3.3 PK05/0343/F Installation of side dormer to facilitate loft conversion.
Approved with conditions. 23rd March 2005.
- 3.4 PK06/0800/F Erection of single storey rear extension to form additional living accommodation.
Approved with conditions. 18th April 2006.
- 3.5 PK06/3033/F Erection of single storey rear extension to provide additional living accommodation.
Approved with conditions: 4th December 2006.
- 3.6 PK07/1251/F Alterations and single storey extension to existing garage to facilitate the conversion to a dependant relative annexe.
Refused: 25th May 2007.

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
No objection.

Other Representations

4.2 Local Residents

One letter of objection received from local residents expressing the following summarised objections and concerns:

- raises concerns about the siting of the garage constructed in 2003
- only solution for overspill parking is onto the highway, resulting in highway safety implications
- reinstatement of northwest drive would lead to vehicles being manoeuvred into the garage from Long Beach Road
- concern that the garage will be used for commercial purposes with a detrimental impact on their residential amenity
- proposal would result in overdevelopment of what was essentially a modest bungalow
- enhanced amenities allowed to date are more than adequate and that planners must acknowledge the local authorities responsibility towards surrounding residents and their properties

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

In the determination of the application it is considered that the appropriate Local Plan policies to apply are Policy D1 (Achieving High Quality Design) and H4 (Development within Existing Residential Curtilages). Policy D1 seeks to ensure that development proposals achieve a high standard of design. 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 property consists of a bungalow. Its character is primarily defined by two bow windows on the front elevation and its simple roof shape comprising of four hipped planes. In recent years the property and the site have benefited from a number of extensions which include a loft conversion and two rear extensions to accommodate the requirements of the Taylor family.

Concern has been raised that the proposal will result in overdevelopment of the site.

The extension would project 6 metres into the side garden and measure approximately 7 metres in length. It would be finished with a hipped roof. It is considered that the width of the extension at 6 metres results in an extension that is too horizontally expansive and out of proportion with the host dwelling. In addition, it should be noted that the property has benefited from a number of extensions in the past. It is considered that the cumulative impact of the proposed extension in combination with the previous developments is eroding the modest character of the bungalow to such an extent that the original dwelling is approaching overdevelopment. As a result the extension itself is not considered to respect the massing and proportions of the host dwelling, and the cumulative impact of the previous and proposed extensions would have a detrimental impact on the character of the host dwelling.

However, it is considered that a material consideration in the determination of this application is the specific medical requirements of the Taylor family. The extension will enable the grandparents to live within the bungalow providing extra care and support to the applicant's two daughters. In this instance, therefore, it is considered that the requirements of Policy D1 and H4.A are outweighed by the needs of the family and consequently a recommendation of approval is strongly suggested.

For the avoidance of doubt, given that the property has benefited from 5 No. extensions in the last 4 years it is considered that the property cannot support any further extensions; it has reached its development capacity. Consequently, it is likely that future proposals to extend the dwelling will be refused, unless material considerations outweigh the harm caused.

5.3 Residential Amenity

Overbearing Analysis & Privacy Analysis

Owing to the position of the extension on the south elevation of the building and the fact that the neighbouring property to the rear does not benefit from an outlook towards the site, officers are satisfied that surrounding occupiers will not experience an overbearing impact.

5.4 Amenity Space

Whilst the extension would project into the side garden sufficient garden space will remain to serve occupiers of the property.

5.5 Highway Safety Analysis

Concern has been raised that reinstatement of highway access to Long Beach Road and related erection of 1.8 metre gate could have negative impact on highway safety. Long Beach Road is an unclassified highway. As a result the creation of an access onto this road can be carried out under permitted development rights without the need for planning permission. Accordingly, a planning objection to this element of the scheme could not be substantiated.

5.6 Other matters arising

The concerns raised in respect of the position of the garage and its use is not considered to be material planning considerations in the determination of this specific application.

5.7 Section 106 Requirements

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

Background Papers **PK07/2455/F**

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

CONDITIONS

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

Reason

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

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

Reason

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

CIRCULATED SCHEDULE NO. 40/07 – 05 OCTOBER 2007

App No.: PK07/2477/TCA	Applicant: Mr P F Welch
Site: 3 Croft Close Bitton BRISTOL South Gloucestershire BS30 6HF	Date Reg: 14th August 2007
Proposal: Works to fell 2no. Conifer trees and trim back upper branches of 1no. Oak tree all situated within Bitton Conservation Area.	Parish: Bitton Parish Council
Map Ref: 67798 69746	Ward: Bitton



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N.T.S

PK07/2477/TCA

INTRODUCTION

This application appears on the Circulated Schedule as a result of a consultation response received.

1. THE PROPOSAL

- 1.1 The application seeks consent for various works to trees as mentioned on the schedule of works covered by Tree Preservation Order TPO12 dated 15 December 1969. These works include the removal of 2 no. Sycamores and works to a further 2 no. Sycamores, as well as tree works to 1 no. Yew and 5 no. Beech trees. The site is located at a distribution centre alongside the A46 in Old Sodbury and the works are for safety and visibility purposes associated with vehicles using the access and the A46.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS 1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

L1 Landscape Protection and Enhancement

L5 Forest of Avon

3. RELEVANT PLANNING HISTORY

- 3.1 PK02/3675/TCA – Fell 1 no. Conifer and 1 no. Cedar, reduce by 3-4 m and remove bare branches of 1 no. Conifer and prune 1 no. Apple tree. Approved 7 January 2003.

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
Council to be advised by the advice of South Gloucestershire Council Tree Officer as to the appropriateness of the proposed works.

Other Representations

- 4.2 Local Residents
One letter has been received. The letter raises concern that the proposed works to the oak tree which is located near to the shared boundary with the application property needs to be managed along with other trees within this boundary to ensure the balance of the boundary is maintained and no one tree becomes too dominant. There is also a Yew and a Holm Oak on the neighbours side of the boundary which they would be willing to provide access to in order for the applicants tree surgeon to trim back to ensure the boundary remains balanced from all sides and the trees do not grow unevenly.

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

Policies L1 and L5 of the South Gloucestershire Local Plan (Adopted) seek to conserve and enhance the quality and amenity of the landscape and distinctiveness of the locality and to protect the features that contribute to the character or appearance of the area.

- 5.2 T1 is a large (15m) Cypress tree growing on the boundary of the property, the tree is growing through, and suppressing an apple tree. The Cypress is not a particularly good specimen and would not meet the criteria for inclusion on a Tree Preservation Order.

T2 is a small Cypress tree growing very close to the applicant's garage. It is inappropriately located and again would not meet the criteria for inclusion on a Tree Preservation Order.

T3 is an early mature oak growing close to the rear boundary of the garden. It is in good condition and has the potential to become a fine specimen as it has now 'out-grown' the adjacent and competing trees. It is considered that the applicants aims are to get more light through to the shrubs beneath the Oak, an to this end a crown thin was suggested to the applicants and accepted as a satisfactory means to address their requirements.

In respect of the correspondence received relating to other trees in the immediate vicinity of the Oak, it is considered that the details of this application are satisfactory (as amended) and that any further works proposed should be judged on its own individual merits should details be submitted in the future.

5.3 **Section 106 Requirements**

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

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

- 7.1 That consent is granted.

Background Papers **PK07/2477/TCA**

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

CIRCULATED SCHEDULE NO. 40/07 – 05 OCTOBER 2007

App No.: PK07/2482/F

Applicant: Trustees Of The
M.W.Hartford
(1964)Trust

Site: Woodland adjacent to The Rectory
Horton Hill Horton BRISTOL South
Gloucestershire BS37 6QP

Date Reg: 14th August 2007

Proposal: Change of use of woodland to parking
and turning area for residential property.
Construction of new vehicular access
and off street parking for two cars.
Erection of 1.2m high fence.
(Resubmission of PK07/0510/F).

Parish: Horton Parish
Council

Map Ref: 76123 84266

Ward: Cotswold Edge



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

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the change of use of woodland to parking and turning area for residential property, construction of new vehicular access and off street parking for two cars, and erection of 1.2m high wooden post and rail fence. The application is a resubmission of PK07/0510/F.
- 1.2 The site consists of a section of woodland in front of Horton Rectory opposite a row of cottages on Horton Hill, with a flat area to the west and a wooded gully running down the valley to the west. The site lies just outside the settlement boundary of Horton and within the Cotswolds AONB. The application is partially retrospective as the parking area and vehicular access have been created, although not fully surfaced, and this being currently used for parking by the applicant. The post and rail fence is proposed running westwards down the hill abounding the woodland. Following the withdrawal of PK07/0510/F the Cotswold stone brash that had been tipped into the gully has been removed.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development
PPS7 Sustainable Development in Rural Areas

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

L1 Landscape Protection and Enhancement
L2 Cotswolds AONB
T12 Transportation Development Control Policy
H3 Residential Development in the Countryside

3. RELEVANT PLANNING HISTORY

- 3.1 PK07/0510/F Change of use of woodland to parking and turning area for residential property. Construction of new vehicular access and off-street parking for two cars. Partial infilling of cutting within woodland to form track for woodland management. Erection of 1.2m high fence. Application withdrawn on advice of case officer.

4. CONSULTATION RESPONSES

4.1 Horton Parish Council

Horton Parish Council wish to object to the above application for the following reasons:

- It is an area of outstanding natural beauty.
- There is a water course in this area and there are concerns as to where the water will go if the water course is blocked up.

- The road through Horton has some hazardous places and it is felt that the proposed access to this site is one of them, and this site is situated at the top of a steep hill on a bend.
- There are concerns about land slides in the event of heavy rainfall.

Work had been started on the above site before the last application was withdrawn and there seems to be some concerns as regard to a continuation of tipping which has been reported to the Parish Council.

Other Representations

4.2 Local Residents

One local resident has objected on the following grounds:

- Surprised work has commenced ahead of the granting of planning permission
- Tipping is greater area than shown on plan
- Wood is a pleasant feature of the village and is being significantly reduced
- In wet periods the water flows through the gully and disappears into a tunnel on the boundary of property to the east of the site- work has potential to result in harm to this property

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The development is considered to be ancillary residential development as it is a parking area associated with Post Cottage, in the rank of cottages along Horton Hill opposite the site. Whilst Post Cottage is included within the settlement boundary of Horton, the proposed parking area is just outside the settlement boundary. As such, Policy H3 is relevant.

- 5.2 Policy H3 states that proposals for new residential development outside the boundaries of settlements will not be permitted apart from rural 'exception' sites for affordable housing, agricultural workers dwellings, or replacement dwellings. The proposal does not fall into any of these three categories, so, on the face of it, is contrary to Policy H3. However, given that the proposal is for a parking and turning area only, and no development that would create a volume is proposed (ie no structure is proposed on site), and the fact that the site lies abutting the settlement boundary of the village, and therefore has a physical connection with the village, it is considered, on balance, that the proposal is acceptable in principle, subject to the following detailed assessment.

5.3 Landscape, Visual Amenity and Cotswolds AONB

The proposal has involved the loss of some trees, but the majority of the woodland has been retained, and the character of the vicinity has not been significantly altered. The parking/turning area is somewhat screened from views down the hill by the existing woodland, and to the east by existing development which is at a higher level. There little merit in requiring screening to the front of the site, since this would restrict visibility. It is therefore considered that the parking/turning area would not have a detrimental impact on the landscape or the natural beauty of the AONB.

- 5.4 The proposed post and rail fence proposed running westwards down the hill adjacent to the highway is proposed to prevent illegal fly tipping, which has been a problem, and stopping children cycling directly from out the wooded gully onto the road. The proposed fence will be relatively visible from views both east and west, but given it is of timber post and rail construction, and only 1.2m high, and it will be an improvement to highway safety, it is considered appropriate for this location.
- 5.5 Transportation
The proposal represents an improvement on the parking situation- currently there are no off-street parking spaces for Post Cottage, and it is evident from site visits that this part of Horton Hill suffers from congested on-street parking.
- 5.6 There is enough turning provided to enable cars to exit in forward gear, and the visibility is acceptable for this location. There is therefore no highway objection to the proposal.
- 5.7 Other matters
The Drainage Team have raised no objection to the proposal on the grounds of drainage.
- 5.8 Concerns have been raised by a local resident regarding the start of work before the granting of planning permission. However, the fact that work has started on site does not affect the assessment of the application – the application is still assessed on its own merits.
- 5.9 At the case officer's site visit it was ascertained that the tipping in the gully had been removed.
- 5.10 Design and Access Statement
The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document (Consultation Draft).
- 5.11 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers PK07/2482/F

Contact Officer: Sarah Tucker
Tel. No. 01454 863780

CONDITIONS

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

Reason

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

2. No outside storage of material/goods/waste or plant shall take place on the turning and parking area hereby approved.

Reason

To protect the visual amenity of the Cotswolds AONB and the landscape character of the area and to accord with Policies L1 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The parking and manoeuvring areas hereby approved shall be not used for any purpose other than the parking and manoeuvring of vehicles.

