



**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. 36/07**

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

**Member's Deadline: 14/09/07**

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

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

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

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

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

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

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

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

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

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

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

## CIRCULATED SCHEDULE

**DATE: 07/09/07**

**SCHEDULE NO. 36/07**

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

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

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

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

**Please note: - Reason for Referral**

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

**SIGNATURE .....**

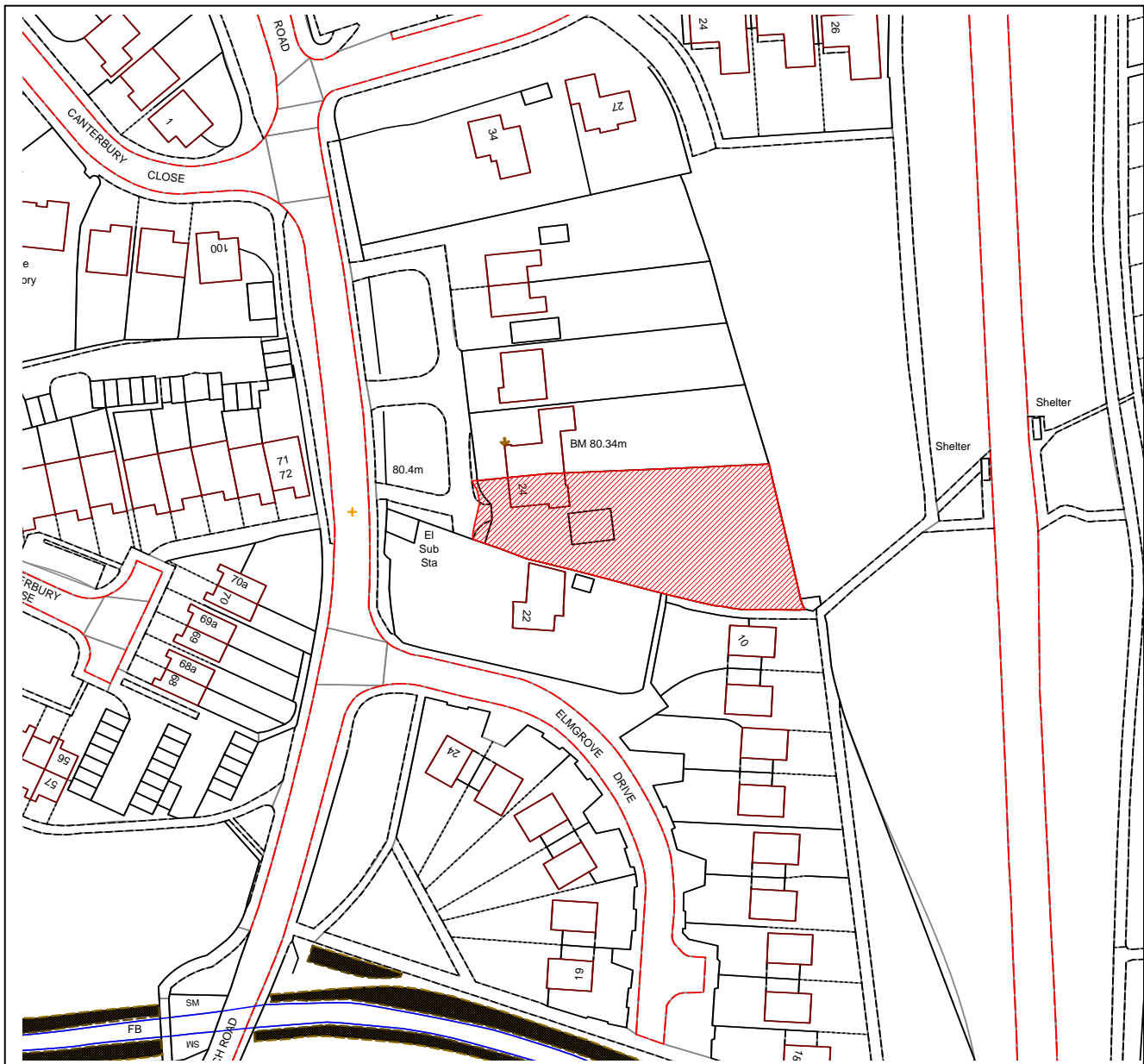
**DATE .....**

# Circulated Schedule 07 September 2007

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATION</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
1	PK07/0689/F	Approve with conditions	24 Church Road Yate South Gloucestershire BS37 5BQ	Yate North	Yate Town Council
2	PK07/1397/CLE	Approve	Lilliput Bushes Lane Horton South Gloucestershire BS37 6QL	Cotswold Edge	Horton Parish Council
3	PK07/1950/TRE	Approve with conditions	The Meadows, The Avenue, Siston, South Gloucestershire	Siston	Siston Parish Council
4	PK07/2143/F	Approve with conditions	Land at North East corner of Badminton Road and Commonmead Lane Old Sodbury South Gloucestershire	Cotswold Edge	Sodbury Town Council
5	PK07/2281/F	Approve with conditions	45 Long Road Mangotsfield South Gloucestershire BS16 9HW	Rodway	
6	PK07/2291/ADV	Approve with conditions	Co Op High Street Hanham South Gloucestershire BS15 3DR	Hanham	Hanham Parish Council
7	PT07/1807/F	Approve with conditions	75 Down Road Winterbourne Down South Gloucestershire BS36 1BZ	Winterbourne	Winterbourne Parish Council
8	PT07/1970/F	Refusal	Cribbs Retail Park Lysander Road Cribbs Causeway South Gloucestershire BS34 5UD	Patchway	Almondsbury Parish Council
9	PT07/2045/F	Approve with conditions	1190 Park Avenue Aztec West Almondsbury South Gloucestershire BS32 4AP	Patchway	Patchway Town Council
10	PT07/2068/F	Approve with conditions	The Vicarage 24 North Road Stoke Gifford South Gloucestershire BS34 8PB	Stoke Gifford	Stoke Gifford Parish Council
11	PT07/2154/F	Approve with conditions	Emlett Cottage Earthcott Green Alveston South Gloucestershire BS35 3TA	Ladden Brook	Tytherington Parish Council
12	PT07/2263/F	Approve with conditions	22 Boverton Road Filton South Gloucestershire BS34 7AH	Filton	Filton Town Council
13	PT07/2301/F	Approve with conditions	829 Filton Avenue Filton South Gloucestershire BS34 7HH	Filton	Filton Town Council

**CIRCULATED SCHEDULE NO. 36/07 – 07 SEPTEMBER 2007**

<b>App No.:</b> PK07/0689/F	<b>Applicant:</b> Mr & Mrs O'Connell
<b>Site:</b> 24 Church Road Yate BRISTOL South Gloucestershire BS37 5BQ	<b>Date Reg:</b> 28th February 2007
<b>Proposal:</b> Erection of detached two storey dwelling with detached garage and associated works. Erection of replacement detached garage for existing dwelling.	<b>Parish:</b> Yate Town Council
<b>Map Ref:</b> 71630 83014	<b>Ward:</b> Yate North



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 100023410, 2007.

**N.T.S**

**PK07/0689/F**

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the erection of a detached two storey dwelling with detached single garage and associated works and erection of replacement detached garage for existing dwelling.
- 1.2 The application site relates to a two-storey semi detached dwelling located within the established residential area of Yate. Since the original planning application was submitted amended plans have been submitted. The application now proposes to erect a two storey detached dwelling rather than a single storey dwelling.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS 1 Delivering Sustainable Development

#### **2.2 Development Plans**

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

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

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

- 3.1 P84/2282 Construction of vehicular access  
Approval October 1984
- 3.2 P88/2938 Erection of a single storey rear extension  
Approval November 1988
- 3.3 P88/2929 Erection of three detached dwellings & construction of Access drives  
Refusal November 1988
- 3.4 P89/1423 Erection of detached dwelling houses & two garages.  
Construction of access road  
Refusal April 1989
- 3.5 P89/1712 Erection of detached dwelling house and garage and access  
June 1989
- 3.6 P91/1212 Erection of single storey rear extension to provide utility room and study  
March 1991

- |     |               |   |
|-----|---------------|---|
| 3.7 | PK99/0495/F   | Erection of first floor rear extension<br>Approve Feb.2000  |
| 3.8 | PK05/2950/F   | Erection of two detached dwellings<br>Refused Aug 2006 on grounds of impact on existing<br>Levels of residential amenity            |
| 3.9 | PK06/2974/CLE | Certificate of lawfulness for existing use of land and<br>Buildings for light engineering business, storage & sales<br>Undetermined |

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

4.1 Yate Town Council  
No objection

4.3 Local Residents

7 Letters have been received from local residents raising the following objections regarding the original and subsequent revised plans. Those objections have been summarised as follows;

- Overdevelopment of site
- Not in keeping with current cul de sac style
- Overlooking
- Increased congestion and impact on highway safety
- Devalue property
- Impact on landscaping
- Increased noise levels.
- Overbearing
- Drainage
- Existing narrow access and track
- Inadequate parking and turning area
- Overbearing impact
- Impact of proposed parking area on adjacent neighbours in terms of noise and disturbance
- Lack of parking
- Not given enough time to assess revised changes
- Access restricted to by emergency vehicles
- Existing Certificate of lawfulness application must be considered first

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

5.1 Principle of Development

The application site is located within the established residential area of Yate. The application site relates to existing domestic curtilage. Policy H4 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for residential development within existing residential curtilages provided a number of criteria are satisfied.

5.2 Members are advised to consider that a recent planning application (PK05/2950/F) relating to this site sought planning permission for the erection of two no. two storey detached dwellings to the rear of the site. This application was refused under delegated authority. It should be made clear however that a planning objection was not raised with regards the principle of residential development on this site or on highway grounds, but primarily on the grounds

of the impact of the proposed garages by reason of their siting and the associated vehicular traffic movements on the existing occupiers of the application site property.

5.3 Tandem Development

The supporting text relating to Policy H4 advises that 'Tandem development' i.e. consisting of one house behind another and sharing the same access is generally unsatisfactory, because of the difficulties of access to the house at the back and disturbance and lack of privacy suffered by the house in front.

5.4 In order to overcome the above the scheme proposes that the proposed dwelling will only be accessed by a pedestrian access and that the proposed garage relating to the proposed house will be sited at the front of the site.

5.5 The previous application had proposed this arrangement although with 2 no. garages at the front of the site. At that time the Planning Officer raised the following objection:

*Whilst it is recognised that this arrangement will obviously eliminate any issues of noise and disturbance throughout the rear garden, a planning objection is still raised however on the grounds that the revised arrangements will still have an adverse impact on the existing amenities of no. 24 (application site property). It is considered that by concentrating all vehicular movements and pedestrian movements at the front of the site adjacent no.24 will result in an increase in noise levels and disturbance to the detriment of residential amenity.*

5.6 It is considered that this current planning application has addressed the above objection by reducing the number of dwellings from two to one, which in turn will reduce the level of traffic movements. It is considered that there is a satisfactory levels of space to accommodate both garages and parking spaces without resulting in a cramped form of development to the detriment of the existing occupiers.

5.7 Design / Visual Amenity

Policy D1 of the SGLP (Adopted) January 2006 seeks to ensure that development '*respects and enhances the character, distinctiveness and amenity of both the site and the locality*'. Members are advised to consider that for those houses sited along Church Road i.e. no's 22- 32, are of a 1940's style and that those houses sited south of the application site in Elm Grove Drive are constructed of reconstituted Cotswold stone, although on the whole there is a varied mix of house types within the immediate and wider locality.

5.8 It is considered that although the proposed dwelling does not entirely reflect the character of the application site property, it would be difficult to substantiate a refusal reason given that there is a mix of different house styles within the immediate locality.

5.9 Whilst this scheme will be introducing a two storey dwelling within the rear garden that will not have a frontage within the street scene, it is considered however that given the linear form of residential development that is directly adjacent the application site in Elmgrove Drive, it is considered that the proposed dwelling by reason of its siting would not have such a detrimental impact on the pattern of development within this area.



5.10 Residential Amenity

Concerns have been raised regarding loss of privacy. The proposed dwelling would be set back 20.0m from the rear elevation of no.24 (application site property) and would be set back 26.0m from the rear elevation of no.22.

5.11 The proposed dwelling would be set forward of no. 10 Elmgrove Drive by approximately 5.0m and set back from the adjoining boundary by 8.0m and the side elevation of no. 8 by 11.0m. It is considered that a two storey dwelling in this location would not have an overbearing impact on the existing amenities of no.10. The application proposes a first floor landing window on the side elevation next to no.10. As this window relates to landing window and not a bedroom window, it will not impact on existing level of privacy for the occupiers of no.10.

5.12 It is therefore considered that the proposed dwelling by reason of its siting, scale and external appearance would not have a detrimental impact on the existing amenities of neighbouring occupiers in terms of loss of privacy or overbearing impact.

5.13 Members are advised to consider that there is another application relating to this site currently lodged with the Council. That application relates to a Certificate of lawfulness (CLE) for existing use of land and buildings for light engineering business, storage & sales. As yet this application has not been determined, however if the use is proven to be lawful, clearly the use can carry on the site. By removing the existing workshop on site to enable this proposed development proceed could be considered an environmental gain and benefit to the site, especially as local residents have raised concerns regarding the use in site as part of the consultation process relating to the CLE application.

5.14 As discussed above under paragraph 5.5 of this report a planning objection was raised with regards the previous scheme on the following grounds:

*The proposed garages and parking areas by reason of their siting if allowed would result in unacceptable levels of noise and disturbance generated from vehicular and pedestrian movements to the detriment of residential amenity for the immediate existing occupiers. The proposal is therefore considered contrary to Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.*

5.15 Local resident objection have been received on the grounds that the above planning objection still stands with this current scheme. It is considered that the reduction in number of proposed units from that of 2 to 1 will alleviate any harmful impact on existing residential amenity.

5.16 Transportation issues

Access from the site onto the Public Highway i.e. Church Road is available from three separate short links through a private drive. Therefore accessibility to the site is considered good even though some of the links are single lane with no formal footway facilities. Visibly splays at the junctions between the private lane and Church Road are also considered adequate. No objection is therefore raised on highway grounds.

5.17 Landscaping Issues

The application site relates to a large garden, with landscaping on the edges and in particular a number of trees within the site that will be felled as a result

of the proposed development. It is considered that as these trees relate to a number of fruit trees and a fir tree they are not considered to be a restraint to development on the site. Should planning permission be granted a landscaping condition would be imposed requiring the submission of a landscaping plan illustrating all existing and proposed landscaping, and a condition will be imposed requiring the retention of the existing hedges along the boundaries.

5.18 Public Right Of way

A PROW runs along the southern boundary of the application site adjacent plot 2. As this PROW lies outside of the application site it is considered that the proposed development would not impact on the PROW.

5.19 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 1/97 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 1/97 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

## 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of The Planning & 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 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      PK07/0689/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 development shall take place until samples of the roofing and external facing materials proposed to be used have been submitted to and approved in writing by the

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

Reason:

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

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

Reason:

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H2 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 boundary treatments and areas of hardsurfacing. Development shall be carried out in accordance with the agreed details.

Reason:

To protect the character and appearance of the area to accord with Policies D1 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:

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

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

Reason:

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

7. Access from the approved garage to the approved dwelling shall be restricted to that of pedestrian access at all times as shown on the approved Block Plan dwg.no.5 dated the 30th July 2007.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses from noise and disturbance and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. The off-street parking facilities and approved garages (relating to the existing and approved dwellings) for all vehicles shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason:

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

## CIRCULATED SCHEDULE NO. 36/07 – 07 SEPTEMBER 2007

<b>App No.:</b>	PK07/1397/CLE	<b>Applicant:</b>	Mrs J Bishop
<b>Site:</b>	Lilliput Bushes Lane Horton BRISTOL South Gloucestershire BS37 6QL	<b>Date Reg:</b>	3rd May 2007
<b>Proposal:</b>	Application for Certificate of Lawfulness for continued occupation of dwellinghouse without compliance to an agricultural occupancy condition (No.2) attached to planning permission P84/2298.	<b>Parish:</b>	Horton Parish Council
<b>Map Ref:</b>	75127 84812	<b>Ward:</b>	Cotswold Edge



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N.T.S

PK07/1397/CLE

## **INTRODUCTION**

By way of information, Members are advised, that the test to be applied to this application for a Certificate of Lawful Use, is that the applicant has to prove on the balance of probability that the dwelling has been occupied by a person, not employed in or last employed locally in agriculture or forestry, for a period of 10 years consecutively, prior to the receipt of the application.

### **1. THE PROPOSAL**

- 1.1 The application has been submitted under Section 191(1) of the Town and Country Planning Act 1990 for a Certificate of Lawfulness for an existing use of the dwelling.
- 1.2 The application relates to the detached bungalow that is currently covered by an agricultural tie. The application site is at the end of a narrow lane and is sandwiched between two farms – Bushes Farm and Frankham Farm.
- 1.3 Planning permission was granted for the property in 1984 under reference number P84/2298 dated 4<sup>th</sup> September 1984. The application granted permission for the following :

‘Erection of bungalow for occupation by farmworker’

Planning condition 02 reads as follows:

‘The occupation of the dwelling hereby authorised shall be limited to a person solely or mainly employed, or last employed, within the Northavon District in agriculture as defined in Section 290 (1) of the Town and Country Planning Act 1971, or in forestry (including any dependants of such a person residing with him or her), or a widow or widower of such a person.’

### **2. POLICY CONTEXT**

- 2.1 Circular 10 of 1997: Enforcing Planning Control: Legislative Provisions and Procedural Requirements.

### **3. RELEVANT PLANNING/ENFORCEMENT HISTORY**

- 3.1 P84/2298 Erection of bungalow for occupation by farmworker.  
Approved November 1984

### **4. CONSULTATION RESPONSES**

- 4.1 Horton Parish Council  
No response received

#### **Other Representations**

- 4.2 Local Residents

None received

## 5. ANALYSIS OF PROPOSAL

5.1 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 continued for a period in excess of 10 years, and whether or not the use is in contravention of any Enforcement Notice which is in force.

5.2 As noted in the 'History' section above, there is no Enforcement Notice in force and therefore it must be established whether or not the use has continued for a period in excess of 10 years.

### 5.3 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 which 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.

### 5.4 Hierarchy of Evidence

The evidence submitted comprises a statutory declaration and two copies of tenancy agreements. Inspectors and the Secretary of State usually value and give weight to evidence in the following order of worth:-

- Personal appearance, under oath or affirmation, by an independent witness whose evidence can be tested in cross examination and re-examination, especially if able to link historic events to some personal event that he/she would be likely to recall.
- Other personal appearance under oath or affirmation.
- Verifiable photographic evidence.
- Contemporary documentary evidence, especially if prepared for some other purpose.
- Sworn written statements (witness statements or affidavits) which are clear as to the precise nature and extent of the use or activity at a particular time.
- Unsworn letters as 5 above.
- Written statements, whether sworn or not, which are not clear as to the precise nature, extent and timing of the use/activity in question.

### 5.5 Summary of Evidence Submitted in Support of the Application.

The applicant is relying on one sworn statement in support of the application. The sworn statement is submitted by June Mary Bishop and has been signed in

front of Nancy Nagle Solicitor. The sworn statement states that June Mary Bishop is the sole owner of the property known as Lilliput, Bushes Lane who became the legal owner following the grant of probate on her mothers estate. June Mary Bishop has been responsible for instruction a Letting agent to let the property.

The sworn statement states that the property was let to Mr and Mrs Snell in July 1996 until 1999. A copy of the tenancy agreement and a letter have been submitted with the application to confirm the commencement of the occupation of the property by Mr and Mrs Snell in 1996. The sworn statement identifies that Mr and Mrs Snell were retired when they moved into the property but Mr Snell was formerly involved in property maintenance/building and Mrs Snell a housewife. No third parties resided with them during their occupation of this property,

Mr and Mrs Snell occupied the property until 1999 when it was re-let to Mr and Mrs Wells with effect from 1<sup>st</sup> August 1999. Again, a copy of the tenancy agreement has been enclosed to confirm the commencement date of occupation of the property by Mr and Mrs Wells. The sworn statement identifies that Mr Wells is still occupying the property. Mr and Mrs Wells were both of retirement age when taking up occupation of the property. However, Mr Wells is a director of a local bakery and a retired engineer. Mrs Wells did not have any formal employment and she passed away in the summer of 2005. No other parties have occupied the property in conjunction with Mr and Mrs Wells.

The sworn statement concludes by stating that 'Since 1996 no parties residing the property were wholly, or mainly employed in or last employed in agriculture or forestry, nor were they widows or widowers of such a person. None of the land included within the curtilage of the property has been utilised for agricultural purposes as it comprises purely a residential property and associated garden.'

#### 5.6 Contradictory Evidence

There is no contrary evidence relating to this building for the period of 10 years prior to the receipt of the application.

## 6. ASSESSMENT

6.1 The application seeks to establish that the dwelling has been occupied by a person, not employed in or last employed locally in agriculture or forestry, for a period in excess of 10 years and are now lawful.

6.2 As stated previously, for the Council to issue a certificate the applicant is required to prove 'on balance of probability' that the use has continued for more than 10 years. In addition, it is advised that if the local planning authority have no evidence of their own, or from others, to make the applicants version of events less than probable, there is no good reason to refuse the application, provided the applicants evidence is sufficiently precise and unambiguous to justify the grant of a certificate.

6.3 Officers consider that the supporting information submitted as part of the application is sufficiently comprehensive and unambiguous.



**7. EVALUATION**

- 7.1 The application seeks to prove that on the balance of probability the building subject to the application has been occupied, for a period of 10 years consecutive to the receipt of the application, by persons not employed in or last employed locally in farming or forestry. There is no contrary evidence relating to this 10 year period.
- 7.2 It is the considered view therefore that on the balance of probability the applicants have provided the evidence to support the claim.

**8. RECOMMENDATION**

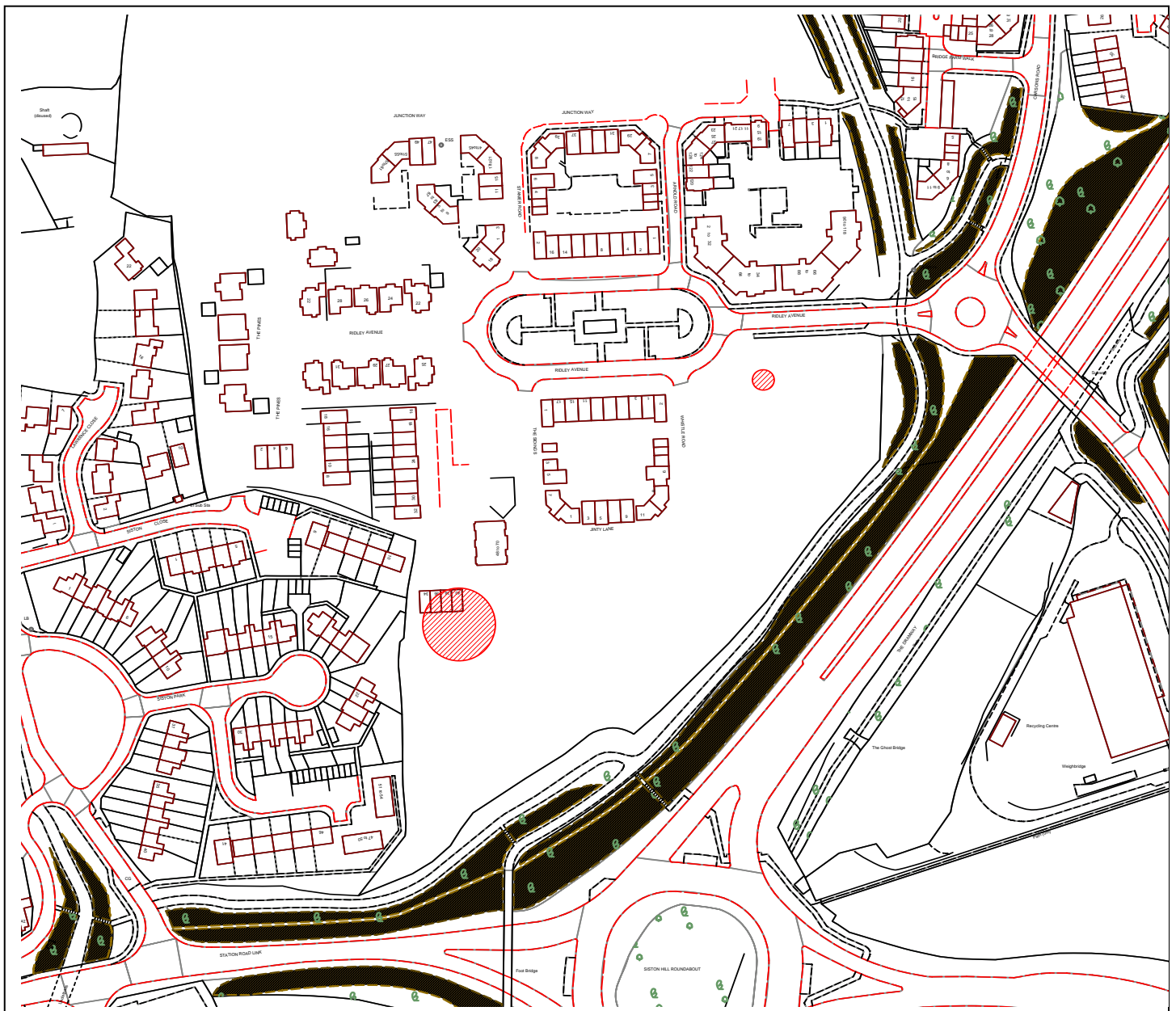
- 8.1 A Certificate of Existing Lawful Use be GRANTED for the continued use of the building for residential accommodation with no agricultural / forestry tie.

**Background Papers      PK07/1397/CLE**

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

**CIRCULATED SCHEDULE NO. 36/07 – 07 SEPTEMBER 2007**

<b>App No.:</b> PK07/1950/TRE	<b>Applicant:</b> Barratt Bristol
<b>Site:</b> The Meadows, The Avenue, Siston, South Gloucestershire	<b>Date Reg:</b> 27th June 2007
<b>Proposal:</b> Works to 5 No. Oak trees (as identified on Tree Survey schedule - Siston - protected trees/construction, dated 5th June 2007), covered by KTP04/95 dated 9th October 1995.	<b>Parish:</b> Siston Parish Council
<b>Map Ref:</b> 66546 74939	<b>Ward:</b> Siston



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 100023410, 2007.

**N.T.S**

**PK07/1950/TRE**

## **INTRODUCTION**

This application appears on the Circulated Schedule as result of objections received to the application.

### **1. THE PROPOSAL**

1.1 The application seeks consent for works to 5 no. Oak trees, covered by KTP05/95, dated 9<sup>TH</sup> October 1995. The application relates to 4 no. oak trees in the south western part of the Meadow site and one further oak within the north easterly corner. The works, which involve the pruning back of branches of the trees are considered necessary in order to allow safe working associated with the development of the site, it would also improve conditions around the built properties. Development of the site has been previously approved under reference PK04/2581/RM.