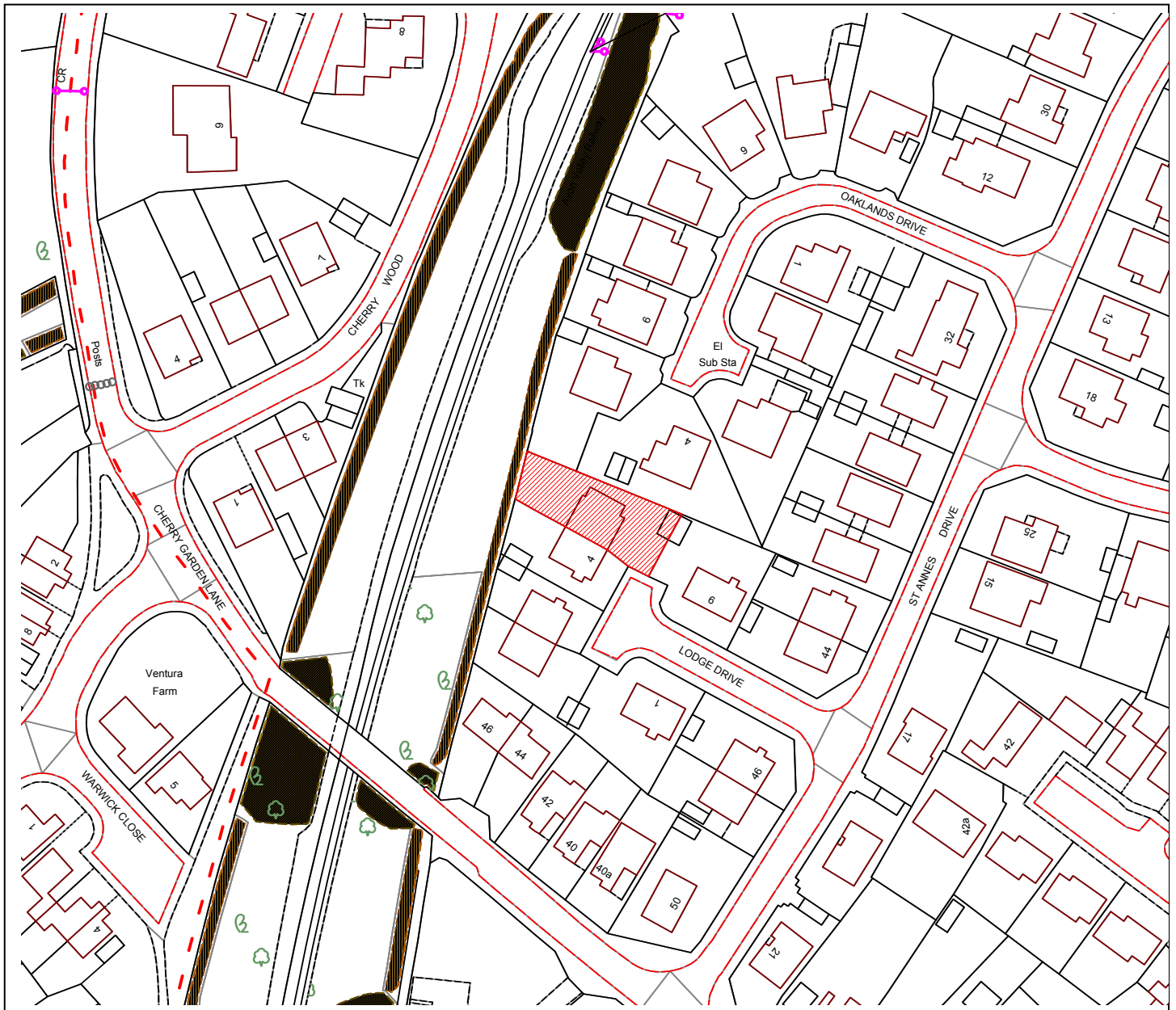
Reason

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

CIRCULATED SCHEDULE NO. 40/07 – 05 OCTOBER 2007

App No.: PK07/2525/F
Site: 5 Lodge Drive Oldland Common
 BRISTOL South Gloucestershire BS30
 6RQ
Proposal: Erection of extension to existing
 detached garage.
Map Ref: 67014 70907

Applicant: Mr & Mrs BA Hicks
Date Reg: 16th August 2007
Parish: Bitton Parish
 Council
Ward: Bitton



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N.T.S

PK07/2525/F

INTRODUCTION

This application appears on the Circulated Schedule because of one objection from a local resident.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the erection of an extension to an existing semi-detached garage.
- 1.2 The application site consists of a semi detached bungalow which was recently granted planning permission in February 2007 (PK06/3662/F). The garage is located in the front garden approximately 7 metres from the front elevation.

Information submitted in support of application

- 1.3 Following the submission of representations from a local resident, the applicant submitted a response letter detailing the following summarised points:
- the party wall between the garages is already severely damage
 - garage required to store garden equipment and furniture along with car; garage best option rather than shed
 - proposed plans for garage are exactly the same as the plans submitted on 16.08.2006. No objection was made to the garage plans at that date.

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
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T8 Car Parking Standards
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Advice Note 2: House Extensions

3. RELEVANT PLANNING HISTORY

- 3.1 PK06/2272/F Erection of single storey side and rear extension to form additional living accommodation. Enlargement of existing semi-detached garage.
Refused: 2nd October 2006
- 3.2 PK06/3662/F Erection of single storey side and rear extensions to form additional living accommodation. (Resubmission of PK06/2272/F).
Approved with conditions: 12th February 2007.

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
No objection.

Other Representations

- 4.2 Local Residents
Two letters were received from local residents. The contents can be summarised as follows:

Objection letter

- Overbearing impact on No.4 Oaklands Drive

No objection letter

- Points out garage is semi detached (the description has been amended accordingly).
- No objection provided the alterations do not affect that of No.6. Any damage that may occur to be rectified by occupier of No. 5.

It should be noted that concerns raised regarding damage can not be addressed through the planning process but privately between the two respective owners.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 are relevant to this planning application. The policies indicate that the proposed development is acceptable subject to the following consideration.
- 5.2 Design/Visual Amenity
Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development achieves a high standard of design. Policy H4 carries this principle forward for new residential development.
- 5.3 The proposal involves widening the garage by 1.8 metres with the height and length matching the existing situation. The construction materials would match the palette of materials displayed in the existing garage. Accordingly, the scale and external appearance of the garage is considered acceptable in design terms.
- 5.4 Residential Amenity
Concern has been raised that the garage will have an overbearing impact on the neighbouring property, No. 4 positioned to the rear of the garage.

As noted in paragraph 1.3, the proposed garage is identical to plans submitted in August 2006 as part of the refused scheme (PK06/2272/F). However, the garage was not cited a reason for refusal. Consequently, in this instance it is considered that because the garage measures only 2.8 metres in height, just 0.8 metres would be viewable above the 2-metre high boundary treatment. When this point is combined with the fact that the garage will only be extended to the side by 1.8 metres, the garage extension it is not considered to have an overbearing impact or lead to a loss of privacy at No. 4 Oaklands Drive.

5.5 Section 106 Requirements

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

6. CONCLUSION

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

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 **PK07/2525/F**

Contact Officer: **Edward Purnell**

Tel. No. **01454 863056**

CONDITIONS

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

Reason

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

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

Reason

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

CIRCULATED SCHEDULE NO. 40/07 – 05 OCTOBER 2007

App No.: PK07/2532/F
Site: 2A Chavenage Kingswood BRISTOL
 South Gloucestershire BS15 4LA
Proposal: Erection of a 1 metre high fence on side
 and front boundary and a 1.5 metre high
 fence on rear boundary (resubmission of
 PK07/1238/F).
Map Ref: 66178 73978

Applicant: Mr G Stone
Date Reg: 17th August 2007
Parish:
Ward: Kings Chase



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N.T.S

PK07/2532/F

INTRODUCTION

This application appears on the Circulated schedule due to the receipt of two letters of objection from local residents.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a fence to the rear, front and side of the existing dwelling - the fence is already in existence. However, the existing fence for consideration in this application would be shorter than the fence as currently stands.
- 1.2 The fence was initially erected without planning permission. Following enforcement investigation, an application for the fence as currently stands was submitted (PK07/1238/F). This application was refused by the Council and is subsequently subject of an appeal.
- 1.3 The differences between the existing fence and the fence subject of this application are as follows;
 - The height of the front and side fence would be decreased from 1.3m to 1m.
 - The height of the rear fence would be decreased from 1.8m to 1.5m.
 - A hedge would be planted along the entire length of the front and side fence.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

L1 Landscape Protection and Enhancement

H4 Development within Existing Residential Curtilages.

T12 Transportation Development Control

3. RELEVANT PLANNING HISTORY

- 3.1 PK07/1238/F Erection of 1.3 metre high fence on side and front boundary and 1.8 metre high fence on rear boundary (retrospective).
Refused June 2007

4. CONSULTATION RESPONSES

4.1 Parish/Town Council
Unparished.

Other Representations

4.2 Local Residents

Two letters of objection have been received from local residents. A summary of the points of concern is as follows;

- The fence runs perpendicular to the neighbours living room window only 2 metre away
- The land increases in height away from the window thus increasing the height of the fence viewed from this neighbours window
- The fence has an overbearing impact on the neighbours
- Youths can gather in the virtual alleyway unseen from the road
- The fence is taller than 1 m from the ground and thus not in keeping with the open plan area
- The fence blocks views and reduces light to the public path

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for development within residential curtilages subject to satisfying criteria relating to design and visual amenity, residential amenity and highway safety. Policy L1 only permits new development where features and attributes that contribute to the character and distinctiveness of an area are retained.

5.2 Design/ Visual Amenity

The fence is already in existence. This application proposes to reduce the height of the fence to reduce its impact on the area. Firstly your officer accepts that the area is largely open plan in nature. However – the majority of the neighbouring properties have a variety of front boundary treatments in place – they are noticeably restricted in height. The fence is stained a dark green colour which greatly softens its impact on the area. As part of this application, a hedge is to be planted along the entire length of the side and front boundary fence which will screen it from view.

The fence that would result should this application be implemented would be of an entirely suitable scale and design for its location. Consideration must be given to the fact that the fence is to provide a boundary treatment dividing a residential garden from the highway. It is entirely unreasonable to expect a family dwelling to operate without a degree of defensible and private amenity space. To reduce the height of the fence further could compromise the residential amenity of the dwelling it is to serve.

5.3 Residential Amenity

It is not considered that the proposal will have any detrimental impact upon current levels of residential amenity enjoyed in the area. The side and front fence is well away from neighbouring properties and will have no impact upon them. It is noted that the neighbour is concerned about the creation of a 'virtual corridor' that could allow for the gathering of youths. At the proposed amended height at only 1.5 metres, and the fact there is natural surveillance from the front windows of the surrounding dwellings, this is not considered to be of concern. The fence, due to its restricted height and the fact that it is separated from the neighbours by a footway, will not have any overshadowing or overpowering impact. As stated in the letter of objection, even though the ground level does increase, the maximum height of the fence when viewed from the front of property No. 26 Grace Drive will be 2.5 metres. This height is not considered to be of concern as it is not uncommon for fences, structures conservatories etc to be at this height close to neighbours windows.

5.4 Highway Safety

At the height of only 1metre, visibility will be adequate to allow vehicles to enter and leave the site. Grace Drive is an unclassified highway where speed levels are low and thus the proposed fence will have no impact on existing levels of highway safety.

5.5 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 That the application is approved subject to the following conditions.

Background Papers PK07/2532/F

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

1. Within six months of the date of this decision, the fence must be reduced in height in accordance with the approved plans.

Reason

In the interests of visual amenity of the area and to allow for satisfactory levels of highway safety to accord with policies D1, H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. Within two weeks of the date of the reduction in height of the fence, a Privet hedge shall be planted along the south-western and north-western elevations as shown on the approved plans. This hedge shall be maintained at all times thereafter and any part becoming dead, diseased or dying shall be replaced in the next planting season.