### **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 PK04/2581/RM – Erection of 450 dwellings and associated development

### **4. CONSULTATION RESPONSES**

4.1 Siston Parish Council  
No objections received

#### **Other Representations**

4.4 Local Residents  
2 letters of objection have been received. Concern is raised regarding the potential harm that will be caused to the oak trees as a result of the works and that original applications for the site were granted with the understanding that the trees would remain intact.

### **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 The work is considered to be necessary in order for the approved development to continue safely. The trees will not be lost but will be pruned, in accordance

with British Standard. The works to trees 1, 2 and 3 is straight forward and non-contentious. The work to tree 4 is quite harsh, but is acceptable. Furthermore, this tree is part of a group so it is not considered that the loss of amenity would be significant to justify the refusal of this application.

5.3 Tree 5 is to be surrounded by parking bays and there is no objection raised from the Council's Tree Officer to the proposed works. It should be noted that the tree roots will be protected from intrusive development.

#### 5.4 Section 106 Requirements

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

## 6. CONCLUSION

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

The recommendation to grant 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**      **PK07/1950/TRE**

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

## CONDITIONS

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

Reason:

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

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

Reason:

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

**CIRCULATED SCHEDULE NO. 36/07 – 07 SEPTEMBER 2007**

<b>App No.:</b>	PK07/2143/F	<b>Applicant:</b>	Mr S J White
<b>Site:</b>	Land at North East corner of Badminton Road and Commonmead Lane Old Sodbury South Gloucestershire	<b>Date Reg:</b>	12th July 2007
<b>Proposal:</b>	Change of use of land from agricultural to land for the keeping of horses. Erection of 2no. stables and 1.2 metre high fence. (Retrospective).	<b>Parish:</b>	Sodbury Town Council
<b>Map Ref:</b>	74982 81776	<b>Ward:</b>	Cotswold Edge



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**N.T.S**

**PK07/2143/F**

## **INTRODUCTION**

This application appears on the circulated schedule due to the receipt of one letter of objection from the Parish Council.

## **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for a change of use of land from agriculture to the keeping of horses and erection of a stable to accommodate 2no. ponies. This is a retrospective application as the works have already been completed – this application is to regularise the existing situation.
- 1.2 The application site comprises 0.25 Ha of agricultural land, located to the east of Commonmead Lane, outside the defined settlement boundary of Old Sodbury. The field in question is enclosed on all sides by hedgerows and trees and will utilise an existing field gate.
- 1.3 The proposed stable is positioned on the western boundary of the field close to the access gate and the highway. The stable has a width of 7.2 metres, a depth of 3.6 metres (with an additional overhang of one metre) and a maximum height of 3 metres.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPS7	Sustainable Development within Rural Areas
PPG17	Sport and Recreation

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

L1	Landscape Protection
L2	Cotswold's AONB
LC5	Sport And Recreation Outside Settlement Boundaries
D1	Design
E10	Horse Related Development
T12	Transportation Development Control Policy for New Development

### **2.4 Supplementary Planning Guidance**

Advice Note 9 Development involving horses

## **3. RELEVANT PLANNING HISTORY**

- 3.1 None

## **4. CONSULTATION RESPONSES**

### **4.1 Sodbury Town Council**

Objects to the application on the basis of increased traffic and change of character to the area.

### **Other Representations**

### **4.2 Local Residents**

None received

## 5. **ANALYSIS OF PROPOSAL**

5.1 PPS7 generally supports equine related developments in the countryside provided that they maintain environmental quality and countryside character. Policy E10 of the South Gloucestershire Local Plan (Adopted) reinforces the view that '*proposals for horse related development ..... such as stables, will be permitted outside the urban boundaries of settlements*', subject to the following criteria being met.

- A. Development would not have unacceptable environmental effects; and
- B. Development would not prejudice the amenities of neighbouring residential occupiers; and
- C. Adequate provision is made for vehicular access, parking and manoeuvring and would not give rise to traffic conditions to the detriment of highway safety; and
- D. Safe and convenient access to bridleways and riding ways is available to riders; and
- E. There are no existing suitable underused buildings available and capable of conversion; and
- F. The design of buildings, the size of the site and the number of horses to be accommodated has proper regard to the safety and comfort of horses.

The proposal stands to be determined against the policies listed above and in the light of all material considerations, under the following headings

### 5.2 Environmental Effects

All matters relating to the erection of jumps and fences and vehicular movement and parking of moveable buildings or trailers will be strictly controlled by conditions.

5.3 The disposal of foul waste should be undertaken in accordance with the MAFF (now DEFRA) Code of Good Agricultural Practice for the Protection of Water and would be the subject of Environment Agency controls. Accumulated muck is bagged and subsequently disposed of off-site. The applicants have stated that the manure is used on the allotments in close proximity to the site and thus an amicable means of manure disposal has been reached. There are also to be no floodlights associated with the development.

5.4 The Council's Community Services department are satisfied that the proposals will not result in any water pollution. The burning of waste could be controlled by normal environmental health legislation. The environmental implications of the proposal are thus acceptable.

### 5.5 Impact on Residential Amenity

Due to the separation distance that would exist between the site and the nearest residential property (the nearest house is some 46 metres from the stable block) there are no residential amenity concerns.

### 5.6 Scale and Design

The scale of the proposed stable is modest and the design is simple. The materials include a dark roof and wooden walls in keeping with the site's rural setting. The stable has been erected very close to the existing boundary hedge



alongside Commonmead lane which offers significant screening from the surrounding area. The design of the stables is very common and is the type of design that is usually supported by the Council. There are therefore no design objections to the proposed scheme.

5.7 AONB & Landscape Issues

As above, the proposed stable block is small in scale and is to be constructed from simple natural materials. The stable block is well sited using an existing hedgerow to assimilate the building into the landscape.

5.8 In light of the above, it is considered that the proposal is unlikely to have any significant visual impact in the landscape, adversely affect landscape character or harm the natural beauty of the AONB and is therefore, in accordance with Policies L1, L2 and E10. Moreover, it is not considered that any significant landscape enhancement would be achieved by requiring additional planting in event of consent be granted.

5.9 Transportation

The retrospective proposal is to provide two stables for the keeping of horses. The access to the site will use an existing agricultural access of a lightly trafficked lane. Whilst it is accepted that the proposal would result in some additional traffic movements, these are likely to be minimal. Conditions will be attached to restrict any schooling, livery or business use which will limit the possibility of much increased traffic. Subject to the suggested conditions, there are no highways objections to the proposed scheme.

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 the application be approved subject to the following conditions;

### **Background Papers**      **PK07/2143/F**

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

### **CONDITIONS**

1. At no time shall the stables and the associated land be used for livery, riding school or other business purposes whatsoever.

Reason:

To protect the character and appearance of the area, and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The number of horses kept on the site edged in red shall not exceed 2.

Reason:

In the interests of the welfare of horses, to accord with the guidance of the British Horse Society; and Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

Reason:

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

3. No jumps, fences, gates or other structures for accommodating animals and providing associated storage shall be erected on the land.

Reason:

To protect the character and appearance of the area, and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. At no time shall horse boxes, trailers, van bodies and portable buildings or other vehicles be kept on the land other than for the loading and unloading of horses.

Reason:

To protect the character and appearance of the area, and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The entrance to the field shall be suitably surfaced with a bound surface material and it shall be maintained satisfactorily thereafter. All works adjoining to the public highway shall be completed to the full satisfaction of the Council's Street Care Manager.

Reason:

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

6. There shall be no parking of vehicles on the verge of Commonmead Lane, and parking of vehicles and turning facilities should be provided within the curtilage of the field.

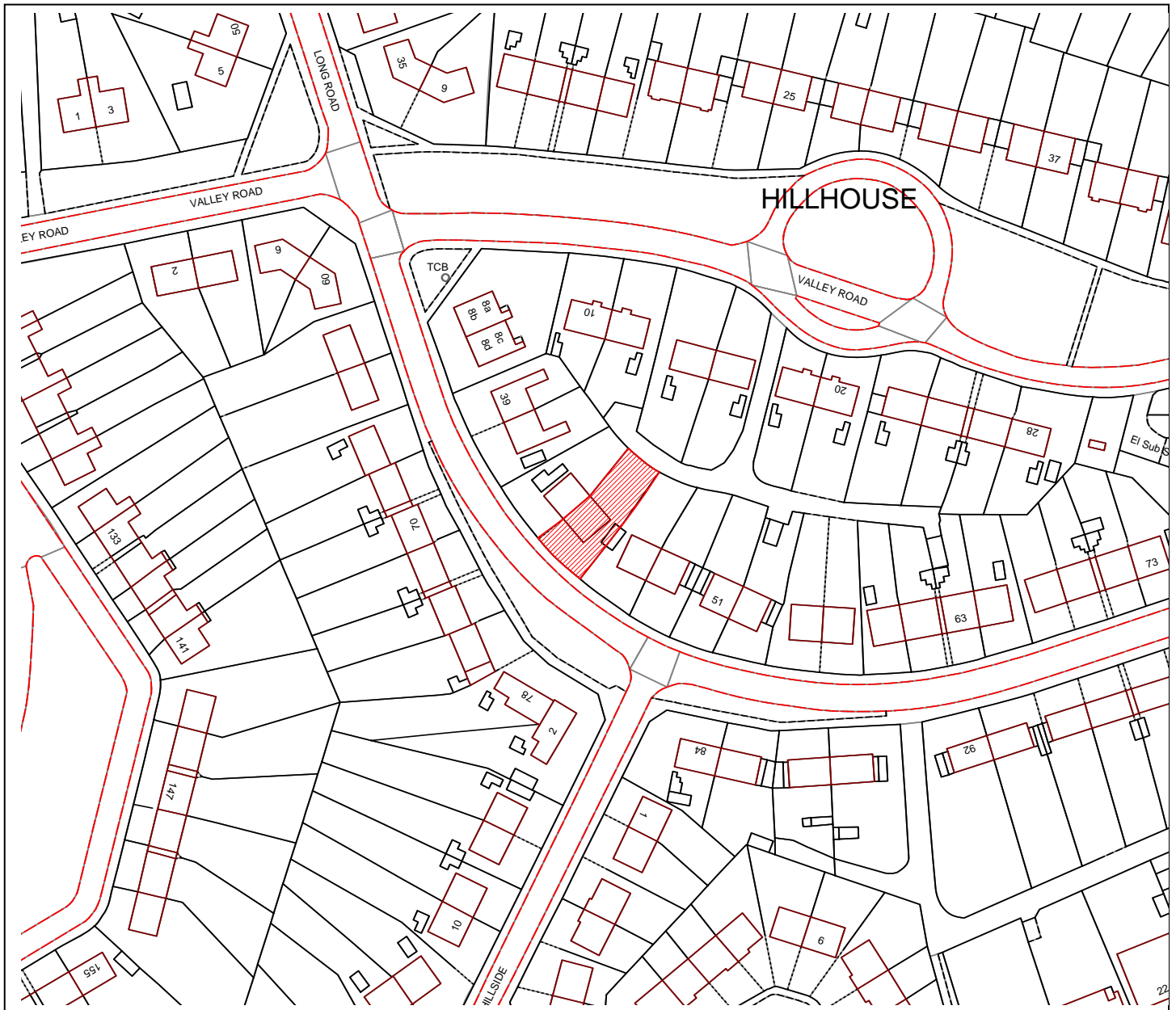
Reason:

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

**CIRCULATED SCHEDULE NO. 36/07 – 07 SEPTEMBER 2007**

**App No.:** PK07/2281/F  
**Site:** 45 Long Road Mangotsfield BRISTOL  
 South Gloucestershire BS16 9HW  
**Proposal:** Erection of a two storey side extension  
 and single storey front extension to form  
 additional living accommodation.  
**Map Ref:** 66092 76169

**Applicant:** Mr & Mrs Tucker  
**Date Reg:** 26th July 2007  
**Parish:**  
**Ward:** Rodway



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**N.T.S**

**PK07/2281/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 two storey extension to the side of the existing building and a single storey extension to form a porch to the front elevation. The two storey side extension will be set back from the main front wall of the host dwelling by 600mm and will be set down from the ridge by 300mm. The purpose of the extension is to create an additional bathroom and study at first floor and a garage and utility at ground floor.
- 1.2 The application site consists of a semi-detached property in a residential area of Mangotsfield. The dwelling is of a standard inter war design and is surrounded by residential properties of similar design.
- 1.3 During the course of the application, amended plans were requested from the agent to show a suitable amount of off street parking and also to amend the roof on the proposed porch. Amended plans have been received as requested.

### **2. POLICY CONTEXT**

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

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

- 3.1 No History

### **4. CONSULTATION RESPONSES**

- 4.1 Town/Parish Council  
The area is unparished

#### **Other Representations**

- 4.2 Local Residents  
Two letters of objection have been received from local residents. The points of concern are as follows;
  - The houses have been underpinned, there are mines under Long Road and swamp land still exists

- The design of any new buildings or alteration would be out of keeping with the character of the area and would have an overbearing impact on adjoining property.
- Have a detrimental impact on the amount of light entering the neighbours Landing window
- The proposed first floor study window will lead to a large loss of privacy on the neighbours rear deck
- The neighbour has poor health and the stress may affect their health

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan allows for development providing it is in keeping with the character of the area and providing a number of criteria relating to design, scale, highway and impact upon visual and residential amenities are met.

### 5.2 Design/Visual Amenity

The design of the two storey side extension is somewhat unusual in that it is wedge shaped. This is predicated by the shape of the curtilage on which the dwelling stands. As a result, the front of the extension has a width of 4.125 metres and the rear has a width of only 2.31 metres. Whilst the design is unusual, when viewed from the front elevation, the shape of the extension is not readily noticeable. It is also noticed that the neighbouring property has a similar wedge shaped side extension – although it is accepted that it is single storey only. It is considered by officers that to insist on a standard rectangular footprint would be unreasonable and would appear more visually intrusive. The two storey side extension is to be finished in materials to match the existing and will have windows that integrate with the existing structure.