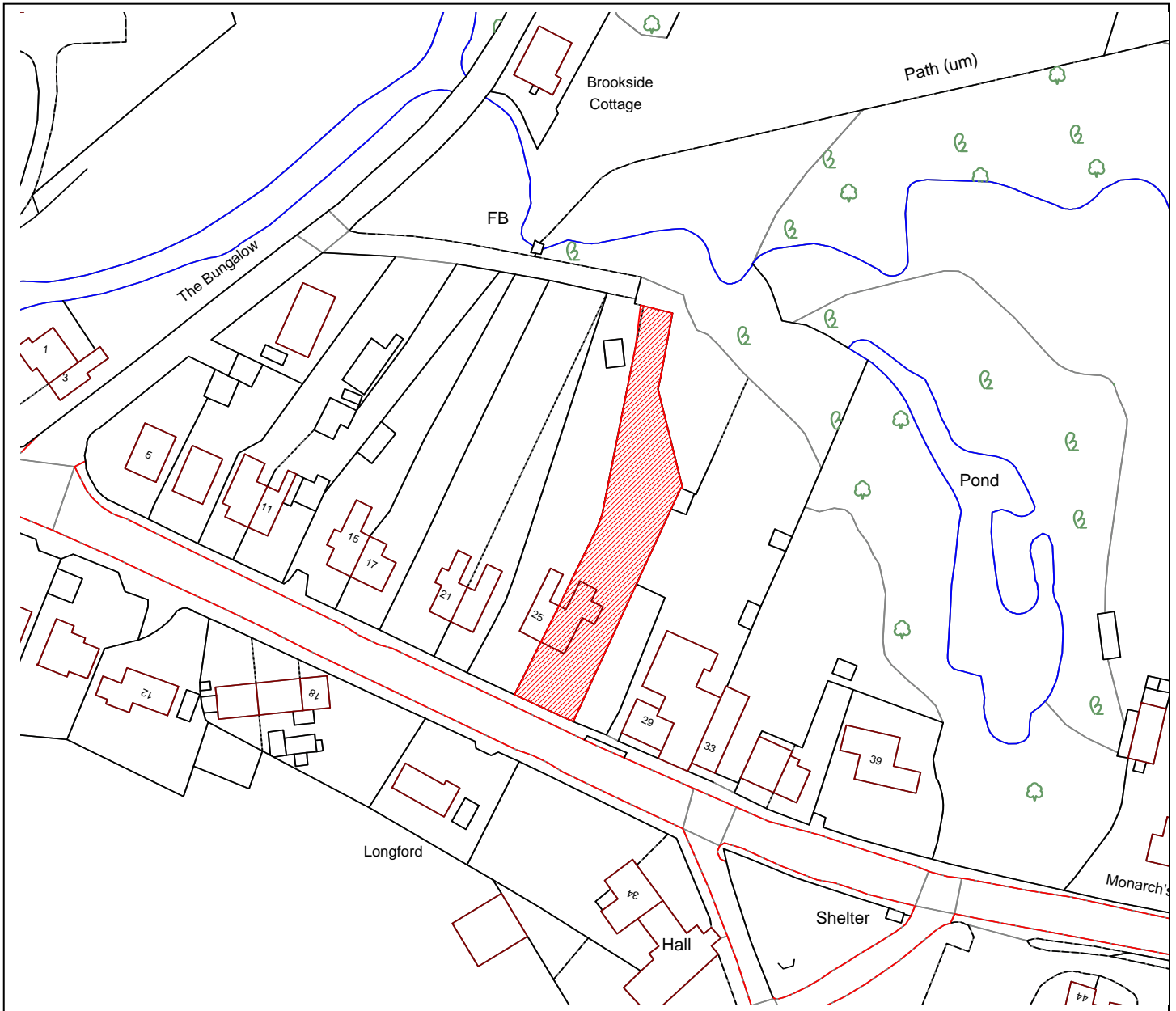
Reason

In the interests of the visual amenity of the area and to accord with the requirements of Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 40/07 – 05 OCTOBER 2007

App No.: PK07/2640/F
Site: 27 High Street Wick BRISTOL South Gloucestershire BS30 5QJ
Proposal: Erection of two storey side extension to provide additional living accommodation. Construction of new vehicular access (Resubmission of PK06/2478/F).
Map Ref: 70352 72802

Applicant: Mr Howe
Date Reg: 28th August 2007
Parish: Wick and Abson Parish Council
Ward: Boyd Valley



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N.T.S

PK07/2640/F

INTRODUCTION

This application appears on the Circulated Schedule because of concerns raised by the local parish council.

1. THE PROPOSAL

- 1.1 This property already benefits from planning permission for an almost identical two storey side extension and new vehicular access (PK06/2478/F); the main difference with this application consists of a minor increase in the size of the northeast corner of the extension through the insertion of a 1m² enlargement.
- 1.2 Accordingly, given that the extension and vehicular access have already been approved, this report will focus purely on the proposed enlargement.

2. POLICY CONTEXT

2.1 National Guidance

PPS 1 Delivering Sustainable Development
PPS 3 Housing

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
GB1 Development within the Green Belt
T8 Car Parking Standards
T12 Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Advice Note 2: House Extensions

3. RELEVANT PLANNING HISTORY

- 3.1 The site has been the subject of a number of applications in the past. However, the following are the most relevant to the determination of this application.
- 3.2 P91/2160 Two storey side extension.
Withdrawn. 8th August 1991.
- 3.3 P94/2048 Construction of roof link to join separate parts of dwellinghouse.
Approved: 14th September 1994
- 3.4 PK06/2478/F Erection of two storey side extension to provide additional living accommodation. Construction of new vehicular access.
Approved: 16th October 2006.

4. CONSULTATION RESPONSES

4.1 Wick & Abson Parish Council

No objection but raise concerns regarding the size of the extension and access to the very busy A420.

Other Representations

4.2 Local Residents

No comments received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policies D1, GB 1 & H4 of the South Gloucestershire Local Plan (Adopted) January 2006 are relevant to this planning application. The policies indicate that the proposed development is acceptable subject to the following consideration.

5.2 Visual Amenity & Green Belt Analysis

Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development achieves a high standard of design. Policy H4 carries this principle forward for new residential development. Policy GB 1 seeks to ensure that extensions do not result in disproportionate additions over and above the size of the original building.

The proposed enlargement will result in the rear eaves height being lowered by approximately 1 metre; and just 1 metre of the rear elevation projecting a further 1 metre into the garden. Given the minor nature of these alterations it is considered that the proposed enlargement is acceptable in visual amenity terms. Furthermore, the increase is not considered to result in a disproportionate addition to the dwelling and therefore does not affect the most important attribute of the Green Belt – its openness. Accordingly, the proposal is considered to be acceptable in visual amenity and green belt terms.

5.3 Residential Amenity

Given the minor nature of the proposal and the separation distance between the alteration and the closest affected neighbour - approximately 16 metres – officers are satisfied that surrounding occupants will not experience a loss of privacy or overbearing impact as a result of the proposal being constructed.

5.4 Transportation

Concern has been raised by the local parish as to the impact of the new access onto the A420. It should be noted that this is identical to the proposal submitted in 2006 which was considered to be acceptable in transportation terms. Accordingly, given that the access has already been approved, there are no grounds to recommend refusal on this issue.

5.5 Section 106 Requirements

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

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

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 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 **PK07/2640/F**

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

CONDITIONS

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

Reason

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

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

Reason

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

CIRCULATED SCHEDULE NO. 40/07 – 05 OCTOBER 2007

App No.: PK07/2762/F	Applicant: Mr R Golding
Site: 99 Dovecote Yate BRISTOL South Gloucestershire BS37 4PB	Date Reg: 10th September 2007
Proposal: Erection of single storey rear extension to form additional living accommodation. Erection of front porch.	Parish: Yate Town Council
Map Ref: 71360 81542	Ward: Dodington



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N.T.S

PK07/2762/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This planning application seeks planning permission for the erection of a single storey rear and front extension and erection of front porch.
- 1.2 The application site relates to an end terraced single storey dwelling sited within the residential area of Yate.

2. POLICY CONTEXT

2.1 National Guidance
PPS1

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design
H4 Extensions

2.3 Supplementary Planning Guidance
South Gloucestershire Advice Note no.2 Extensions

3. RELEVANT PLANNING HISTORY

- 3.1 The following planning history relates to the application site:
- 3.2 PK07/1339/F Erection of single storey rear and front extensions
 Refused June 2007 on visual and residential amenity grounds

4. CONSULTATION RESPONSES

4.1 Yate Town Council
No objection.

Other Representations

4.2 Local Residents
One letter has been received from a local resident raising the following objections regarding the proposed development:
-Overbearing
-Loss of daylight
-Design & appearance of any new building would be out of keeping with the character of the area or would have an overbearing impact on adjoining property
-Been advised that I will have to alter existing guttering/downpipe and soakaway

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Visual Amenity

The application site relates to a single storey end terraced dwelling. The front garden relating to the application site and immediate properties have been laid out as open plan. This application proposes the erection of a single storey rear extension and single storey front extension.

5.3 A recent planning application (PK07/1339/F) relating to this site sought planning permission for the erection of a single storey rear and front extension and was subsequently refused. A planning objection was raised with regards the proposed front extension on design grounds but not the single storey rear extension. The Planning Officer made the following assessment;

It is considered that the proposed extension by reason of its scale and siting would result in a visually dominant element on the principal elevation of this building, which would be out of keeping with the character of the existing dwelling and the remaining terrace and would detract from the visual amenities of the immediate locality.

5.4 In order to address the previous planning objection the scheme has been revised by omitting the single storey front extension and now proposes a flush single storey side extension. It is considered that given the small scale nature of the extension in terms of width i.e. 1.60m that it is not necessary in this instance that the extension be subservient in design in terms of lower ridge height and stepped back from existing front building line. The application also proposes a marginally larger front porch with a pitched roof as opposed to a flat roof. In addition the application proposes a single storey rear extension with a gable roof.

5.5 It is considered that all these extensions by reason of their scale and design would not have an adverse impact on the character of the existing dwelling or immediate street scene.

5.6 Residential Amenity

An objection has been received from the adjoining occupier on the grounds that the proposed single storey rear extension by reason of its scale and siting will have an overbearing impact. The following assessment was made regarding the previous application that sought planning permission for a 3.0m long extension.

Council guidelines seek to ensure that extensions where sited adjacent a neighbouring occupier are limited to 3.0m in depth, so as not to have an overbearing impact. The proposed extension measures 3.0m however, in this instance it is considered that regard must be had for the layout of the application site and adjoining property.

With properties numbered 99-87 the existing garage and parking space are set within the rear private garden area. As a consequence of this, this has resulted in generally small gardens eg. 5.0m in depth. The proposed extension if allowed would be sited along the adjoining boundary with no.97 measuring 3.0m in length with a gap of 1.90m between that of the proposed extension and existing flat roof garage. It is considered that the cumulative impact of the existing garage and proposed extension would result in an overbearing impact on the adjacent occupiers of no.97.

5.7 This revised scheme has sought to address the previous planning objection by reducing the length of the extension from 3.0m to 2.50m and proposes a hipped roof as supposed to a gable roof, in order to reduce the mass of the proposed extension. It is considered that on balance these revised changes would reduce the impact of the proposed extension on the adjoining occupier and therefore no objection is raised.

5.8 Other Issues

With regards matters of re-siting the guttering and soakway etc, it is considered that these issues are not relevant material planning considerations with regards the determination of this application.

5.9 Section 106 Requirements

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

6. CONCLUSION

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

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 **PK07/2762/F**

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

CONDITIONS

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

Reason

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

2. No windows other than those shown on the plans hereby approved shall be inserted at any time in the eastern elevation of the approved single storey rear extension.

Reason

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

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

Reason

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

CIRCULATED SCHEDULE NO. 40/07 – 05 OCTOBER 2007

App No.: PT07/2048/F

Applicant: Mr A Roobottom
Bristol Investment
Properties Ltd

Site: Barnes Court Whitley Mead Stoke
Gifford BRISTOL South Gloucestershire
BS34 8XT

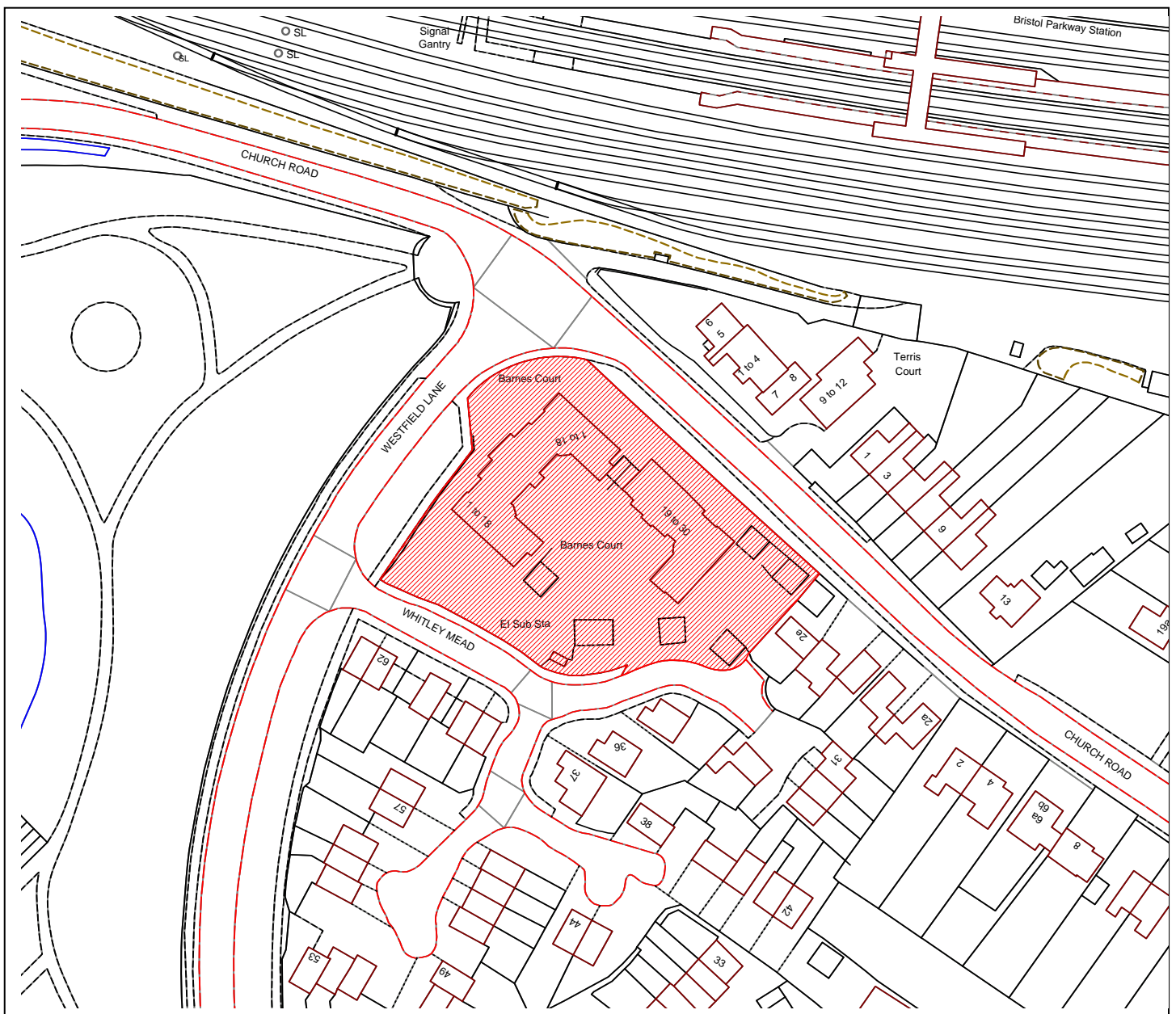
Date Reg: 4th July 2007

Proposal: Erection of 12 no. self contained flats.
Erection of link extension to existing flats
to form 2 no. additional flats, office and
laundrette. Alterations to access.