The front porch is to have a simple lean too type roof and will match the canopy roof over the proposed garage door. There are a number of porches in the street scene and thus the addition of a porch at this address is considered to be entirely acceptable.

Subject to the attachment of conditions to restrict the use of suitable materials, the design of the extension is considered to be acceptable.

### 5.3 Residential Amenity

The proposed two storey extension will be contained entirely to the side of the existing dwelling. It is not therefore considered that it will have any overbearing effect on the amenities of the neighbouring properties. It is accepted that a neighbour is concerned that the study window will result in a loss of privacy for their rear garden. However, all dwellings in the area are semi-detached or terraced properties. There will be no additional levels of overlooking from the study window than currently exists from the first floor windows of the neighbouring properties. It is also accepted that a neighbour has a first floor landing window facing directly towards the application site and the neighbour is concerned that this window reduce the amount of light entering the landing. However, there is no right to light in planning terms, and given that a landing window is not a habitable room window, it is afforded minimal protection. Whilst it is accepted that the landing window may be overshadowed, this is of insufficient concern to justify a refusal.

The proposed front porch, by virtue of its small scale and distance from the boundary will have no impact on existing levels of residential amenity.

In addressing the neighbours concern relating to mines, swamps and underpinning – these issues would all be considered at building regulations stage when the structural integrity of the extension would be ensured. This is not for consideration as part of the planning application.

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

5.4 Transportation

Whilst the application shows a garage, it is accepted by the applicants and the case officer that it is not actually large enough to park a car inside. The purpose of the garage is for domestic storage. However, the revised plans show the provision of two off street parking spaces forward of the dwelling and thus adequate off street parking will be provided.

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 be approved subject to the following conditions;

Background Papers      **PK07/2281/F**

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

CONDITIONS

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

Reason:

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

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

Reason:

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

3. Two off street parking spaces must be provided on site prior to the first occupation of the extensions hereby permitted. The parking spaces must be maintained and available at all times thereafter.

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



**CIRCULATED SCHEDULE NO. 36/07 – 07 SEPTEMBER 2007**

<b>App No.:</b>	PK07/2291/ADV	<b>Applicant:</b>	Cws Retail Financial Serices
<b>Site:</b>	Co Op High Street Hanham BRISTOL South Gloucestershire BS15 3DR	<b>Date Reg:</b>	26th July 2007
<b>Proposal:</b>	Display of 3 No. internally illuminated fascia signs & 1 No. projecting sign with 4 no. non-illuminated fixed signs.(Resubmission of previous application PK07/1687/ADV)	<b>Parish:</b>	Hanham Parish Council
<b>Map Ref:</b>	64110 72453	<b>Ward:</b>	Hanham



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**N.T.S**

**PK07/2291/ADV**

## **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 3No. internally illuminated fascia signs, 1No. projecting signs and 4 No. non illuminated fixed signs.
- 1.2 The application property comprises of a recently constructed retail unit (granted planning permission in 2003). It is located on the north side of Hanham High Street. The façade of the building has been designed to be a pastiche of the Victorian architecture which can be seen adjacent to the site and elsewhere along the Hanham High Street.
- 1.3 This application is a resubmission following a refusal in July 2007 (PK07/1687/ADV). The difference between the two applications consists of a reduction in the depth of the signs and a reduction in the length of sign D on the southeast elevation of the building.

### **1 (A) BACKGROUND INFORMATION**

- 1.4 As noted above and in section 1.3 of this report, 3 No. illuminated fascia signs, which were very similar in scale and position to the 3 fascia signs proposed as part of this scheme, were refused in 2007. Therefore it is considered that in the determination of this application the refusal reason would have to be overcome.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPG 19: Outdoor Advertisement Control

#### **2.2 Development Plans**

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development

L 19: Display of Advertisements

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

- 3.1 PK02/2121/ADV Display of 3 No. internally illuminated fascia signs and 1 No. internally illuminated double-sided projecting sign.  
Approved: 12<sup>th</sup> September 2002
- 3.2 PK03/0144/ADV Display of 8No. various illuminated wall mounted signs and 2No. non illuminated free standing directional signs.  
Approved: 23<sup>rd</sup> February 2003
- 3.3 PK03/2312/ADV Display of 3 illuminated fascia signs.  
Refused: 5<sup>th</sup> September 2003 for the following reasons;
- 3.4 PK07/1687/ADV Display of 3 No. internally illuminated fascia signs & 1 No. projecting sign with 4 no. non-illuminated fixed signs.

Refused: 10<sup>th</sup> July 2007 for the following reasons:

*The proposed fascia and projecting advertisements by reason of their scale and position would appear as over dominant features on the shop front and as a result would be detrimental to the character and appearance of this modestly proportioned property on which they are to be displayed thus detracting from the visual amenity of the locality. The proposed advertisements are therefore contrary to Policy L19 of the South Gloucestershire Local Plan (Adopted) January 2006.*

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

##### **4.1 Hanham Parish Council**

Concern expressed that no changes appear to have been made in order to satisfy the terms within Policy L19 therefore the original objection should still stand. (The original objection rear: no immediate indication as to the brightness of the illuminated signs and its impact on residents living opposite the store, suggest that these are switched off when the store is closed for business).

##### **Other Representations**

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

No comments received.

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

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

As noted in paragraph 1.3 this application is a resubmission of a previously refused scheme. Therefore it is considered that in the determination of this application the reasons for refusal under PK07/1687/ADV would have to be overcome.

In assessing advertisement applications, Policy L19 of the South Gloucestershire Local Plan (Adopted) January 2006 is most relevant. Advertisements will normally only be allowed where they are not detrimental to visual amenity of the building or the immediate location in which they are displayed by virtue of size, siting, materials and illumination; and would not prejudice highway safety.

##### **5.2 Visual Amenity**

Planning permission is sought for the erection of a 3 No. internally illuminated fascia signs, 1No. projecting signs and 4 No. non illuminated fixed signs.

The 4No. non illuminated signs, which would be located around the perimeter of the building guiding customers to the car park, these are similar in size and position to the existing signs approved under PK03/0144/ADV. As a result they are not considered to harm the visual amenity of the host building or the locality.

In respect of the 3 No. internally illuminated signs, the dimension of these have been amended to comply with the advice letter following refusal in July 2007. The signs now measure 0.4 metres in height and sign D has been reduced in length so that it does project beyond the canopy on the south east elevation. As a result it is considered that the signs do not detract from the character and

appearance of this modestly proportioned property. Furthermore, the previous refusal reason has now been overcome.

5.3 Highway / Public Safety

The Council's Transportation officer has assessed the application raised no objection. There is no transportation objection to the proposed signs at this location.

5.4 Other matters arising – illumination

Concern was raised by the Parish Council that no indication of the brightness of the signs had been submitted and therefore a condition should be added to the decision notice requesting that the signs only be illuminated during the opening hours of the store. In line with this suggestion a condition will be appended to the Decision Notice in respect of this matter.

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 Advertisement consent be **GRANTED** subject to the following conditions:

**Background Papers**      **PK07/2291/ADV**

**Contact Officer:**      **Edward Purnell**

**Tel. No.**                      **01454 863056**

**CONDITIONS**

1. The illuminated advertisements hereby granted shall not be illuminated beyond the opening hours of the shop.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy L19 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 36/07 – 7 SEPTEMBER 2007**

**App No.:** PT07/1807/F  
**Site:** 75 Down Road Winterbourne Down  
 BRISTOL South Gloucestershire BS36  
 1BZ

**Applicant:** Mr J Payne  
**Date Reg:** 11th June 2007

**Proposal:** Erection of first floor rear extension to form bedroom and single storey rear extension to form extended kitchen/conservatory.

**Parish:** Winterbourne Parish Council

**Map Ref:** 65321 79666

**Ward:** Winterbourne



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100023410, 2007.

**N.T.S**

**PT07/1807/F**

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

## 1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a first floor rear extension to form a bedroom and single storey rear extension to form an extended kitchen/conservatory.
- 1.2 The application site relates to an end of terrace dwelling set within the settlement of Winterbourne. The dwelling is located facing onto the road, on a hill down from the main settlement.

## 2. POLICY CONTEXT

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design  
H4 Development within the Residential Curtilage

## 3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

## 4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council  
No objection

### Other Representations

- 4.2 Local Residents  
One letter of objection received, in summary
- Rear garden is terrace down with only Quarry Lane providing a barrier between the properties. As drawn the height of the roof line will restrict sunlight, dominate outlook and will be overbearing and disproportionate.
  - First floor windows would directly overlook garden resulting in a loss of privacy

## 5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development  
Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for extensions to residential dwellings subject to there being no adverse impact, in this instance, on the existing residential and visual amenities.
- 5.2 Residential Amenity  
The dwelling is an end terrace with the proposal being located 2.5 metres from the boundary of the adjoining dwelling, which also has a single storey rear projection. Given this distance and the rear projection of the adjoining

neighbours the proposal is not considered to cause an overbearing impact for neighbours. Similarly there are no windows which look directly into the adjoining neighbours habitable rooms. Given that the neighbour has a rear projection the conservatory would not result in an adverse impact for the adjoining neighbour.

Concern has been raised from the neighbour across the lane with regards to the potential overbearing impact and loss of privacy. In this regard the proposal is not considered to result in a significant affect above the existing. The proposal has an increased vertical height of 2 metres, with the pitched roof above that. The extension would be 7 metres from the boundary wall of the property across the road; this property is also located to the east of the site. Given this the proposal is not considered to cause an overbearing impact for the neighbours. Additionally concern has been raised that the side windows would result in a loss of privacy. One window would serve the landing; the second would serve a habitable bedroom. The views would be over the road at an oblique angle to any window of the neighbouring property. Given this the proposal is not considered to result in a significant loss of privacy that would justify the refusal of the application.

### 5.3 Design/ Visual Amenity

The proposed first floor extension would feature a pitched roof set down from the eaves height of the main roof by 2.1 metres. The proposal would extend over an existing slope ground floor rear projection. It is proposed to match stone work on the side elevation. Overall given the subservient nature of the proposal the addition is considered to be in character with the dwelling, and would not demonstrably harm the visual amenity afforded in the area.

### 5.4 Section 106 Requirements

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

- 7.1 Planning permission be approved subject to the following conditions:

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

**CONDITIONS**

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

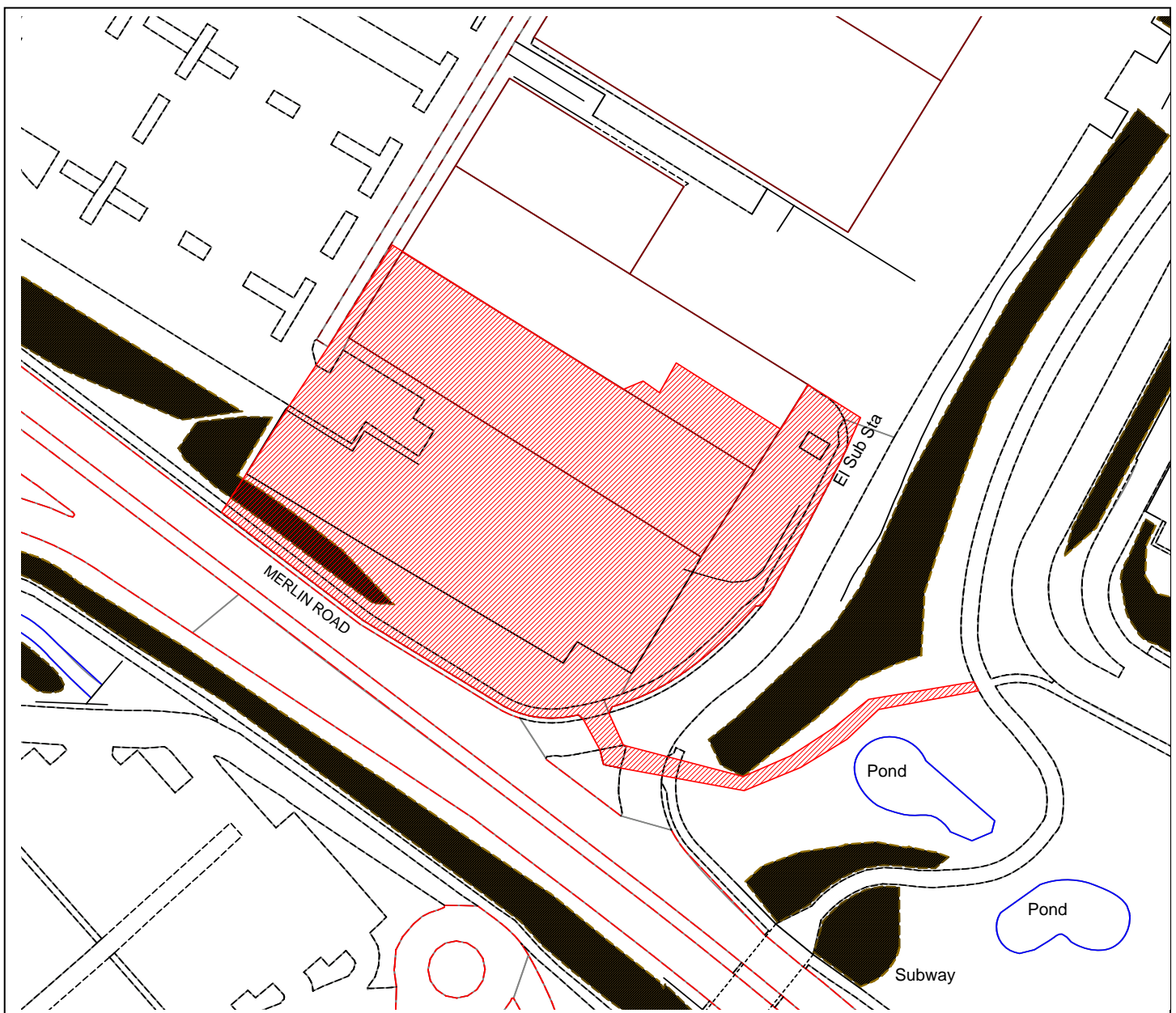
Reason(s):

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



## CIRCULATED SCHEDULE NO. 36/07 – 7 SEPTEMBER 2007

<b>App No.:</b>	PT07/1970/F	<b>Applicant:</b>	Prudential Property Investment Managers
<b>Site:</b>	Cribbs Retail Park Lysander Road Cribbs Causeway Bristol South Gloucestershire BS34 5UD	<b>Date Reg:</b>	28th June 2007
<b>Proposal:</b>	Demolition and alterations to existing units and the erection of 3 retail units (Class A1) with associated alterations to car park, service yard, landscaping and construction of new footpath.	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	58382 80821	<b>Ward:</b>	Patchway



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100023410, 2007.

DC0901MW

This planning application appears on the circulated schedule as it is a major planning application

## **1. THE PROPOSAL**

- 1.1 The site is within the Cribbs Causeway Retail Park which accommodates 13 retail units. The site consists unit 13 of the Cribbs Retail Park and an area of hard-standing located immediately to the Southwest. The unit is currently occupied by PC World currently over 2,200 sqm of retail floor space. The site is accessed from Lysander Road.
- 1.2 This application details the removal of unit 13 and the construction of a new building for the purposes of providing 3 new retail units (comprising of a replacement for the existing unit 13 plus new units 14 and 15. The accommodation comprises a total floor space of 4311 sqm.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPS6	Planning for Town Centres
PPG13	Transport

### **2.2 Development Plans**

Draft Regional Spatial Strategy  
Paragraphs 8.4.6 and 8.4.7

Regional Planning Guidance for the South West (RPG10)  
Policy EC6 Town Centres and Retailing

Adopted Joint Replacement Structure Plan  
Policy 39 Retail provision at Cribbs Causeway  
Policy 40 Location of retail development

South Gloucestershire Local Plan (Adopted) January 2006

Policy RT5	Proposals for Edge of Centre and Out of Centre Retail Development
Policy RT6	Proposals for Retail Development at Cribbs Causeway, Longwell Green and Filton Abbeywood Retail Parks
Policy D1	Achieving Good Quality Design in New Development
Policy T7	Cycle Parking
Policy T8	Parking Standards
Policy T12	Transportation Development Control Policy for New Development

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist September 2006

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PT06/3627/F Erection of 2 no. retail units (Class A1) with associated alterations to car park, service yard and landscape. Construction of pedestrian crossing and footpath.

Refused

*Duplicate Planning Application to the application detailed below*

- 3.2 PT06/2048/F Erection of 2 no. retail units (Class A1) with associated alterations to car park, service yard and landscape. Construction of pedestrian crossing and footpath. Currently subject to appeal against non-determination; had the LPA been in a position to do so, the application would have been refused
3. PT06/0607/F Demolition of existing warehouse to facilitate erection of new warehouse for A1 use to include mezzanine floor. Alterations to existing parking layout with construction of new car parking spaces.  
Approved 6<sup>th</sup> October 2006

*This approval is not directly related to this planning application. However, the applicant is making a comparison between the outcome of this planning application and the principles of this planning application*

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

4.1 Almondsbury Parish Council  
No Comments Received

4.2 Other Consultees  
Wessex Water – No Objection in Principle

4.3 Sustainable Transport  
No Objection subject to;

The proposed units being restricted to A1 non-food retail only

Visibility splays at a setback of 2.4 metres to be maintained to the junction with Merlin Road and at least 60 metres to the north

No Gates to be fitted to the Service access.

4.4 Police Architectural Liaison Officer  
No Objection

#### **Other Representations**

4.5 Local Residents  
No Comments Received

4.6 Local Businesses  
No Comments Received

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

5.1 The proposed development consists of the erection of a new building for the purpose of providing replacement and additional retail floors space in the form of three separate retail units.

## 5.2 Principle of Development

In accordance with the direction of PPS6, the Draft Regional Spatial Strategy for the South West and the Adopted Joint Replacement Structure Plan carry a presumption against the further development of new or within existing Out-of-Town Centre Shopping Centres in the South West Regions. The site has been identified in the Development Plan as an Out of Town Retail Centre.

## 5.3 Policy RT6, supported by Policy RT5 carries the presumption against new retail development within Cribbs Causeway. However, Policy RT6 does permit retail development within the defined Retail Part subject to compliance with criteria:

- It would meet needs which cannot be met in sequentially preferable locations; and
- It would make a positive contribution towards improving non-car circulation with the retail park; and
- It would make a positive contribution towards improving the physical and visual integration of the retail park; and
- It would be accessible to public transport users, pedestrians, cyclists and those with special mobility needs.

## 5.4 Sequential Test

The proposed development has a total retail floor space of 4311 sqm made up of 2201 sqm of ground floor space, and 2110sqm on a mezzanine floor. In this instance, the applicants submission argues that the development 'does not seek to create additional floor space on the site, and merely involves replacement of existing retail floor-space, through the reconfiguration of 2200sqm of existing ground floor plus 2110 sqm of mezzanine floor (which is available by way of an implemented Certificate Approval (PT05/2478/CLP)) within the existing Unit 13 (PC World). On this basis the applicants argue that the development is compliant with the tests of PPS6 in that it does not generate additional floor space and avoids the need to satisfy the sequential test, tests of retail need and retail impact.

## 5.5 This development proposal uses the same approach to the previously refused planning applications PT06/2048/F (currently the subject of appeal) and PT06/3627/F. However, the previous proposal sought to remove 2138sqm of existing mezzanine floor contained within the former Courts unit of the Cribbs Retail Park, and effectively relocating it within a new building adjacent to unit 13. In that instance the applicant argued that the proposal 'does not seek to create additional floor space on the site, and merely involves replacement of existing retail floor-space, through the removal of 2138sqm of mezzanine floor from the former Courts unit of the Cribbs Retail Park'

## 5.6 In reaching these arguments, the applicant has drawn a direct comparison with approved development affecting the former B&Q site on the Centaurus Retail Park (PT06/0607/F). That application was approved on the basis that the development replaces the existing building on the site, including the implemented mezzanine floor with a building that has a similar footprint and a similar size mezzanine within it.

## 5.7 Officers do not accept this argument as there is a fundamental difference between the development approved under PT06/0607/F and that proposed by this planning application. Essentially, this proposal includes the creation of a new built footprint to the Southwest of the existing buildings (as opposed to replacement footprint only). The potential for mezzanine floor-space present

- within the Unit 13 (and as with all cases) is exclusive to that unit and cannot itself be utilised as an independent retail unit; and so the re-use of potential mezzanine floor-space elsewhere within the retail park cannot be regarded as replacement floor-space. It is therefore considered that the proposed development would create new retail floor-space in addition to that existing on the Cribbs Retail Park. The proposed development would not meet the sequential tests, and the tests of retail need and retail impact as required by PPS6; and is therefore contrary to Policy RT5 and RT6 of the South Gloucestershire Local Plan (Adopted) January 2006; and the principle of the proposed development is unacceptable.
- 5.8 Notwithstanding the above, it is necessary to consider the detailed matters relating to the design and layout of the building and its relationship with the surrounding environment as well as transportation implications for the development. These are considered below;
- 5.9 Design and Access  
Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development is designed to a high standard and takes account of character and distinctiveness of the site and the surrounding locality. New development should also provide safe and accessible environments for its users. These principles are supported by Policy RT6 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 5.10 The existing Cribbs Retail Park is of no particular architectural merit. However the park has undergone recent environmental improvements. Generally the wider surrounding area is characterised by a very wide variety of buildings dominated by the Mall Regional Shopping Centre. The proposal details a replacement building that continues the basic curved roof form of the existing park, albeit over a larger span. The building also includes a canopy over external space, which would provide a semi-active frontage by way of including glazing on its Southwest elevation. It is considered that the proposed building makes better use of its location than the existing Unit 13 and would be clearly visible from the surrounding locality and highway network. The architecture is modern and typical of the current design precedent and construction techniques seen nationally in similar contexts. However, in visual terms, the building would make a reasonably positive contribution to the character and distinctiveness of this locality and is considered to be well designed. The proposed totem is very similar to that detailed within the previous planning applications (PT06/2048/F and PT06/3627/F). This is also considered to act in a reasonably positive way in this environment acting as a landmark feature.
- 5.11 As with the previous planning applications (PT06/2048/F and PT06/3627/F), the proposed development would provide a new pedestrian link between the Cribbs Retail Park and the Mall Shopping Regional Shopping Centre immediately to the East. In this submission the link would be covered for a short distance along side the Southwest elevation of the proposed unit 15. Although this link would take pedestrian users through a 'car-dominated' environment when walking between these areas, the implementation of such links is a positive element that would act to encourage more non-car circulation as advocated by Policy D1 and RT6 of the South Gloucestershire Local Plan (Adopted) January 2006. Notwithstanding the above, the position of the proposed structure is likely to require the construction of a retaining wall to contain the existing bank along Merlin Road. In order to ensure that this is appropriately treated from a visual perspective, further landscaping/design

details will need to be submitted and agreed. Given the fundamental policy objections as detailed above, this detail has not been requested.

5.12 It is therefore considered that the design of the proposed development is acceptable in its own right; subject to conditions addressing further information regarding the appearance/landscaping of any required earth retaining structure along Merlin Road.

5.13 Residential Amenity

There are no residential properties in close proximity to the proposed development. It is therefore considered that there would be no material impact upon the privacy and residential amenity of the occupants of nearby dwellings as a result of the proposed development.

5.14 Transportation

This application is fundamentally the same as the previous applications (PT06/2048/F and PT06/3627/F) in transportation terms. The assessment of this application therefore remains the same as the previous submissions, and is as follows;

5.15 Notwithstanding the principle assessment, there is no material increase in the Gross Floor Area within the Cribbs Retail Park as a result of the proposed development. However, there is a reduction in the number of parking spaces within the site as a result of the development. On the basis that the proposed development is for goods comparable with the other businesses in the Park, it is likely that the development would generate shared trips with users of the development also visiting other retail units on the park. The loss of this level of parking spaces is therefore not critical. The applicant has submitted a transportation assessment that is considered to be broadly acceptable and on that basis it is considered that there would be no material impact upon the level of traffic generated as a result of the proposed development.

5.16 Subject to the conditions referred to above and in paragraph 4.3 of this report it is considered that the development is acceptable in highway terms and is compliant with Policy T12 and T8 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.17 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)

5.18 Concluding Analysis

Having addressed the planning merits of this case, it is clear that the approach being taken by the applicant is principally the same as the previous planning applications (PT06/2048/F and PT06/3627/F). It remains to be considered that the proposed development does not represent replacement floor-space as claimed by the applicant. The development would introduce a new retail footprint in addition to that within the Cribbs Retail Park and as such is contrary to retail policy within the development plan framework. The previous refusal reason is therefore applicable to this planning application.

## 6. CONCLUSION

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

## **7. RECOMMENDATION**

- 7.1 That the proposed development be refused for the following reasons.

**Background Papers**      **PT07/1970/F**

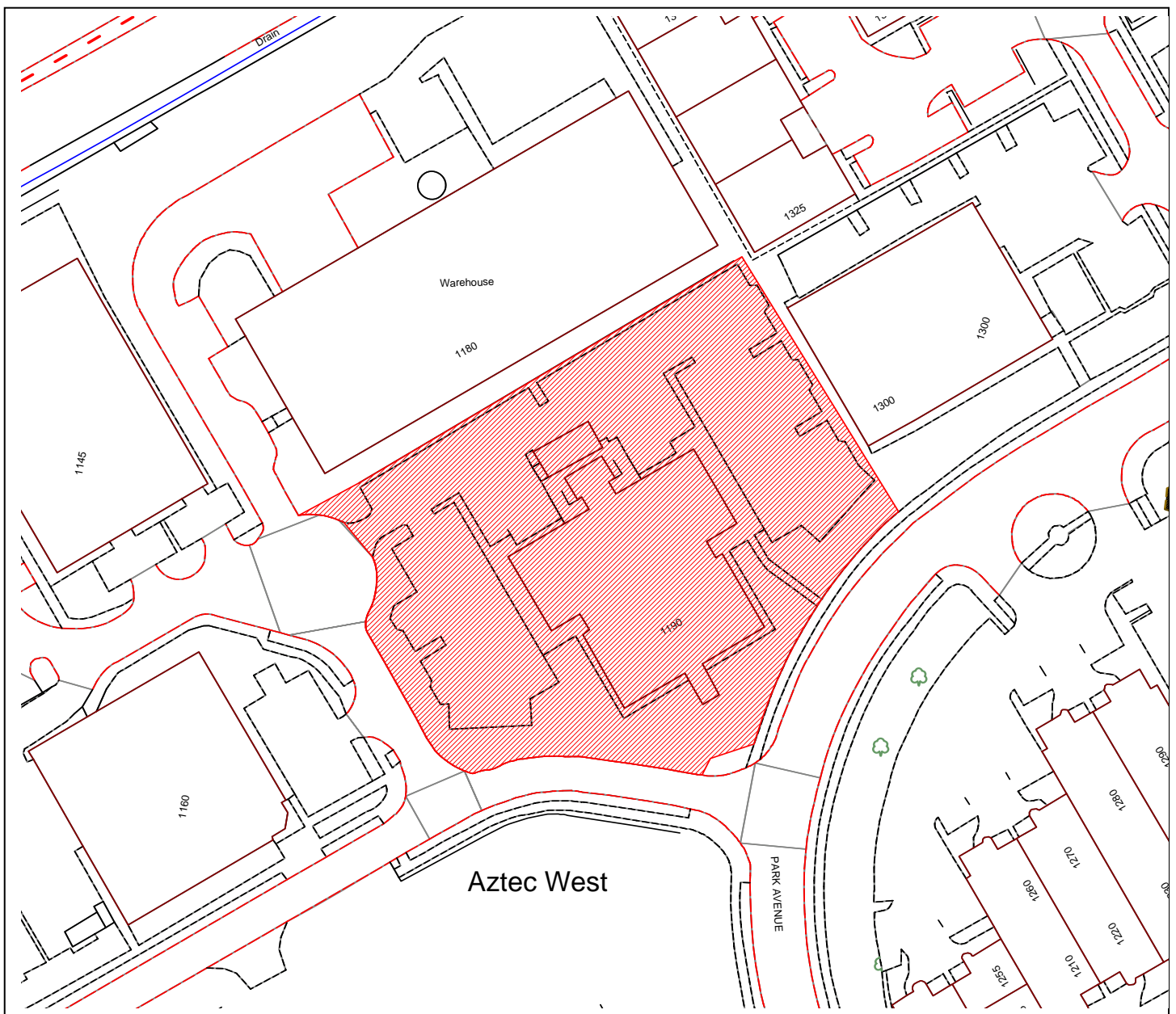
**Contact Officer:**    **Simon Penketh**  
**Tel. No.**                **01454 863433**

## **REFUSAL REASONS**

1. The proposed development would create new retail floor-space within the 'out-of-centre' retail area at Cribbs Retail Park. It is considered that the proposed development would not meet the sequential tests, and the tests of retail need and retail impact as required by PPS6; and is therefore contrary to Policy RT5 and RT6 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy 39 and Policy 40 of the Adopted Joint replacement Structure Plan.