Parish: Stoke Gifford Parish
Council

Map Ref: 62339 79495

Ward: Frenchay and Stoke
Park



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1. THE PROPOSAL

- 1.1 The site forms part of the development associated with Barnes Court off Whitley Mead which currently accommodates 30 flats. The land to the South and West of the existing building is currently laid to turf with semi-matured trees. A low wall retains the land adjacent to Whitley Mead itself. The existing buildings form a court yard (open at its southern side) around existing vehicle parking and manoeuvring space.
- 1.2 The development dates from the early 1990's and was constructed as part of a broader development associated with Whitley Mead. The site is located within the Bristol North fringe Urban Area.
- 1.3 The proposed development consists of the construction of a new building in the southern part of the site which would provide a further 12 flats, and the construction of a link (between the existing buildings) which would accommodate an office, a launderette (for the use by residents of the development) and a further two flats.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1 Delivering Sustainable Development
PPS3 Housing

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- D1 Achieving Good Quality Design in New Development
H2 New Residential Development within the Urban Areas or Village Development Boundary
T12 Transportation Development Control Policy for New Development
T8 Off Street Vehicle Parking Standards
T7 Cycle Parking Standards

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist (Adopted) SPD

3. RELEVANT PLANNING HISTORY

- 3.1 P88/3109 The Construction of the 30 flats was approved as part of this application in February 1989

4. CONSULTATION RESPONSES

4.1 Stoke Gifford Parish Council

Object on the grounds that the development would require on street parking where double yellow lines are about to be installed, and lack of information about the bike store

4.2 Sustainable Transport

The comments are summarised as follows;

The proposal would increase the number of flats from 30 to 42 whilst reducing the availability of off street parking provision within the site from 32 to 30. Church Road and Westfield Road have parking restrictions in force. There is known parking congestion in the nearby streets. As such the development should provide 1:1 (i.e. 42) parking spaces within the site.

The development should provide 42 covered and secure cycle parking spaces, 14 of which should be provided as part of the new development with the remainder being provided to improve the cycle parking on the whole of the site.

The development would generate the need for contributions towards the North Fringe Development Major Scheme (Transport Measures). The requirement is £900 per dwelling.

There are no details of refuse collection/bin storage submitted.

4.3 Environmental Health Officer

No Objection. However it is recommended that consideration be given to the design, layout and orientation of the building to minimise the potential noise pollution from the nearby Railway line, Parkway Station and nearby Roads

4.4 Police Architectural Liaison Officer

There is inadequate detail included in the design and access statement regarding safety, security and crime prevention. This is contrary to the guidance contained in the DCLG Circular 01/2006 paragraph 87.

Entrance into to the blocks will need access control with an electronic lock release and entry phone linked to the flats.

Laundrette/office access would give an offender an excuse to enter the building and then proceed to the flats above; another door with access control needs to be installed to prevent this.

The cycle parking should have anchor points which are resistant to hand/portable powered tools and tall enough to be visible and secure. Products meeting such standards must be tested by either Sold Secure, the Loss Prevention Certificate Board or Thatcham. This will ensure that any lock, chain, padlock or loop passed around it cannot be easily defeated

Other Representations

4.5 Local Residents

Two sets of comments have been received. The comments raise objection and are summarised as follows;

The proposed 3 storey development would allow the over-looking of the nearby dwellings.

The proposed reduction in parking spaces within the site would exacerbate the existing parking problems in the locality to the detriment of safety and amenity.

The increase in the number of flats would increase noise and disturbance to the detriment of amenity.

The size and design of the building is out of keeping with the general character of the area and will have an overbearing impact upon the existing houses

The proposed single occupancy flats are for rent only and would increase the turnover of occupants, their vehicles, removal lorries, delivery vans, late night taxis and late night revellers entering and leaving the site where the access road is already busy.

The proposed development would result in the loss of trees and green spaces and a severe loss of wildlife habitat.

5. **ANALYSIS OF PROPOSAL**

5.1 The proposed development consists of the construction of 14 residential flats and associated office and laundrette accommodation.

5.2 Principle of Development

Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 is relevant to this planning application. The policy indicates that the proposed development is acceptable subject to the following considerations.

5.3 Design

Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development achieves a high standard design. This is upheld within the adopted South Gloucestershire Design Checklist (SPD) and is supported by policy H2 South Gloucestershire Local Plan (Adopted) January 2006. This principle is also consistent with the requirements of PPS1 and PPS3.

5.4 The site is dominated by the large scale three storey buildings currently occupying it. However, the scale of the locality reduces, via the existing open area of landscaping to the South and East of the existing buildings, to more modest two storey buildings.

5.5 The proposed development can be split into two parts. The lesser part involves the creation of a link between the two separate residential buildings currently occupying the site. This would provide 2 additional 1 bed flats on the first and second floor with a laundrette, office and access on the ground floor. This element of the proposal would essentially fill the narrow gap between the existing buildings. It is subservient to the existing buildings in terms of its scale, form and materials. In its own right, the resulting development would not have a material impact in terms of the visual appearance of the existing development and would be considered acceptable in its own right.

5.6 In contrast to the above, the major part of the proposed development would be constructed in the Southern part of the site immediately adjacent to the existing building fronting onto Westfield Lane. This would accommodate a further ten x 1 bed flats and two x 2 bed flats. This structure measures approximately 22 ½ metres in width and approximately 10 metres in depth with an overall height of approximately 13 metres to the ridge. The ridge of the building is stepped to take account of the topography of the site; and the ground floor is proposed to be building into the ground by approximately one metre.

5.7 The scale of the existing buildings are very much larger than the houses located to the south and east of the site. The introduction of the proposed

- building along the Whitely Mead elevation of the site would act to substantially increase the scale of the development as a whole. The result of the development would be that the locality, which is predominantly of a modest scale (two storey houses), would become dominated by the development associated with Barnes Court. This impact would be further compounded by the elevated nature of the site in comparison to the locality to the South, and the much lower levels from the approach off Westfield Lane.
- 5.8 Having regard to the above considerations, it is considered that the scale proposed development would act to over-dominate this residential area and would not respect or enhance the character and visual amenity of the site and its surroundings. As such the proposed development would be contrary to policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the adopted South Gloucestershire Design Checklist.
- 5.9 Minimising the Use of Energy and Natural Resources
Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to establish high standards in terms of energy conservation. This is supported within the South Gloucestershire Design Checklist. The Local Planning Authority would expect a minimum standard of Level 3 of the Code for Sustainable Homes. In addition, in developments of this size should be expected to provide on site energy production from renewable sources that will reduce CO2 emissions from this building by 10%.
- 5.10 The developer has not submitted any 'sustainability statement' in support of this application. As such, the application does not address the way in which the development would be constructed to a minimum standard of Level 3 of the Code for Sustainable Homes. Also, there is no indication of how the development would implement on site renewable energy sources. In addition, the developer has not indicated why this could not be achieved as part of this development. Having regard to the above, the proposed development fails to comply with the requirements of Policy D1, and the South Gloucestershire Design Checklist; and PPS: Planning and Climate Control.
- 5.11 Notwithstanding the above, should the application have be approved, it is considered that a suitably worded planning condition would be sufficient to require that the Level 3 of the Code for Sustainable Homes is achieved and confirmed prior to first occupation of the new development.
- 5.12 Residential Amenity
Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new residential development would not have a harmful impact upon the privacy and residential amenity of the occupants of nearby dwellings.
- 5.13 The current development on this site leaves the southern and eastern part of it to open landscaped space. As a result, the impact of the existing buildings is relatively low when considered against the existing development surrounding the site. In addition, the open nature of the site, provides a good level of amenity, light and openness for the occupants of the flats currently occupying the site.
- 5.14 The introduction of the proposed buildings would effectively enclose the parking area associated with the site and would remove the sense of openness afforded by the current arrangement. This would have an overbearing impact in

- respect of the occupants of the existing flats to the north, especially those located within the ground floor. Also, given the proximity of the dwellings to the South to the new building (approximately 20 metres) coupled with the overall height of the building and the accommodation within it, it is considered that there will be a severe over bearing impact on the occupants of those dwellings. Given the relative height differences referred to above, there would be views into habitable rooms associated with existing development.
- 5.15 Having regard to the above, it is considered that the resulting development will have a detrimental impact upon the privacy and residential amenity of the occupants of nearby dwellings and as such is contrary to Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 5.16 Housing Mix and Density
In justification of the proposed development, the applicant has argued that it would provide a better balance and choice of dwellings on the site catering for much needed small dwellings in the locality. Where a broader mix of dwellings in urban areas is generally supported by planning policy, the improved mix in this instance would be provided by adding a significant number of new flats within a relatively small and constrained site (measuring approximately 3800 sq/m). The development of the additional 14 units would bring the overall density of the development to approximately 122 dwellings per hectare. This is far in excess of the maximum of 50 dwellings per hectare that would normally be associated with a suburban site of this nature; and indeed would normally be associated with a city centre environment. Notwithstanding the fact that the site is in relatively close proximity of Parkway Station, Supermarkets and places of employment the very high density of the resulting development, is very indicative of a desire to over-develop this site. In this instance, these issues cannot over-ride the harm to the visual character and residential amenity discussed above.
- 5.17 Security Matters
The Police Architectural Liaison Officer has provided comments in respect of the security of the site as a whole. The comments relate to detailing and it is considered that these issues could be dealt with through an appropriately worded condition should the Council be minded to approve the development.
- 5.18 Notwithstanding the above, the applicant has argued that the development would effectively close the court yard so enabling improved security for the occupants of the development as a whole. This may be the case as it would effectively restrict the current access through the site. However, this cannot over-ride the very poor design merits of the proposed development.
- 5.19 Transportation
Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development would not have a detrimental impact upon highway safety and amenity. Policy T7 provides the maximum standards of off street parking for new development; Policy T6 provides minimum standards for cycle parking on new development.
- 5.20 The existing on site provision for parking is 32 spaces for 30 dwellings (106% ratio). The proposal would reduce the number of spaces to 30 and would increase the number of dwellings to 42 (71% ratio). The applicant has argued that this ratio is acceptable given the proximity to services in the surrounding locality; in particular Park Way Station. However, officers do not fully concur

with this view as the nature of the surrounding locality and actual distances to shopping facilities in particular would not act to encourage less dependence on the motor car. In addition, the surrounding highway network, including Whitely Mead suffers from high volumes of on street parking to the point that severe congestion can occur at certain times. As a result, parking restrictions are in place on Westfield Lane and Church Lane. Accordingly, officers consider that this site should provide off parking on a 100% ratio basis to ensure that congestion is not compounded to a point that highway safety and amenity is not detrimentally affected. In real terms, this would involve the provision of 42 parking spaces on site. Clearly this cannot be achieved within the area and constraint of the site and as such this level of parking has not been requested.