**CIRCULATED SCHEDULE NO. 36/07 – 7 SEPTEMBER 2007**

<b>App No.:</b>	PT07/2045/F	<b>Applicant:</b>	Kenwright Developments (AW1190) Ltd
<b>Site:</b>	1190 Park Avenue Aztec West Almondsbury BRISTOL South Gloucestershire BS32 4AP	<b>Date Reg:</b>	4th July 2007
<b>Proposal:</b>	Refurbishment and external alterations to existing office unit, reconfiguration of existing car park, new office development, landscaping and ancillary works.	<b>Parish:</b>	Patchway Town Council
<b>Map Ref:</b>	59934 82715	<b>Ward:</b>	Patchway



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## **INTRODUCTION**

This application appears on the circulated schedule because the proposal is defined as major development.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission to refurbish an existing 2-storey office building and erect a 2-storey office building adjacent. A total of 1,264sq.m. of additional office floorspace is proposed.
- 1.2 The application site is situated within the established employment area as identified in the South Gloucestershire Local Plan (Adopted) January 2006.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG4	Industrial and Commercial Development and Small Firms
PPG13	Transportation

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

D1	Achieving Good Quality Design
L17/18	Water Environment
EP2	Flood Risk
T7	Cycle Parking
T8	Car parking
T12	Transportation
E3	Criteria for employment development
E4	Safeguarded employment areas

#### 2.3 Supplementary Planning Document Design Checklist SPD (adopted).

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

- 3.1 P89/0050/58 Erection of office building.  
Approved.

### **4. CONSULTATION RESPONSES**

- 4.1 Parish/Town Council  
No rep received.

- 4.2 Wessex Water  
Not located in sewered area.

- 4.3 Environment Agency  
No comment.

- 4.4 Highways Agency  
No objection subject to detailed Travel Plan.

- 4.5 Wales and West Utilities  
Standard comments.

## **Other Representations**

- 4.6 Local Residents  
No reps received.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The application site is situated within a safeguarded employment area (policy E4). The application comprises an existing employment site. The principle of refurbishment and development for employment purposes is supported by planning policy.

- 5.2 Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006 establishes criteria for assessing applications for employment development within safeguarded areas. In respect of this application, the development should ensure that there are no unacceptable environmental effects; adequate provision is made for servicing, delivery, parking and access; does not prejudice residential amenities; and that the site is well serviced by public transport (this links in to the objectives of policies T7, T8 and T12). In addition, the character of the area should not be adversely affected, this links in to the aim of policy D1 to secure a good quality design that respects context. In terms of the objective of policy E3 in aiming to achieve the maximum density allowing for a site's constraints, there is no conflict. Policies L17, L18 and EP2 should ensure that adequate drainage is provided. Having regard to the objectives of the above policies, the main issues can be summarised as:

- a) Design/visual impact.
- b) Transportation.
- c) Residential amenities.
- d) Drainage.

### **5.3 Design/visual impact**

Policy D1 seeks to ensure that all detailed design matters are informed by and respect the character and amenity of the site and locality. The context is of relatively modern, often contemporary, buildings of two and three storeys (primarily in office use) set within their own grounds that predominantly comprise landscaped car parks. The proposed development will not depart from this broad context. The height of development on the site will not be increased. The built form will be contemporary and has been confirmed as being acceptable by the Council's Urban Design Officer. The new-build office element represents a far smaller building of reduced height next to the principle retained building. The relationship between the two buildings is entirely appropriate and there will be no wider adverse visual implications within the estate. The changes to the principle retained building consisting of elevation alterations are acceptable.

- 5.4 It is clear that energy conservation has been considered in the design of the buildings; a BREEAM rating of "very good" is expected (supported by a preliminary BREEAM assessment) for the new-build element. A condition to secure BREEAM very good and a 10% reduction in CO2 emissions is recommended for the new-building element. The elevation treatment proposes a mixture of appropriate material. A condition to agree the specific materials is recommended.

5.5 The design of outside spaces is equally important. Policy D1 requires landscaping and external design elements to form an integral part of the development that should respect context and character. The existing landscape elements will, for the most part, be retained. A landscaping specification has been submitted in support of the application and this has been assessed by the council's landscape officers and is considered acceptable. Subject to an appropriate condition to secure the details of planting, the proposal is acceptable and achieves the retention of robust landscaping that forms a significant feature of the Aztec West estate.

5.6 Transportation

The proposal will result in an increase in floorspace. Due to the cumulative impact of potential re-development at Aztec West, a local highway improvement scheme has been identified. A contribution of £9,619.04 has been agreed between the council's engineer and applicant, to be secured by a legal agreement. Policy focuses on achieving alternative modes of transport to the car. In this respect, a Travel Plan is required that is consistent with the Aztec West Travel Plan Framework. A condition is recommended accordingly. A condition to secure appropriate implementation of the cycle parking is also recommended. Car parking is below the maximum standards stated in policy T8 and is acceptable.

5.7 Other matters

The proposal raises no adverse concerns for any of the adjacent employment sites. There are no residential neighbours nearby. A condition to agree drainage details is recommended.

5.8 Design and Access Statement

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

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, having regard to the above advice, the transportation improvements are appropriately the subject of a Section 106 Agreement (or appropriate alternative legal agreement) and would satisfy the tests set out in Circular 05/2005.

## 6. CONCLUSION

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

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

## **7. RECOMMENDATION**

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

a) A financial contribution of £9,619.04 towards highway works within the vicinity of the site.

Reason : to ensure that works to meet the transport needs engendered by the development are met in accordance with policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

(3) If the S.106 Agreement (or an appropriate alternative agreement) is not signed and sealed within 12 months of this determination then, in view of the length of time the application should either:

(a) Return to the Development Control Area Committee for reconsideration or alternatively.

(b) The application should be refused due to the failure to secure the Heads of Terms listed above under a section 106 agreement (or an appropriate alternative agreement), for the reasons listed in section (1).

### **Background Papers**      **PT07/2045/F**

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

## **CONDITIONS**

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

Reason(s):

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

2. No 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.

3. The tree protection hereby approved shall be provided prior to the clearance of the site and shall be maintained for the duration of the works.

Reason(s):

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

4. Development shall not begin until drainage details incorporating best management practices and the hydrological context of the development have been submitted to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details.

Reason(s):

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

5. Prior to the first occupation of the development hereby authorised a Travel Plan shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use; or otherwise as agreed in the travel plan.

Reason(s):

To encourage means of transportation other than the private car, to accord with Policy T10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. 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.

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 T6, T7 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. 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, 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/L1/E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Prior to the commencement of development, detailed plans showing the provision of cycle parking facilities in accordance with the standards set out in Policy T7 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.

9. The new-build office development hereby approved shall be constructed to a BREEAM standard of 'very good.' A formal assessment pre-construction or following construction shall be undertaken by a licensed BREEAM assessor and a copy of the assessor report and BRE certificate shall be submitted to the Local Planning Authority prior to the first occupation of the building.

Reason(s):

To ensure the development minimises the use of energy and natural resources as required by PPS1 and its draft supplement Planning and Climate Change, SGLP Policy D1, the South Gloucestershire Design Checklist, and the draft Regional Spatial Strategy for the South West of England Policy G.

10. No development shall take place until a scheme for renewable energy that will reduce regulated CO2 emissions from energy use by the users of the new-build office development by a minimum of 10% has been approved in writing by the Local Planning Authority. The scheme so approved shall be implemented and retained in the manner described in the details agreed by reason of this condition.

Reason(s):

To reduce CO2 emissions and to maintain reliable and competitive energy supplies in accordance with PPS1, the draft supplement to PPS1 - Planning and Climate Change, The South Gloucestershire Design Checklist and the draft Regional Spatial Strategy for the South West of England Policy RE5.

**CIRCULATED SCHEDULE NO. 36/07 – 7 SEPTEMBER 2007**

**App No.:** PT07/2068/F

**Applicant:** St Michaels Church  
Pre-School

**Site:** The Vicarage 24 North Road Stoke  
Gifford BRISTOL South Gloucestershire  
BS34 8PB

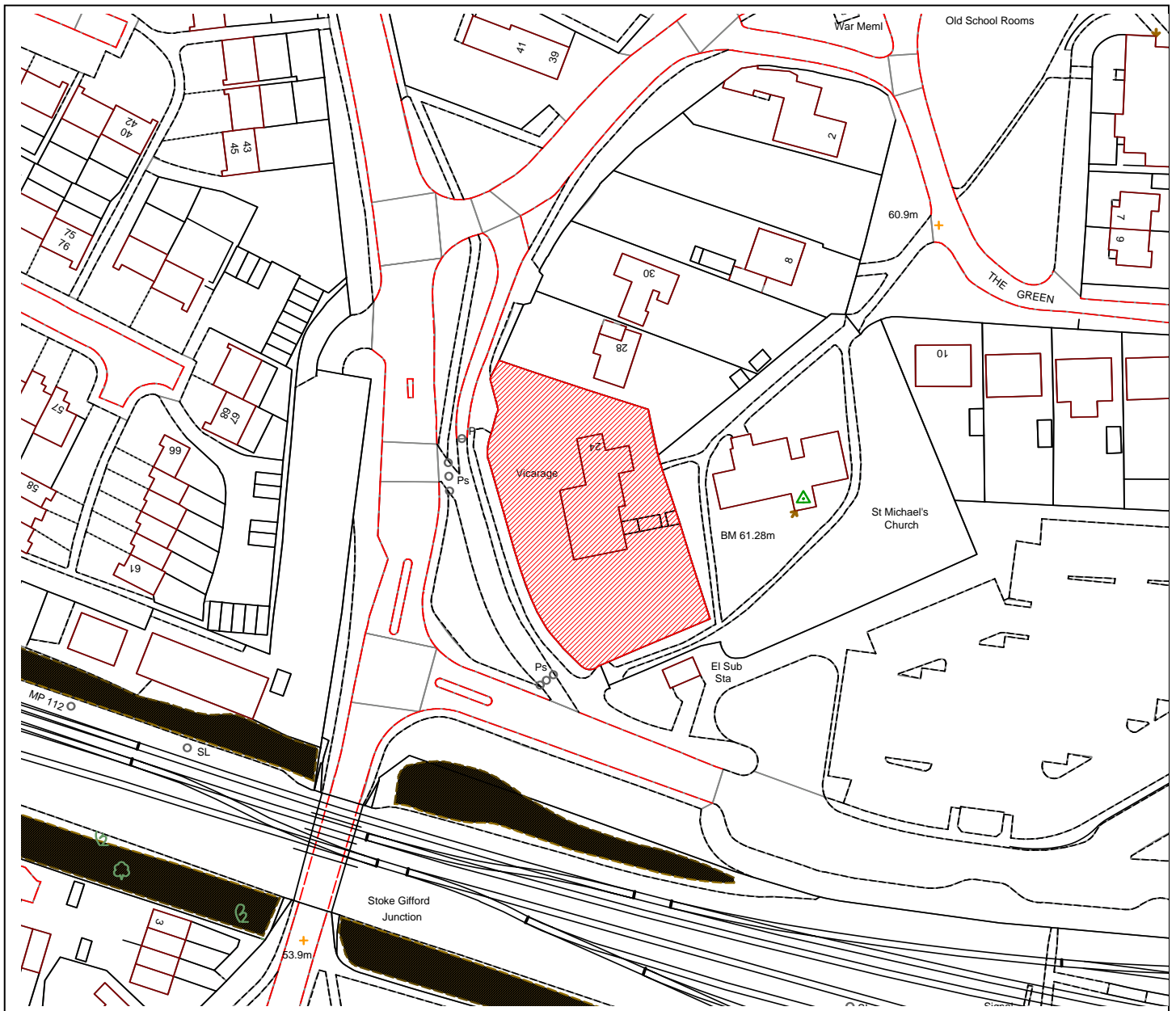
**Date Reg:** 6th July 2007

**Proposal:** Change of use from dwelling (Class C3)  
to child's day care centre (Class D1) as  
defined in the Town and Country  
Planning (Use Classes) Order 1987 (as  
amended).