- 5.21 In addition to the above, the applicant has not indicated how cycle parking spaces can be accommodated within the site and as such the development is contrary to Policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006. However, it is considered that cycle parking could be designed into the development within the constraints of the site and as such, a suitably worded condition would overcome this issue
- 5.22 The site is located within the North Fringe Urban Area. As such the proposed development will fall under the remit of the 'North Fringe Development Major Scheme (Transport Measures)' as identified within the South Gloucestershire Local Plan (Adopted) January 2006. This scheme provides for major improvements to the public transport and cycling infrastructure in the North Fringe Area. Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development provides for or contributes to such initiatives and as such a sum of £900 per new dwelling (total sum of £12,600) is required as part of this development. This can be secured by an appropriate legal agreement.
- 5.23 The applicant has not voluntarily indicated that this sum can be secured as part of this development. Given that there are fundamental objections to the proposed development, no request has been made. However, without such contribution the proposed development is contrary to Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 5.24 Having regard to the above, the proposed development is contrary to Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 5.25 Noise Considerations
The site is located in close proximity of Parkway Station and the main railway line to London. As such, Policy EP1 and EP4 of the South Gloucestershire Local Plan (Adopted) January 2006 would apply in addressing the impact of the railway upon the proposed development.
- 5.26 In this instance, it is considered that suitable mitigation against noise could be introduced to benefit the occupants of the new development. This can be secured by way of appropriately worded condition in the event of any approval of development on this site.
- 5.27 Design and Access Statement
The Design and Access Statement submitted with this application is not considered to demonstrate that the applicant has adopted a design approach that is consistent with the Councils Design Checklist Supplementary Planning Document (Adopted)

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That Planning Permission is refused for the following reasons.

Background Papers PT07/2048/F

Contact Officer: Simon Penketh
Tel. No. 01454 863433

REFUSAL REASONS

1. The proposed development, by virtue of its poor design and large scale would over-dominate the site to the detriment of the character and visual amenity of the site and the surrounding locality. As such the development is contrary to policy D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006; PPS1 and PPS3.
2. The proposed development by virtue of its scale and position in relation to the existing development on site and the nearby residential properties would have an unacceptable over-bearing impact upon the residential amenity of the occupants of the existing dwellings; and would allow views into the surrounding residential properties to the detriment of the privacy and residential amenity of the occupants of those dwellings. As such the development is contrary to policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.
3. Given the highway constraints surrounding the development site, there is a need in this instance to provide a minimum of 1 motor vehicle parking space per dwelling within the development site. The proposed development will result in less than 1 motor vehicle space per dwelling and as such would add to the existing congestion problems within the locality to the detriment of highway safety and amenity. As such the proposed development is contrary to Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
4. No financial contribution is made towards the provision of the North Fringe Development Major Scheme (Transport Matters) as identified in the South Gloucestershire Local Plan (Adopted) January 2006 as part of this development proposal. As such the proposed development is contrary to Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 40/07 - 05 OCTOBER 2007

App No.: PT07/2231/O
Site: 266 Badminton Road Coalpit Heath
 BRISTOL South Gloucestershire BS36
 2QW

Applicant: Mrs J Pritchard
Date Reg: 23rd July 2007

Proposal: Erection of 1 no. detached dwelling
 (Outline) with access to be considered
 and all other matters reserved.
 (Resubmission of PT07/1559/O).

Parish: Westerleigh Parish
 Council

Map Ref: 67953 81294

Ward: Westerleigh



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100023410, 2007.

N.T.S

PT07/2231/O

1. THE PROPOSAL

- 1.1 This outline application relates to the erection of one detached dwelling in the rear garden of this end of terrace house. The site has an area of approximately 280m² and is a long narrow area 7m by 40m approx. This is sandwiched between other similarly long narrow gardens. All access to the site is via the existing vehicular driveway from Badminton Road. The site lies within the settlement boundary of Coalpit Heath. All matters bar the access have been reserved for future consideration.
- 1.2 The Design and Access Report gives the following detail about the house proposed but that it would have a ridge height of no more than 6.75m, be 12m long and 6m wide. Materials are proposed to be traditional, rendered blockwork and some stone work to walls with a tiled pitched roof over. Fenestration in the roofspace would be achieved using rooflights.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Adopted 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 (20-25 per ha) |

2.3 South Gloucestershire Local Plan (Adopted) January 2006

- | | |
|-----------|--|
| D1 | Achieving Good Quality Design in New Development |
| L4 | Forest of Avon |
| 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 |
| T12 | Transportation Development Control Policy for New Development |
| L17 & L18 | The Water Environment |

2.4 Supplementary Planning Guidance

South Gos. Design Guide

3. RELEVANT PLANNING HISTORY

- 3.1 N7646 Single storey rear extension
- 3.2 PT07/2231/O Erection of 1 no. detached dwelling (Outline) with access to be considered and all other matters reserved. Refused for the following reasons:
- a. The proposal represents an unsatisfactory form of backland development without proper road frontage which, if approved, would have an adverse effect on the amenities of the occupiers of the proposed and neighbouring dwellings. The proposal is therefore

contrary to Policy H2, H4 and D1 of the South Gloucestershire Local Plan adopted January 2006.

- b. The development if allowed would lead to vehicles parking and manoeuvring on the class A Badminton Road, interrupting the free flow of traffic to the detriment of highway and pedestrian safety contrary to Policy T12 of South Gloucestershire Local Plan adopted January 2006.
- c. The development if allowed would lead to vehicles reversing onto the class A Badminton Road, to the detriment of highway and pedestrian safety contrary to Policy T12 of South Gloucestershire Local Plan adopted January 2006.

4. CONSULTATION RESPONSES

4.1 Westerleigh Parish Council
Objection rear development and highway matters.

4.2 Technical support
No objection
SUDS required
A mining report must be submitted with any full or reserved matter application. Connection to a public sewer should be sought where possible. Details of how to do this must be submitted in a full or reserved matters application. Informative attached. Any connection to a private sewer system is a civil matter to be resolved by the applicant/developer.

4.3 Sustainable Transport
No objection. The site is located off the A432 Badminton Road.

The increase in width to the existing vehicular access to 5m is acceptable. Turning space has been amended during the course of the application and now means that one car can turn within the site and leave in a forward gear. The manoeuvring facilities are now acceptable for both vehicles. On that basis there is no objection to the principle of this proposal, however the amount of parking will be dependant upon the number of bedrooms the proposed dwelling will have.

4.4 Local Residents
One neighbour objects for the following reasons:

- Loss of privacy would be overbearing
- Loss of symmetry of this four house Victorian terrace
- Loss of garden length would destroy the symmetry of the terrace of Victorian houses and lose its character and distinctiveness contrary to Policy H4.
- Loss of residential amenity
- Domineering building built on a narrow plot instead of oasis of greenery and peace, away from busy road at front.
- Increase in traffic and general household noise which would disturb the peace of the writer's garden.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
In principle the use of previously developed land is considered acceptable in the development plan but this is subject to the more specific considerations of the local plan. The application site lies within the defined settlement boundary

of Coalpit Heath. Policy H2 of the South Gloucestershire Local Plan particularly allows for residential development within defined settlement boundaries subject to the following criteria:-

A Development would not have unacceptable environmental or transportation effects, and would not significantly prejudice residential amenity;

The proposal would not have unacceptable environmental effects, although landscape matters are considered further below. In transportation terms, the proposal has been amended since the refused scheme and is now considered acceptable to highway safety as set out above.

The refused scheme was for a two storey house where it would have been to the detriment of residential amenity and loss of privacy to both of the neighbours. The current proposal is for a single storey building the outer limits of which were set out in the Design and Access Statement and are described in paragraph 1.2 above. These remain large in the officers view but a single storey building of generally smaller proportions, particularly in terms of height could be situated at the rear of the turning head in a manner which would not materially affect the amenities of neighbours or detract from the wider amenity of the area.

The site is narrow as are the gardens of the immediate neighbours and each garden benefits from established trees. The trees are considered separately below. The removal of the trees in the site appears to be inevitable and the erection of a small dwelling of single storey proportions would not need to dominate the neighbouring narrow gardens. Further a single storey building would not overlook the neighbouring properties.

It is recognised that the proposal is tandem development (one dwelling immediately behind another), and in the past this has generally been viewed as unsatisfactory. This is because of the difficulties of access to the dwelling at the rear and the disturbance and lack of privacy suffered by the house in front. The reserved matters application could overcome privacy issues and recent appeal decisions have upheld tandem development. For example, an Inspector in a recent appeal decision (ref: PT04/1920/O) stated that "*driveways to dwellings that pass close to the side of neighbouring dwellings are not unusual within residential areas*". As such, noise or disturbance would not increase to an unacceptable extent to warrant a refusal. The proposal therefore complies with this policy criterion.

B The maximum density compatible with the sites location, its accessibility and its surroundings is achieved;

The site has an area of some 280m² which equates to a dwelling of 36 dwellings per hectare, which complies with advice contained within in PPS3 and the local plan. The proposed amended access to the site has been found to be acceptable and whilst this application is only in outline it appear feasible that a very low key building could be realised on the site. Indeed an ancillary building for the existing house of up to four metres high could be erected under permitted development on the site which could cover a larger area of the garden than that shown by the indicative footprint of the proposed building. As such the principle of erecting a modest building has to be acceptable and given

that the vehicular access is acceptable to Council transportation officers, the application complies with this criteria of Policy H2.

C The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination;

Environmental services have suggested a noise survey is required but as the site is set well back from the 'A' road and has a rear garden, officers consider this unnecessary. The site is not affected by any of the above and therefore complies with this criterion.

D Provision for education, leisure, recreation and other community facilities within the vicinity is adequate to meet the needs arising from the proposal.

Due to only 1 dwelling proposed it is considered that adequate service provision exists in the vicinity of the site.

5.2 Policy H4 of the adopted local plan is also relevant as it relates to new dwellings within existing residential curtilages. Such development is only permitted where it respects the massing, scale and overall design and character of the existing property/street scene; would not prejudice the amenities of nearby occupiers; would not prejudice highway safety and would allow for the retention of adequate private amenity space for the existing and proposed dwelling.

5.3 Adequate garden area is available for the proposed property and the existing dwelling. A modest, low level dwelling could be achieved without creating a cramped appearance and this would not be unduly visible from either Badminton Road or Woodside Road which would not be overbearing on the neighbouring gardens.

5.4 Landscaping

It appears that the majority of the trees in the existing garden would need to be removed in order to facilitate the dwelling. The trees are silver birch, sycamore and conifer. The conifers appear to have outgrown the narrow garden, the silver birch and sycamore appear to be of poor form, growing under the shade of the conifers and/or having been lopped or burnt. However these do offer general landscape amenity at present. It is unlikely that any of these would be considered for TPO by virtue of their species and/or form. The loss of these trees would detract from the amenity of the area and their replacement alongside the proposed house would not appear to be possible. However some remedial planting could be achieved at the boundary between the new turning head and resulting garden for the existing house which can be secured by a landscape condition.

5.5 Design and Access Statement

The Design and Access Statement submitted with the application is not considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document (Consultation Draft). However in this case it does not justify refusal of the planning application.

5.6 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PT07/2231/O**

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

CONDITIONS

1. Approval of the details of the layout, scale and appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason(s):

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in the condition above, relating to the layout, scale and appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason(s):

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

3. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no

development as specified in Part 1 (Classes A, 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 written consent of the Local Planning Authority.

Reason(s):

To ensure the satisfactory external appearance of the development in the interests of visual amenity [and to protect the residential amenity of the neighbouring occupiers] and to accord with Policy D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

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

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

Reason(s):

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

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

Reason(s):

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

7. No doors or gates shall be hung in front of the original house.

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. 40/07 – 05 OCTOBER 2007

App No.: PT07/2300/F
Site: Home Farm Foxholes Lane Tockington
 BRISTOL South Gloucestershire BS32
 4PF

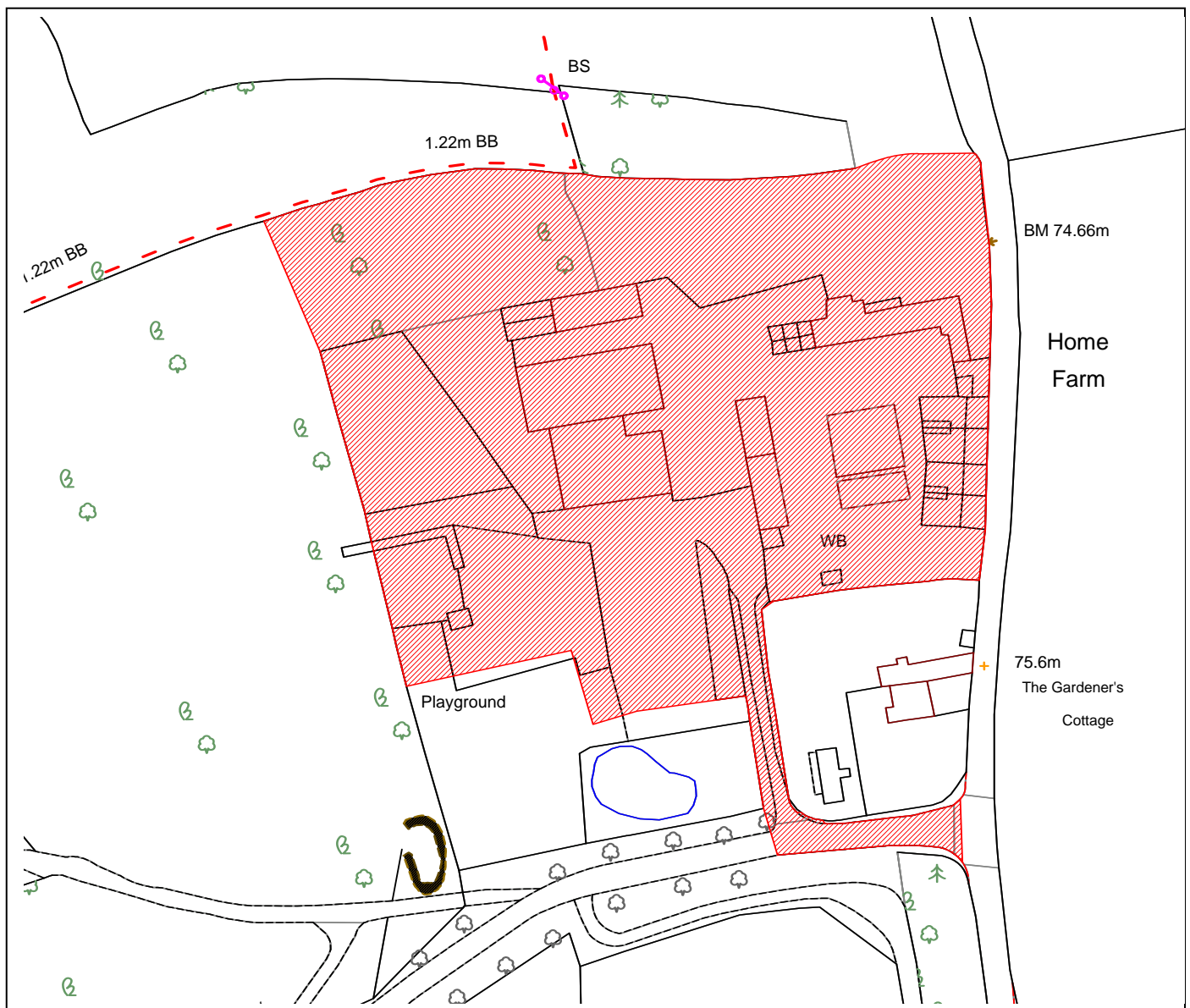
Applicant: Mr L Riddiford
Date Reg: 27th July 2007