**Parish:** Stoke Gifford Parish  
Council

**Map Ref:** 62223 79698

**Ward:** Stoke Gifford



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100023410, 2007.

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The application appears on the Circulated Schedule in view of concerns expressed by the Parish Council and two local residents.

## **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the change of use of a former vicarage to provide a child's day nursery. The proposal would provide 58 places for children aged 8 and under for St. Michael's pre school; currently housed within the nearby Old School Rooms.
- 1.2 The application site forms the Grade II listed former vicarage (empty since October 2006) stood alongside St. Michael's Church and adjacent to the entrance of Bristol Parkway railway station.
- 1.3 The application was accompanied by application PT07/1999/LB which was approved last month.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1: Delivering Sustainable Development  
PPG15: Planning and the Historic Environment
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1: Achieving Good Quality Design in New Development  
L13: Listed Buildings  
LC4: Educational and Community Facilities within Existing Residential Areas  
T7: Cycle Parking  
T8: Parking Standards  
T12: Transportation Development Control Policy for New Development

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PT07/1999/LB: Internal works to include the re-opening of original doorways from annex to main house and provision of additional toilet within annex. Permitted: 20 August 2007

## **4. CONSULTATION RESPONSES**

- 4.1 Stoke Gifford Parish Council  
No objection in principle to change of use, but very concerned about the use of the front entrance for access due to vehicles reversing
- 4.2 Other Consultees  
Environmental Services: no objections in principle but recommends that the opening hours are restricted to 'sociable hours' to protect residential amenity
- 4.3 Sustainable Transport  
No objections subject to conditions regarding the proposed turning head and the provision of secure undercover cycle storage facilities
- 4.4 Summary of Local Residents Comments:  
Two letters received expressing the following concerns:



- Alterations to the vehicular access to The Vicarage will be required to avoid further congestion at the North Road/ Hatchet Road junction;
- The entrance to The Vicarage was changed when Parkway Railway station was redeveloped;
- This junction provides the only access to Stoke Gifford village- within which many new houses have been built;
- Are that many play rooms required?
- Provision of a baby room indicates they will be running a private nursery as opposed to the current play group housed within The Old School Rooms.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy LC4 cites that proposals for the expansion of community facilities within the existing urban areas will be permitted provided that:

- Proposals are located on sites which are highly accessible by foot/ bike;
- Development would not unacceptably impact on residential amenity;
- It would not have an unacceptable environmental/ transportation impact;
- The proposal would not give rise to unacceptable levels of on street parking to the detriment of the amenities of the area and highway safety.

### 5.2 Policy L13 cites that development including alterations or additions affecting a listed building or its setting will not be permitted unless:

- The building and its setting would be preserved;
- Features of architectural or historic interest would be retained;
- The character, historic form and structural integrity of the building would be retained.

### 5.3 Finally, policy T12 advises that development will be permitted provided that, in terms of transportation, it (relevant to this case):

- Provides adequate safe, convenient, attractive and secure access;
- Provides safe access capable of accommodating traffic generated;
- Would not create, or unacceptably exacerbate traffic congestion, or have an unacceptable effect on road, pedestrian and cyclist safety;
- Would not generate traffic to the detriment of residential amenity;
- Does not obstruct any existing emergency access.

### 5.4 The Proposal

The Vicarage comprises a Grade II listed building which has been empty since October last year. The application seeks approval for its change of use to allow for the under 8 child's day centre which is currently housed within the nearby Old School Rooms. Within the Design and Access statement, it is cited that the proposal would cater for the expanded accommodation needed in view of Government changes to the funding provision for children and working parents.

### 5.5 The proposal would cater for 58 children thus providing an increase from the 24 places currently available. This increase would occur over an 18 month period with 34 places to be provided by January 2008 and increased to the full number by June 2009. The proposed opening hours are detailed as Monday to Friday 8.00am to 18.00pm with staggered start and finish times, (opening hours are currently Monday to Friday 9.15am to 15.15pm).

### 5.6 The proposal would require minimal building works and no structural alterations with all existing rooms utilised in their present form. In this regard, ground floor

accommodation would provide for three playrooms, a kitchen area, utility and office. First floor facilities would comprise four further playrooms and a baby room with a new staff toilet formed within the existing kitchen area. Changes secured at the time of the listed building submission would however allow the replacement of the unsightly garage door with a window with the window at the rear of the garage opened up to provide a new doorway.

5.7 Externally, the property benefits from a large walled garden to the south side of the building that would provide an outdoor play area. Further, the existing drive that sweeps around the front of the house would provide sufficient space for vehicle parking and turning albeit with the introduction of a small turning head.

5.8 Analysis of Proposal: Accessibility of Site

The site occupies a readily accessible location within easy walking distance of a wide catchment area and close to a large number of bus routes (accessed either along Hatchet Road or via Bristol Parkway railway station). The proposal is therefore considered to accord with this policy requirement.

5.9 Residential Amenity

The application site benefits from a relatively isolated position by virtue of its siting in front of St. Michael's Church and alongside Bristol Parkway station. As such, adjoining residential properties are restricted to that to the north side of the application site; this comprising a single-storey detached bungalow.

5.10 Having regard to the impact of the proposal on this property, an existing 3m high (approx.) laurel hedge runs the length of this boundary whilst it is noted that the proposed site plan provides outdoor play space to the far side of the host dwelling. As such, the area to this side of the application site comprises vehicle access and parking space with the existing grassed area also retained.

5.11 In view of the above, and subject to planning conditions preventing weekend and bank holiday openings, it is not considered that any significant adverse impact in residential amenity would be caused.

5.12 Highway Safety

Given that the proposal provides for the relocation of an existing use (albeit on a smaller scale) from a base approximately 100m away, it is considered that there can be a degree of confidence in the travel survey submitted. This shows a high percentage of parents/ children walking to the premises; largely due to the short distances involved given the high level of local demand for the facility.

5.13 In view of the above, there is no transportation objection to the proposal. This is subject to conditions requiring further details of the optional turning head that must be provided and details in respect of secure and covered cycle parking.

5.14 Design and Access Statement

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

## 5.15 Section 106 Requirements

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

**Background Papers**      **PT07/2068/F**

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

## CONDITIONS

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

Reason(s):

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

2. All new external and internal works and finishes, and works of making good, shall match the existing original building in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved.

Reason(s):

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

3. Large scale details of all new doors and windows detailing shall be submitted to and approved in writing by the Local Planning Authority before works are commenced on

site. The development shall then be carried out in accordance with these approved details.

Reason(s):

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

4. Opening hours shall be restricted to 8.00- 18.00 with the Pre-School closed at weekends, public and bank holidays. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason(s):

To safeguard the amenity of the locality, and to accord with Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. No development shall take place until an area for the turning of vehicles has been provided in accordance with details submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details with the turning area kept clear at all times for the manoeuvring of vehicles.

Reason(s):

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

6. Prior to the commencement of development, plans detailing the siting and type of cycle storage proposed shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these details with the cycle storage facilities provided prior to the opening of the Pre-School and thereafter retained exclusively for that purpose.

Reason(s):

To encourage means of transportation other than the private car, to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. The facility hereby approved shall cater for no more than 58 children at any one time.

Reason(s):

To protect the amenities of the occupiers of nearby dwelling houses, and in the interests of highway safety to accord with Policy LC4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 36/07 – 7 SEPTEMBER 2007

<b>App No.:</b>	PT07/2154/F	<b>Applicant:</b>	N Carter
<b>Site:</b>	Emlett Cottage Earthcott Green Alveston BRISTOL South Gloucestershire BS35 3TA	<b>Date Reg:</b>	12th July 2007
<b>Proposal:</b>	Erection of 6 no. 6m high floodlights. Erection of storage building, hay barn and stable extension and reconfiguration to provide 6 no. stables (this element retrospective).	<b>Parish:</b>	Tytherington Parish Council
<b>Map Ref:</b>	65696 86221	<b>Ward:</b>	Ladden Brook



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This application has been placed on the Council's Circulated Schedule due to objections from local residents and the Parish Council.

## **1. THE PROPOSAL**

- 1.1 This full application relates to the following:- erection of 6 no. 6m high floodlights; erection of storage building and hay barn; erection/reconfiguration of stables to provide 6 no. stables (this element retrospective) on land at Emlett Cottage, Earthcott Green, Alveston.
- 1.2 The floodlights are required for the lighting of the ménage, granted planning permission in 2006, to enable it to be used throughout the winter months. It is not intended to use the floodlighting and arena after 21.00 hours. The wooden lighting poles have already been erected.
- 1.3 The proposed storage building measures 8m in length, 3m in width and has a ridge height of 3m. The hay barn measures 13m in length, 5m in width and has a ridge height of 4m. Both buildings are of steel frame construction with profiled pvc coated galvanised steel cladding and roof. They are to be sited on the existing hardstanding area, adjacent to the stable building and ménage. The application addresses current enforcement issues regarding complaints about two mobile lorry storage units which have been on the site for six years. These are to be removed as part of the application.
- 1.4 The stable building was originally granted consent for 4 loose boxes under planning permission P98/2846. The number of loose boxes has increased to 6 with a small tack room and under cover area for shoeing and vet purposes. These buildings are arranged along the north and eastern corner of the site, adjacent to the boundary. The north and south elevations of the building are of masonry construction with a rough cast screed finish. The east and west elevations are of stained tongue and groove timber. The roof is of timber board, covered in green roofing felt.
- 1.5 The number of horses has increased from 3 to 6 and the use of the site is purely for private use.
- 1.6 The application site lies within the Bristol Green Belt and is outside any defined settlement boundary.
- 1.7 The application has been submitted in order to address current enforcement issues regarding complaints about two mobile lorry storage units which have been on the site for six years. These are to be removed as part of the application. The application also intends to regularise the increased size of the stable block and the erection of 6 floodlighting poles.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPS7	Sustainable Development in Rural Areas

### **2.2 Development Plans**

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

Policy 16 Green Belts

2.3 South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
L4	Forest of Avon
L9	Species Protection
EP1	Environmental Pollution
GB1	Development Within the Green Belt
T12	Transportation Development Control Policy for New Development
E10	Horse Related Development
LC12	Recreational Routes

2.4 Supplementary Planning Guidance

Design Checklist (to be adopted)  
Development in the Green Belt (Adopted)

**3. RELEVANT PLANNING HISTORY**

- 3.1 P98/2860 Change of use of land for keeping of horses. Erection of stables.  
Approved 1 June 1999.
- 3.2 PT06/2846/F Creation of ménage for personal use.  
Approved 10 November 2006.

**4. CONSULTATION RESPONSES**

4.1 Tytherington Parish Council

Object to the proposal on the grounds that the floodlights will result in significant light pollution in a rural area.

Other Consultees

- 4.2 Sustainable Transport  
No objection.

**Other Representations**

4.3 Local Residents

6 letters have been received, 1 in support of the application and 5 (from 3 different residents) objecting to the proposal on the following grounds:-

- a) conditions restricting floodlighting were imposed on the previous application PT06/2846/F;
- b) light pollution;
- c) visual impact;
- d) potential impact on wildlife;
- e) lighting would change character of the area;
- f) lighting would adversely affect the habitat of owls and slow worms in the locality;
- g) visual impact of poles represents an industrial/commercial character to the immediate area;
- h) poles have been erected without planning permission;
- i) scale of development is more commercial than personal;
- j) would not protect character and appearance of the area and contrary to policy;

- k) further clarifications should be sought from the Council's Street Lighting Engineer with regard to submitted calculations and comments;
- l) use of ménage will be a disturbance;
- m) set a precedent;
- n) obtrusive development as a whole.

Of the above, the issue of precedent is not a relevant planning consideration as all applications are assessed on their own merits and against the development plan. With regard to the use of the ménage, this has already been granted planning permission.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The principle of the land being used for the keeping of horses and the erection of stables has already been accepted by virtue of planning permission P98/2860. Planning permission PT06/2846/F also allowed for the construction of a ménage. This application seeks to regularise a number of issues, in particular to overcome conditions imposed on the previous consents relating to allowing the number of horses increased from 3 to 6; the floodlighting of the ménage and the erection of storage buildings.

- 5.2 In assessing applications for horse related development, advice contained within PPG2 and PPS7 is particularly relevant. This advice supports equine enterprises that maintain environmental quality and countryside character. Furthermore, as the use is for the personal use of the applicant, such a use within a Green Belt is not inappropriate as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. This advice is reflected in Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006. This policy allows for horse related development provided the following policy criteria are complied with:-

#### **A. Development would not have unacceptable environmental effects;**

The additional stable building and hay barn/storage shed are considered acceptable in environmental terms. The use of the land for the keeping of horses is already established and such a use is acceptable in Green Belt terms. The floodlighting and ecological issues will be discussed separately below under parts 5.3 and 5.4 of this report.

#### **B. Development would not prejudice the amenities of neighbouring residential properties;**

The nearest property to the application site is that of Emlett Farm, some 25m away. This property is already screened from the development by existing storage buildings associated with the farm and will be further screened from the development by the existing stable block. The storage buildings are located sufficient distance away and will have a maximum ridge height of 4m which will ensure that they are not unduly obtrusive within the landscape. They are also to be sited within the existing yard and are well related to the existing stable block. The overall visual amenities of the area will be improved by the replacement of the existing lorry body storage units with purpose built structures. With regard to the floodlighting element, this will be discussed as a separate issue below. In terms of the other elements of the proposal the development will not adversely



impact upon any neighbouring visual or residential amenity to a significant extent and as such complies with this criterion.