Proposal: Demolition of existing barn (R) and conversion of existing barns (O, P & Q) to form fodder store, stables and hay store to facilitate change of use of land from leisure to the keeping of horses. Conversion of existing barns (A-H & J-N) to form 4 no. residential/work units with parking and associated works (Resubmission of PT07/0089/F).

Parish: Olveston Parish Council

Map Ref: 61190 87935

Ward: Severn



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100023410, 2007.

INTRODUCTION

This application is placed on the Circulated Schedule as it is classed as a “Major Application”.

1. PROPOSAL

- 1.1 The applicant seeks consent for the demolition of an existing large Barn (identified as Barn R) on the submitted drawings. The area vacated by Barn R will then be converted to a paved courtyard and communal garden. Three large barns to the west are to be converted to form a fodder store, stables and hay store and along with a ménage area (and parking) this will form an equestrian use with horses grazing in neighbouring fields and making use of the “Toll Rides” and Bridleway network that surround the farm.
- 1.2 In addition Barns A to N as shown on the submitted plans, forming three sides of a square are to be converted from their previous agricultural use to four residential units with associated workspace (live/work units). Along the southern side of this area an area of parking is to be provided for these four units. A landscaped garden is to be provided for the units as well as communal garden. Access to the development will be from an existing track off the main entrance to the Old Down Estate.
- 1.3 The site is situated within the open Green Belt outside of the settlement boundary of Tockington. To the north of the site lies the Vineyard Brake site of nature conservation interest .

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG2	Green Belt
PPG3	Housing
PPS 7	Sustainable Development in Rural Areas
PPG9	Nature Conservation
PPG13	Transport

2.2 Joint Replacement Structure Plan

Policy 1	Sustainable Development Objectives
Policy 2	Location of Development
Policy 16	Green Belt

2.3 South Gloucestershire Local Plan (Adopted) January 2006

GB1	Green Belt
D1	Achieving Good Quality Design in New Development
H10	Conversion and Re-use
H3	Residential Development in the Countryside
L1	Landscape Protection and Enhancement
L9	Species Protection
E6	Employment Development in the Countryside
E7	Conversion and re-use of Rural Buildings
T12	Transportation Development Control Policy
EP1	Environmental Pollution
EP4	Noise Sensitive Development

3. **RELEVANT PLANNING HISTORY**

PT06/2286/F Demolition of Barn (Q). Erection of replacement Barn R and conversion of existing Barns O and P to form stables and fodder store to facilitate change of use of land from leisure to the keeping of horses. Conversion of existing barn A- J to form 4 no residential/work units. (This application was withdrawn by the applicant given concerns raised by the Council relating to the impact of the proposal upon landscape and ecology).

PT07/0089/F Demolition of existing barn (R) and conversion of existing barns (O, P and Q) to form fodder store , stables and hay store to facilitate change of use for land fro leisure to the keeping of horses. Conversion of existing barns (A – J) to form 4 no. residential /work units with parking and associated works. (Resubmission of PT06/2286/F)

Withdrawn to allow ecological issues to be addressed

4. **CONSULTATION RESPONSES**

4.1 Olveston Parish Council

No overall objections to this proposal but as previously advised have concerns regarding traffic along Foxholes Lane.

4.2 Sustainable Transport

No transportation objection.

The site is located off the unclassified Foxholes Lane, which serves as access to the wider highway network. There are informal passing places along Foxholes Lane on both sides, which are deemed adequate. If passing bays were introduced they would have a detrimental effect on the amenity of the surrounding area. There will be an increase in traffic generation with this proposal when confirmed with Home Farms usage, however this would be a lot less than when compared with the use as a Country park. It should be noted that previous improvements were made to the access road and visibility in to the Country Park, which is the same access that this proposal would utilise.

Would recommend the following conditions :-

- 1) The proposed work units must remain connected to the applicable residential units and not sublet to other parties.
- 2) The proposed livery should be limited to a maximum of 12 horses.
- 3) There should be no subletting of any of the proposed stables.
- 4) Provide and maintain 2 secure /undercover cycle storage for each unit.
- 5) The road hump on the private access road shall be retained in perpetuity.

4.3 Wessex Water

No objection

4.4 Local Residents

There have been no letters of objection received. One letter of support has been received, welcoming an extra stables facility.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The applicant seeks consent for the demolition of existing barn (R) and conversion of existing barns (O, P & Q) to form fodder store, stables and hay store to facilitate change of use of land from leisure to the keeping of horses. In addition the applicant seeks consent for the conversion of existing barns (A-J) to form 4 no. residential/work units with parking and associated works

With respect to the residential development, Policy H10 of the South Gloucestershire Local Plan (Adopted) sets out the criteria against which such proposals for the conversion and re-use of existing buildings for residential purposes outside the existing settlement boundaries will be assessed. The principle of re-using buildings in the countryside for residential purposes is accepted and encouraged by Planning Policy Statement 7 – Sustainable Development in Rural Areas. This acceptance is subject to whether all reasonable attempts have been made to secure a business re-use of the site or the proposal is part of a scheme for a business re-use, the buildings concerned are structurally sound and capable of conversion without major or complete reconstruction, the development including any alterations would not have a harmful effect on the character of the surroundings, and the building relates well to an existing settlement or other groups of buildings.

All reasonable attempts have been made to secure a suitable business re-use or the conversion is part of a scheme for a business re-use

The first criteria of Policy H10 of the South Gloucestershire Local Plan (Adopted) is that all reasonable attempts should have been made to secure a suitable business re-use or the conversion is part of a scheme for a business re-use. Given that the proposed units are to incorporate workspace (and to an extent the remaining buildings would form part of an equestrian business) it is considered that the proposal is in accordance with this criteria.

5.2 *The buildings are structurally sound and capable of conversion without major or complete reconstruction*

With respect to whether the buildings are capable of conversion and are structurally sound, the Council's Building Control Team have not examined the site in detail, however the buildings appear sound and the works proposed are minimal involving additional openings and roof lights. Aside from bin stores the development there will be no additional built form. It is considered that the proposal is in accord with this criteria.

5.3 *The buildings are in keeping with their surroundings in terms of character, form, bulk and overall design*

The buildings are to be converted using minimal alterations as indicated previously. It is considered that subject to a condition requiring a full schedule of materials to be used (ie timber frames, brickwork) and subject to a condition requiring the submission of a section showing the rooflights and requiring them to be of the Conservation Grade style (ie set into the roof), the proposal is acceptable in these terms.

5.4 *The development including any alterations, extensions or the creation of a residential curtilage would not have a harmful effect on the character of the countryside or the amenities of the surrounding area*

As indicated above the alterations to the buildings are considered minimal. It is not considered given the distance to adjoining properties that there will be any detriment to the amenity of neighbouring occupiers. The residential curtilages proposed are contained within the general framework of the site and will not project out into the open countryside. Furthermore the creation of a paved area and landscaped garden (see landscaping below) is considered a positive improvement in visual terms.

The remaining issues to consider are the impact of the development upon the Green Belt, the design of the proposal, the impact upon the landscape and local ecology, the impact upon residential amenity, drainage and the impact in terms of transportation. Subject to consideration of these issues the proposal is considered acceptable in principle.

The proposal will involve the loss of barns however it should be noted that the site has previously formed part of the Old Down Leisure Park and therefore there are no agricultural permitted development rights allowing for their replacement.

5.5 Green Belt

Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006 following guidance given in PPG2 considers the impact of development upon the Green Belt. The change of use of land or buildings will be permitted where it would not have a materially greater impact than the authorised use on the openness of the Green Belt and buildings are capable of conversion without major or complete reconstruction (and are of permanent and substantial construction). Furthermore the proposal should not have an adverse impact upon the visual amenity of the Green Belt.

The proposed development will not result in a materially greater impact than the authorised use of the openness of the Green Belt. There will be no increase in the footprint or heights of the buildings on the site. It is acknowledged that there would be some internal boundary treatments, bin storage as well as planting/landscaping between properties. In addition there would be some parking, however the proposal will involve the removal of the unsightly Barn R within the courtyard area. This represents a fundamental difference between this and the earlier submission where this barn was to be re-built to the north of Barn O. It is considered that the proposal would therefore on balance not have an adverse impact upon the openness of the Green Belt. As indicated above the buildings are considered capable of conversion without major reconstruction.

It is considered that the proposed development is in accord with Policy GB1 and the guidance given in PPG2.

5.6 Design

The proposed external alterations to the buildings are quite minor including the provision of new openings. Conditions will be attached to the decision notice requiring a schedule of new materials and the roofs have been previously repaired and works are largely internal. Units 1-4 will be completed in

accordance with the previous consent (P98/2063) albeit with a different internal arrangement. The proposal is considered acceptable in design terms.

5.7 Landscape

Policy L1 supported by Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 states that development will only be permitted where the character, distinctiveness, quality and amenity of the landscape is preserved and where possible enhanced.

As stated above, to the north of the site lies the Vineyard Brake Site of Nature Conservation Interest, which is designated for its mixed woodland interest. The proposed development has been amended to ensure that the residential curtilage for barns A –D now only extends as far as the end of the proposed parking area. There would therefore be no encroachment in to the SNCI. Furthermore it is suggested that the buffer area between the woodland and the garden areas be planted with a species rich wildflower mix to protect the fringe of the SNCI. Soft and hard landscaping, both details and management would form a condition on any approval as would the provision of a specimen wild service tree.

The Landscape officer has no objection to the loss of the Leylandi hedge nor 3 sycamore/ash trees which are not in good condition. Subject to the above mentioned conditions, he recommends approval be granted.

5.8 Ecology

Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006 indicates that development that would directly or indirectly have an adverse effect on nationally or internationally protected species will not be permitted unless any damaging effects are capable of being avoided, overcome or offset by mitigation measures. Given that the proposal involves works to former agricultural buildings where there is the possibility of occupation by bats or birds, an ecological survey has been submitted with the application.

Bat activity has been found in the barns and the Councils ecological officer recommends an ecological enhancement strategy be drawn up and agreed with the Council, providing the design, materials, location, timing etc to create a new bat roost in the roof void to one of the outbuildings as per the applicant's survey. This would form a condition on any permission.

The report has identified the possibility that the buildings are used by nesting birds and in light of this a condition is recommended to ensure the installation of ten nest boxes in outbuildings during development as per the 2006 survey as well as suitable permanent (artificial) nest sites within the buildings.

Informatives explaining procedures to follow when stripping roofs to protect bats and to avoid the nesting season for breeding birds would also need to be attached to any permission.

Subject the above conditions and informatives there is no objection to the proposal on ecological grounds and the proposal is considered in accord with Policy L9.

5.9 Transportation

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

This proposal would have less impact than the current lawful use as a country leisure park. Your transportation officer recommends approval subject to the following conditions:-

- 1) The proposed work units must remain connected to the applicable residential units and not sublet to other parties.
 - 2) The proposed livery should be limited to a maximum of 12 horses.
 - 3) There should be no subletting of any of the proposed stables.
 - 4) Provide and maintain 2 secure /undercover cycle storage for each unit.
 - 5) The road hump on the private access road shall be retained in perpetuity.
- These conditions would be added to any permission recommended, except condition 5) as this access road is not within the applicant's ownership.

5.10 Residential Amenity

The proposed development would not result in any overlooking of any adjoining properties or between the dwellings that are part of the proposal.

The applicant is proposing that two units have a B1 (Light Industrial Use). An indication has been made that small "craft" based businesses would occupy the premises.

Concern has been raised that the development would result in undue noise and disturbance to neighbouring occupiers particularly with respect to the B1 light industrial use. A B1c use however is a use that by definition can take place within residential areas or close to adjoining residential properties. Furthermore given the size of the units (as well as parking allocated) it is not considered that this element would result in any significant detriment to residential amenity (over and above a fully operational agricultural use), such as would warrant the refusal of the application.

Subject to conditions limiting the hours of operation of the B1 units and the office, and a condition to limit the use of these buildings to that specified within the use class, it is not considered that the proposal would result in any significant detriment to the residential amenity of neighbouring occupiers.

5.11 Drainage

No objection has been raised to the proposal by the Council Technical Services Unit, however a SUDS drainage condition is recommended.

5.12 Contamination

Given the former use of the site for agricultural purposes and the possible ground contamination that can result from this use, a condition will be attached to the decision notice requiring a desk top study and details of how the conversion will mitigate any adverse impact that might arise.

5.13 Design and Access Statement

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

5.14 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 0/05 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/05 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable.

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

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That Planning Permission be granted subject to conditions.

Background Papers **PT07/2300/F**

Contact Officer: **Ron Moss**
Tel. No. **01454 863425**

CONDITIONS

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

Reason(s):

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

2. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, 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 written consent of the Local Planning Authority.

Reason(s):

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

3. The work element of the live work units numbered 1 -4 shall be used for Class B1 purposes of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended only and for no other use.

Reason(s):

To protect the residential amenities of the neighbouring occupiers and to accord with policy E6 of the South Gloucestershire Local Plan.

4. The approved work element of the live work units numbered 1-4 on drawing number 1480 -104 Rev E shall be used only in conjunction with the respective residential unit and at no times should they be operated separately.

Reason(s):

To prevent an overintensification of the use of the site to the detriment of highway safety and to accord with policy E6 of the South Gloucestershire Local Plan.

5. The approved equestrian element of this development shall be restricted to operations within the area hatched in purple on drawing no. 1480 -104 Revision E.

Reason(s):

To ensure clarification of use on the site and to accord with policy D1 of the South Gloucestershire Local Plan.

6. The approved live/work element of this development shall be restricted to operations within the area hatched in brown on drawing no. 1480 -104 Revision E.

Reason(s):

To ensure clarification of use on the site and to accord with policy D1 of the South Gloucestershire Local Plan.

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

Reason(s):

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

8. The approved livery shall be limited to 12 horses.

Reason(s):

To prevent an intensification of use of the site to the detriment of highway safety and to accord with policy E10 of the South Gloucestershire Local Plan.

9. Within the first planting season after commencement of works a specimen wild service tree shall be planted in the hedge identified as H1 on drawing no. 7086/002A. If within a period of 2 years from the date of the planting of any tree, that tree, or any tree planted in replacement of it, is removed, uprooted or destroyed and dies or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and size as the originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason(s):

To protect the wildlife and the ecological interests of the site, in accordance with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. A landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than

privately owned domestic gardens shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development . The landscape management plan shall be carried out as approved.

Reason(s):

To protect the wildlife and the ecological interests of the site, in accordance with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. No development shall commence until an ecological management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The management plan shall include the design, materials , location, and timing to create a new bat roost in the roof void to one of the out buildings as indicated in Appendix 2 of the submitted Design and Access Statement as well as temporary provision for 10 suitable bird nest boxes in the outbuildings to be in place during the development and suitable permanent artificial nest sites within the buildings. The development and the requirements of the management plan, shall subsequently be commenced prior to the development being occupied and carried out in accordance with the approved details.

Reason(s):

To protect the wildlife and the ecological interests of the site, in accordance with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

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

13. Development shall not begin until a scheme to deal with potential contamination of the land within Barns identified as barns A- H and J-N have been submitted to an approved in writing by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid the risk to the potential occupiers when the site is developed. Development shall not commence until the measures in the scheme have been implemented.

Reason(s):

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

14. The off-street parking facilities for all vehicles shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose. Two Cycle storage areas shall also be provided for each of the four live work units.

Reason(s):

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

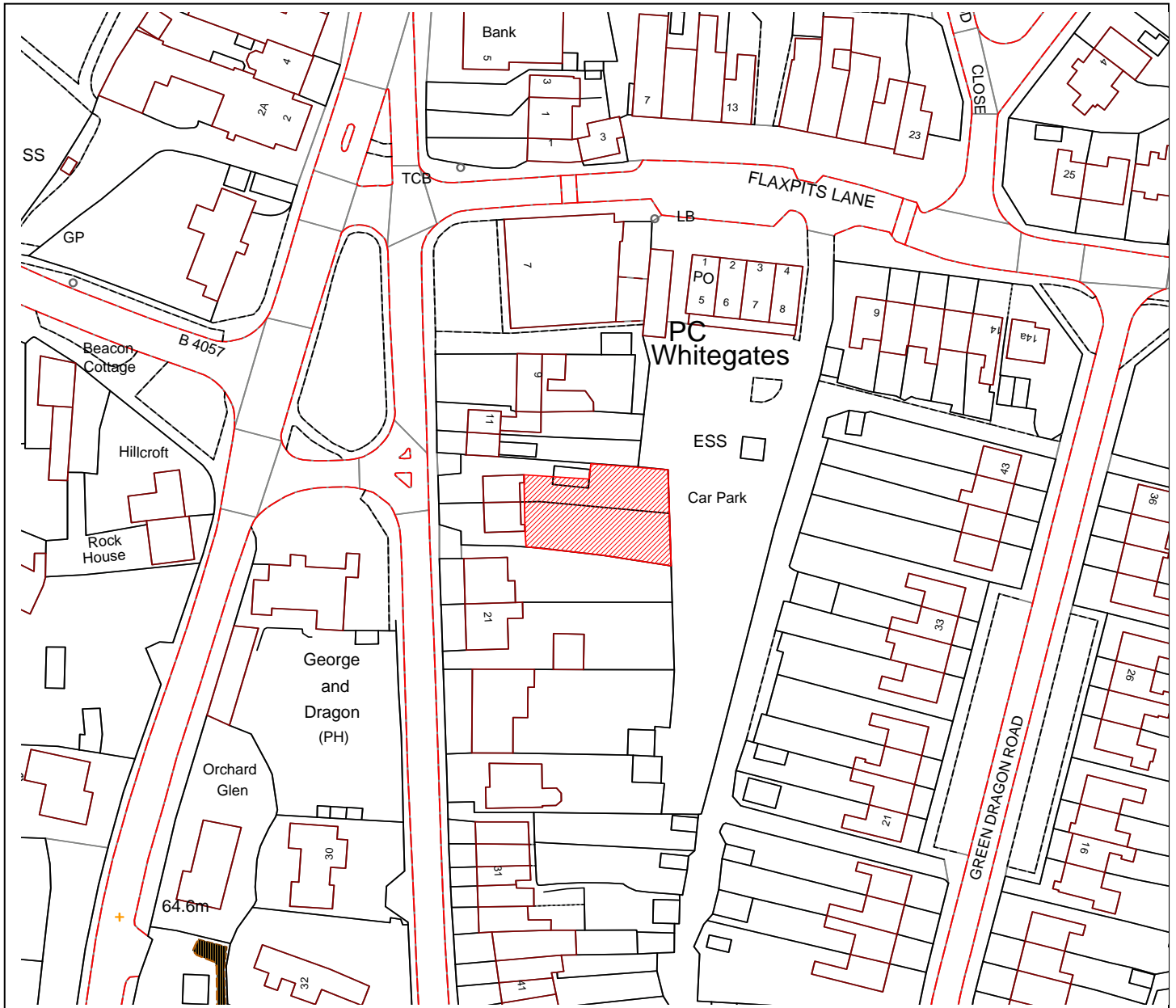
15. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.

Reason(s):

To protect the character and appearance of the area to accord with Policies H4/D1/L1/E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 40/07 - 05 OCTOBER 2007

App No.:	PT07/2588/RM	Applicant:	Mr S Lloyd
Site:	15 Dragon Road Winterbourne BRISTOL South Gloucestershire BS36 1BQ	Date Reg:	22nd August 2007
Proposal:	Erection of 4no. flats (Approval of reserved matters to be read in conjunction with outline planning permission PT04/3568/O).	Parish:	Winterbourne Parish Council
Map Ref:	64831 80480	Ward:	Winterbourne



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100023410, 2007.

N.T.S

PT07/2588/RM

1. THE PROPOSAL

- 1.1 The site consists of the existing residential curtilages associated with 15 and 17 Dragon Road.
- 1.2 The proposed development consists of the construction of a new building to accommodate four 1 bed flats, with access from Dragon Road. The development of the site for such has been approved at appeal (APP/P0119/A/05/1176035). This application addresses the Reserved Matters of that approval.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1 Delivering Sustainable Development
PPS3 Housing

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- D1 Achieving Good Quality Design in New Development
H2 New Residential Development within the Urban Areas or Village Development Boundary
H4 Development within Residential curtilages
T12 Transportation Development Control Policy for New Development
L1 Landscape Character and Assessment
T8 Parking Standards
T7 Cycle Parking

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) SPD

3. RELEVANT PLANNING HISTORY

- 3.1 PT03/3549/O Erection of 4 no. flats on 0.010 hectares of land. (Outline).
Refused
- 3.2 PT04/3568/O Erection of 4 no. flats on 0.010 hectares of land. (Outline)
(Resubmission of PT03/3549/O dated 22 December 2003)
Refused
The Subsequent appeal relating to the above decision (APP/P0119/A/05/1176035) was allowed, and outline consent was granted by the Planning Inspectorate.
- 3.2 PT06/2074/F Erection of 2 storey rear extension to facilitate conversion
2no. dwellings to form 4no. dwellings.
Approved

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
No Objection

- 4.2 Sustainable Transport

No Objection is raised in highway safety terms, however officers indicate that although the layout of the parking would not itself cause problems of safety, minor changes to the parking area would assist in improving the circulation of vehicles within the site. The proposed cycle parking is isolated in relation to the flats.

Other Representations

4.3 Local Residents

One letter has been received. The letter raises objection to the proposed development on the grounds that it would generate such a volume of traffic that there would be a detrimental impact upon highway safety.

5. ANALYSIS OF PROPOSAL

5.1 The application details to construction of 4 x 1 bed flats on land to the rear of 15 and 17 Dragon Road.

5.2 Principle of Development

The previous outline planning application was approved at appeal (APP/P0119/A/05/1176035). The effect of that approval is that the principle of the development of the site for four flats is established. This planning application is submitted to deal with those issues that were reserved for further consideration (Reserved Matters). These matters are, access, siting design and external appearance and landscaping. These are assessed below.

5.3 Design, Siting and Visual Appearance

Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the adopted South Gloucestershire Design Checklist seeks to ensure that new development achieves a high standard of design. Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 supports this principle

5.4 This application details a very similar building to that which was shown for indicative purposes under the approved outline application (PT04/3568/O and APP/P0119/A/05/1176035). The Appeal inspector has concluded that the introduction of a two storey building on that basis would not have a harmful impact upon the character and visual amenity of the site and the surrounding locality.

5.5 The proposed building is two storey and would contain four 1 bed flats. The building would effectively appear as a pair of semi-detached houses. The proposed style, materials and general form is consistent with the surrounding locality. It is proposed to be position the building at the back of the site, approximately four metres from its boundary with the adjacent car-park. The existing hedge and stone wall is shown to be retained as part of the development. A parking area (for eight vehicles) and amenity space is proposed to be laid out between the proposed new building and the existing building at the front of the site (approved for redevelopment to four flats under PT06/2074/F).

5.6 Having regard to the previous Planning Inspector's decision (APP/P0119/A/05/1176035) and the submitted details, it is considered that the design, siting and visual appearance of the proposed development is acceptable.

5.7 Landscaping

The site is enclosed along its eastern boundary with a hedge and stone wall. These are shown to be retained as part of the development along with an existing holly tree close to this boundary. The remaining boundaries are made up of low domestic fences and hedging. At the previous appeal, the Inspector noted the presence of the hedge and stone wall and concluded that the removal of the hedge would not have a detrimental impact upon the character and visual amenity of the site and the surrounding locality. Indeed, this hedge is not worthy of protection in its own right and is intermittent along this boundary which weakens its presence in this context. It is therefore not considered appropriate to protect the hedge by way of planning condition. Similarly, the holly tree is not considered to warrant protection under a tree preservation order. However the stone wall is an important feature and as such, it is appropriate to apply a protective condition in relation to the wall.

5.8 The proposed landscaping is made up of a mixture of brick paviours (to the parking spaces) and tarmac (to the general vehicle circulation space) and the area immediately to the front of the flats laid to lawn. The Southern boundary is to be a 1.8 metre high timber fence. The central area of the site is well screened from the public realm and private land by virtue of the proposed fencing and position of the proposed and existing building. On this basis, it is considered that the level of landscaping shown within this application is satisfactory.

5.9 Residential Amenity

Given the position and proximity of the proposed development in relation to the existing residential units on the site; and the adjacent properties, it is considered that there would be no material impact in residential amenity terms.

5.10 At the previous appeal, the Inspector concluded that, given that the proposed flats would not make suitable family housing, the need for private/shared amenity space was greatly reduced. In this regard it is considered that the proposed development is acceptable.

5.11 Transportation

Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development would not have a detrimental impact upon highway safety and amenity. Policy T8 provides the maximum off-street parking standards for new development. Sufficient cycle Parking is also provided within the site.

5.12 At the previous appeal, the Inspector commented that the site is capable of accommodating the satisfactory access from Dragon Road. The proposed development provides an in-out access system with parking for eight vehicles located to the rear of the existing buildings and to the front of the proposed building. It is considered that the provision of eight spaces (one per dwelling taking account of the approved development under PT06/2047/F) is acceptable in this instance. It is also considered that the use of the in-out access arrangement is acceptable, and is consistent with the findings of the Planning Inspector at the previous appeal.

5.13 Notwithstanding the above, it is considered that there should be some amendments to the layout of the proposed parking within the site in order to enable more efficient movement within the site. It is also considered that the cycle parking should be re-sited to a more secure and convenient location to

serve the development as a whole. Officers consider that suitably worded condition of any approval of this application is appropriate to ensure that this issue is adequately dealt with. Subject to the use of such a condition, the development is considered acceptable in transportation terms.

5.14 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)

5.15 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That Planning Permission is granted subject to the following conditions.

Background Papers PT07/2588/RM

Contact Officer: Simon Penketh
Tel. No. 01454 863433

CONDITIONS

1. No development shall take place until details and samples of the roofing and external facing materials to the building and the areas of hard surfacing 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, H2 And H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The existing stone wall enclosing the East boundary of the site shall be retained.

Reason(s):

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

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

Reason(s):

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

CIRCULATED SCHEDULE NO. 40/07 - 05 OCTOBER 2007

App No.:	PT07/2598/F	Applicant:	Mr W K Wolstenholme
Site:	5 Gloucester Road Thornbury BRISTOL South Gloucestershire BS35 1DG	Date Reg:	22nd August 2007
Proposal:	Erection of a detached double garage with first floor storage accomodation.	Parish:	Thornbury Town Council
Map Ref:	63754 90228	Ward:	Thornbury North



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N.T.S

PT07/2598/F

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

1. THE PROPOSAL

- 1.1 The application seeks planning approval for the erection of a detached double garage building which would benefit from first floor accommodation above.
- 1.2 The application site forms a detached two-storey dwelling on the west side of Gloucester Road, Thornbury. The site is positioned within the Thornbury settlement boundary and also within the Thornbury Conservation Area.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1: Delivering Sustainable Development
PPG12: Transport
PPG15: Planning and the Historic Environment

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- D1: Achieving Good Quality Design in New Development
H4: Development within Residential Curtilages
L12: Conservation Areas
L13: Listed Buildings
T8: Parking Standards
T12: Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Urban Design Checklist

3. RELEVANT PLANNING HISTORY

- 3.1 PT02/1232/TCA: Removal of 22 Leylandii trees.
No objection: 14 May 2002
- 3.2 PT02/1122/F: Erection of 2m high boundary fencing.
Permitted: 4 August 2003

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council

No objection

4.2 Other Consultees

Conservation Officer: objection

Other Representations

4.3 Summary of Local Residents Comments:

One letter received stating the following:

- A garage for no. 5 Gloucester Road is a sensible option;

- It is requested that a condition is added stating that the proposal should at no time be converted to a residential annex.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 allows for the principle of development within residential curtilages subject to considerations of design, residential amenity and highway safety.

- 5.2 Policy L12 details that development within (or affecting) a Conservation Area will only be permitted where it would preserve or enhance the appearance of the Conservation Area whilst policy L13 cites that development must preserve the setting of a listed building.

5.3 Design/ Visual Amenity

The application seeks approval for a detached two-storey garage building that would benefit from first floor accommodation above; served by two front and two rear dormer windows. The proposal would measure 6m in depth, a little over 7m in width (with an internal staircase to the side) and would reach 5.85m in height with gable walls at either end. Materials would comprise a rendered finish with plain concrete roof tiles (farmhouse red).

- 5.4 The property occupies a sensitive position within the Thornbury Conservation Area opposite a terrace of nine Grade II Listed properties which date from the early- mid nineteenth century. The application site is dissected by a vehicular access through to a private car park behind the application site. The garage would stand on a small area of land bounded by a mix of stone walls and close-boarded fencing on the opposite side of the access way to the host dwelling.

- 5.5 The proposal is considered to be of poor quality and thus out of context with the surrounding historic buildings. Historically, ancillary outbuildings would have been of brick or stone and would not have taken the suburban form of the proposal. As such, it is considered that a single-storey build of modest size and traditional form utilising high quality materials would be more appropriate and thus might provide an acceptable solution.

- 5.6 In view of the above, the build is considered to be unacceptable in its present form which would harm the character and appearance of the conservation area and which would be detrimental to the setting and historic form of the listed buildings opposite. Planning refusal is therefore recommended on this basis.

5.7 Residential Amenity

A further vehicular access runs to the north to the far side of a stone boundary wall which is overgrown by brambles. As such, it is not considered that any significant adverse impact in residential amenity would be caused to the properties beyond that comprise flatted accommodation to the north with two-storey dwellings behind. To this extent, whilst the dormers would provide views to these units behind, it is not considered that permission could be reasonably withheld given the separation distance involved.

- 5.8 All other properties stand at an appreciable distance from the site of the build; it is not therefore considered that any significant adverse impact in residential amenity would be caused.

5.9 Design and Access Statement

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Planning Permission is REFUSED for the following reason:

Background Papers **PT07/2598/F**

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

REFUSAL REASONS

1. The site is within the Thornbury Conservation Area and it is considered that the proposed development, if allowed, would detract from the special architectural and historic character of this designated area and would adversely impact upon the setting and historic character of the Grade II listed buildings opposite (nos. 6 - 22 Gloucester Road). The proposal is therefore contrary to Planning Policies D1, L12 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 40/07 - 05 OCTOBER 2007

App No.: PT07/2753/TCA

Applicant: Bristol Diocesan Board Of Finance Ltd

Site: The Vicarage and Glebe Field at Sundays Hill Lower Almondsbury.

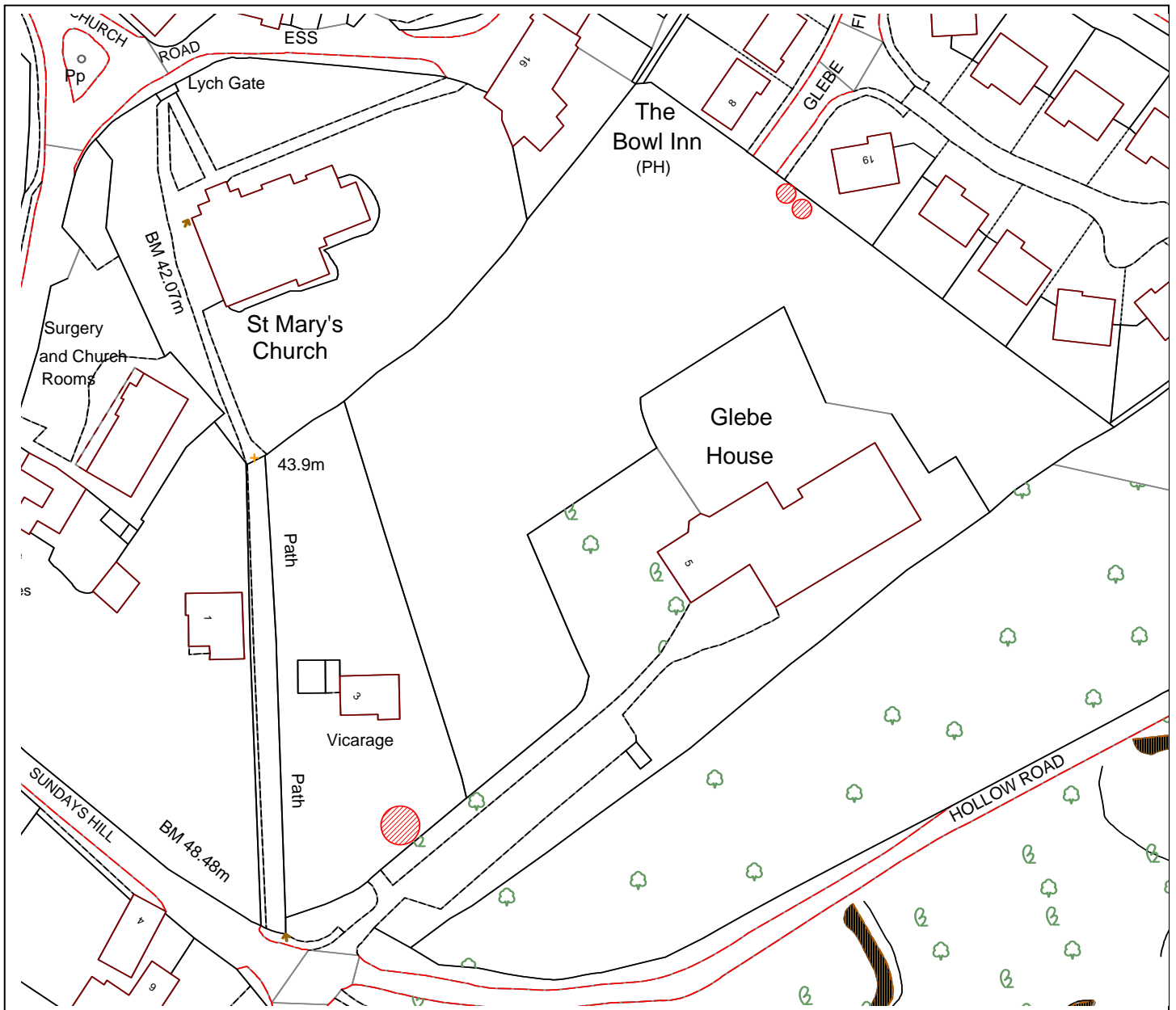
Date Reg: 7th September 2007

Proposal: Works to reduce 2 no. Lombardy Poplar trees by 50% and works to remove 1 no. Horse Chestnut tree located within the Lower Almondsbury conservation area.

Parish: Almondsbury Parish Council

Map Ref: 60411 84028

Ward: Almondsbury



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100023410, 2007.

N.T.S

PT07/2753/TCA

This application appears on the circulated schedule as Almondsbury Parish Council has raised objection, contrary to the officer recommendation. These comments are outlined below. Notwithstanding this, Members should be aware that the nature of this application (which is outlined below) is such that the decision of the Council must be issued no later than 18th October 2007. Members should be aware that on this basis, should members be minded to do so, there is not sufficient time to refer the application for consideration by the Development Control (West) Committee within this time scale, as deemed consent can be assumed by the applicant if a decision is not issued, on or before the 18th October.

1. THE PROPOSAL

- 1.1 The subject trees are located within the grounds of the Vicarage and Glebe Field; which is within Almondsbury Conservation Area.
- 1.2 The proposed works details the 50% reduction of two poplar trees (within the grounds of Glebe House) and the removal of a Horse Chestnut within the grounds of The Vicarage.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development
PPG15 Planning and the Historical Environment

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

L1 Landscape Protection and Enhancement
L12 Conservation Areas

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council

Object to this application as they agree with the tree officers recommendation that the tree does not need to be reduced by this percentage.

4.2 Sustainable Transport

No Comment

Other Representations

4.3 Local Residents

No Comments Received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This notice is not a planning application. The purpose of this notice is to allow the Local Planning Authority assess merit of the subject tree(s) and the impact

of proposed works to them where they are situated within a conservation area; and whether or not the trees should be protected under a Tree Preservation Order. The assessment of this application must therefore rely purely upon the health, visual appearance and amenity of the tree or trees and the impact of the proposed work upon them and the surrounding conservation area. The position of the trees in relation to existing trees must also form part of this assessment.

5.2 Visual Appearance and Amenity

Almondsbury Parish Council have raised objection on the basis that the Arboricultural Officer has raised objection to the application. However, this is not the case. In this instance, the Arboricultural Officer has assessed the nature of the trees and concluded that they are not worthy of protection under a Tree Preservation Order. The assessment is outlined below.

5.3 The trees subject to this notice are located within the residential curtilages of The Vicarage and Glebe House.

5.4 It is proposed to reduce the Poplar trees by approximately 50%, which are currently some 25 metres in height. These trees stand approximately 10 metres from the dwelling associated with 19 Glebe Field. Although these are relatively good specimens, it is considered that their size, age and the proximity to the adjacent dwelling is such that the trees fail to satisfy the tests of suitability for protection under a Tree Preservation Order.

5.5 The Horse Chestnut Tree is in a very poor condition and shows signs that indicate that the tree is in irreversible decline. The tree should not be protected under a Tree Preservation Order

5.6 Having regard to the above, it is considered that the proposed tree works are acceptable and that there is not requirement to protect the trees under a Tree Preservation Order.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That no objection is raised.

Background Papers **PT07/2753/TCA**

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