**C. Adequate provision is made for vehicular access, parking and manoeuvring and would not give rise to traffic conditions to the detriment of highway safety;**

Access to the site was agreed and implemented under the previous planning application and is to remain as existing, off Earthcott Road, into the stable yard and through an existing field access. The proposal therefore complies with this condition.

**D. Safe and convenient access to bridleways and riding ways is available to riders;**

The application site lies directly on a recreational route where walking, cycling and horseriding are encouraged. Numerous other routes exist within the immediate locality of the site. The proposal therefore complies with this criterion.

**E. There are no existing suitable underused buildings for conversion;**

There are no other existing, underused buildings suitable for conversion on the site.

**F. The design of buildings, the size of the site and the number of horses to be accommodated has proper regard to the safety and comfort of horses.**

A restriction on the number of horses to be accommodated on the site was imposed by the 1998 planning permission and was not to exceed 3. This was due to the restricted size of the site and possible overuse that would have resulted with an increase in number. However, since that application the applicant has purchased an additional 8 acres of land and a further 3 which are rented within the locality of the site. The site currently accommodates six horses. Where no stable is provided, the British Horse Society recommends that between 1 and 2 acres (0.4 – 0.8 ha) of pasture can provide grazing for a single horse through the Summer months in normal circumstances. All horses will however require additional feed from October to March. The site and other additional land within the ownership/ in use by the applicant can therefore accommodate a maximum 6 horses, especially as stabling is also provided. Moreover, as the site has a ménage, the land will not be overused for exercise purposes. The applicant has also confirmed that the proposal will not be used for any commercial use but is purely for the personal use of the applicant. This was a condition of the previous planning permission.

The size of the stable building is in compliance with the British Horse Society recommendations in terms of internal head height and floor area. The appearance of the proposal is also considered acceptable. The stable block and hay barn/storage buildings are clearly agricultural in design and typical of a rural location. The new buildings are also to be green/grey in colour. However, a condition will be imposed requiring the precise shade of the proposed colours to be used.

The proposal therefore complies with policy E10 in its entirety and is acceptable.

### 5.3 Floodlighting Issues

A condition was imposed on the previous application restricting any floodlighting to the ménage. This was to ensure that the Council had control over any future floodlighting and could assess any proposal thoroughly. As such the application has been accompanied by comprehensive lighting details.

Advice contained within The Institute of Lighting Engineers “Guidance Notes for the Reduction of Obtrusive Light” categorises areas into different environmental zones, ranging from E1 to E4. Category E1 relates to intrinsically dark landscapes, such as National Parks and Areas of Outstanding Natural Beauty. Category E2 relates to low district brightness areas typically including rural and small village locations and it is considered that the application site falls within this category.

The application has been accompanied by detailed lighting information including light spill calculations. The luminaire proposed has a Zero upward light ratio so that it complies with Zone E1 requirements. In this respect the luminaire can be mounted in two ways, either by a stirrup version that is adjustable, or a fixed bracket. To ensure that Zero upward light ratio is maintained, the luminaires are asymmetric and set parallel to the ground. In this respect a fixed bracket would ensure that the luminaires are always fixed parallel with the floor and cannot be moved from that position.

The lighting details and light spill calculations have been assessed by the Council’s Lighting Engineer. It has been confirmed that considering the distance from nearby properties, the vertical illuminance details and the type of lanterns used (asymmetric, face down and parallel to the ground), the impact of the proposed lighting on nearby residential properties will be minimal. According to the ILE recommendation for the reduction in light pollution, the proposed lighting meets with their requirements.

The following additional points are also made:-

- the lights will not be used after 9pm and only during part of the year (the standard curfew is 11pm when the more strict requirements are in force);
- the ménage is for personal use only;
- the Upward Light Ratio (ULR) is 0.5%. In E2 areas the ULR should be less than 2.5%;
- glare has been kept to a minimum by installing lanterns with asymmetric beams and front glazing being kept parallel to the ground;
- the maximum of the source intensity at Gate Farm Barns is 138cd (E2 pre curfew should be less than 7500cd);
- the horizontal illuminance on the ground has been kept to minimal – it is below 0.1 lux approximately 20m away from the closest building of Gate Farm Barn;
- some of the cottages around the area (including Gate Farm) have halogen floodlights installed with symmetric beam light, are not facing downwards and in which case would cause greater light pollution than the proposed lighting to the ménage;
- no blocking effects have been applied for the lighting design (trees, tractors, buildings, fences) and as such the actual lighting levels would be lower than shown.

It is accepted that the floodlighting will have an impact upon the surrounding area to a degree. However, due to the small scale of the proposal, its personal use, seasonal use of the floodlighting, restriction on lighting times and design of the floodlighting it is considered that the proposal is acceptable in terms of visual amenity and will not compromise the Green Belt to such an extent as to warrant a refusal.

As such the proposal is considered acceptable in lighting terms and in accordance with policies D1 and EP1 of the adopted Local Plan.

#### 5.4 Ecological Issues

The issue of the effect of the floodlighting on slowworms and owls has been referred to the Council's Ecological Officer. It is considered that the floodlighting of the ménage will not unduly impact upon any local slowworm population. These animals are torpid and hibernate during the Autumn/Winter months when the lighting will be most in use.

Owls are potentially more affected and while there are no records to indicate the presence of owls in the vicinity of Emlett Cottage, this does not mean that they are not present in the locality. However, the habitat surrounding the application site does not appear hugely promising as it is mainly close-grazed. Owls preferentially hunt over rough grassland as it provides cover and habitat for small mammals. The hedge along the eastern boundary of the site appears robust and could conceivably be used as a flight path. As a precautionary measure, it is suggested that if planning permission is granted, a time limit be imposed on the use of the floodlighting and that any light is directed downwards and away from the eastern hedge. This can be a condition of any consent.

#### 5.5 Design and Access Statement

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

#### 5.6 Section 106 Requirements

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

## 6. CONCLUSION

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

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

## **7. RECOMMENDATION**

- 7.1 Planning permission be granted.

### **Background Papers**      **PT07/2154/F**

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

### **CONDITIONS**

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

Reason(s):

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

2. The number of horses kept on the site edged in red shall not exceed 6.

Reason(s):

In the interests of the welfare of horses, to accord with the guidance of the British Horse Society; and Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The floodlighting hereby permitted shall not operate beyond 21.00 hours.

Reason(s):

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

4. Building operations shall not be commenced until details of the colour finish of the roofing and external facing materials to the storage building and hay barn have been submitted to and approved by the Council and the colour finish to be used in construction of the buildings hereby authorised shall conform to the details so approved.

Reason(s):

To ensure a satisfactory standard of external appearance and to accord with Policies D1 and E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The floodlighting of the menage shall be in accordance with the details submitted to the Council on 21 August 2007. For the avoidance of doubt the lanterns shall be fixed and asymmetrical.

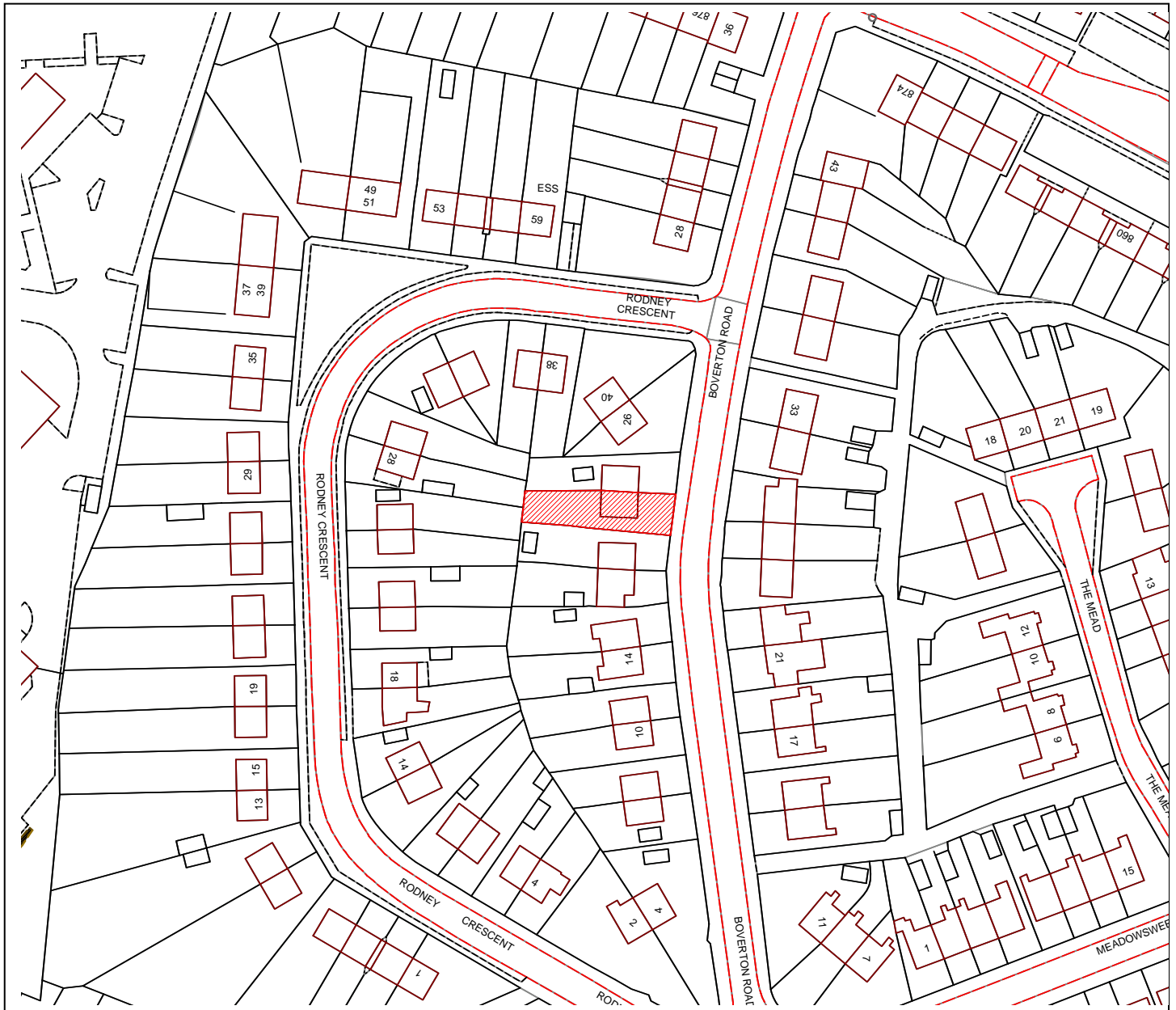
Reason(s):

To minimise disturbance to occupiers of nearby properties and to accord with Policies D1 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 36/07 – 7 SEPTEMBER 2007**

**App No.:** PT07/2263/F  
**Site:** 22 Boverton Road Filton BRISTOL  
 South Gloucestershire BS34 7AH  
**Proposal:** Erection of single storey rear extension  
 and 2 storey side extension to facilitate  
 conversion of existing dwelling to 2 no.  
 flats with associated works.  
**Map Ref:** 60502 79540

**Applicant:** Mr A Lounis  
**Date Reg:** 24th July 2007  
**Parish:** Filton Town Council  
**Ward:** Filton



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**N.T.S**

**PT07/2263/F**

The application appears on the Circulated Schedule in view of the comments received from Filton Town Council and the eleven letters of objection received.

## **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the conversion of an existing dwelling to provide two flats. The proposal would necessitate a two-storey side extension and single-storey rear extension to facilitate the works proposed.
- 1.2 The application site comprises a semi-detached two-storey dwelling on the west side of Boverton Road, Filton.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPG3	Housing
PPG24	Planning and Noise

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

D1	Achieving Good Quality Design in New Development
H4	Development within Residential Curtilages
H5	Residential Conversions
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy for New Development

## **3. RELEVANT PLANNING HISTORY**

- 3.1 None

## **4. CONSULTATION RESPONSES**

### **4.1 Filton Town Council**

Object: 'Over intensive. Filton Town Council object to the increasing number of family homes being converted into flats. Recommend that a planning condition is added to incorporate a service contract to manage the upkeep of the gardens. Recommend site visit.'

### **4.2 Other Consultees**

Environmental Services: no objections in principle

### **4.3 Sustainable Transport**

No objection subject to the following conditions:

- Details are required to ensure that the twin bin system is acceptable;
- A financial contribution of £900 is required in order to mitigate the highway impact of the proposal on the wider transport network
- The proposed parking shall be finished with a bound surface and retained as such.

## **Other Representations**

### **4.4 Summary of Local Residents Concerns**

Eleven letters received expressing the following concerns:

- The proposal will exacerbate the existing parking problem;

- It will be detrimental to the area;
- There is a high demand for this type of three bedroom house;
- The proposal will reduce surrounding house prices;
- It will be the only conversion in Boverton Road;
- The dwelling is too small for conversion; conversions are usually larger;
- The site is not within a short walking distance of shops, employment etc;
- Building work should be restricted to office hours;
- The proposed layout shows that the main living areas will be located away from the adjoining property but this might later be changed;
- The proposed ground floor addition will limit light to the adjoining dwellings;
- The new first floor living areas proposed will reduce the neighbours privacy;
- Works to the roof might affect the roof structure of the attached property;
- The proposal will visually imbalance these semi-detached properties;
- Building work has already started;
- Occupiers of existing rental properties are already causing problems;
- The neighbours will not allow access to their properties;
- The proposal comprises an overdevelopment of the site;
- These types of units are first time buyer properties- it would be detrimental to the area for this type of development to be encouraged.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy H5 of the South Gloucestershire Local Plan allows for the conversion of residential properties into smaller units provided that the proposal:

- a) Would not prejudice the character of the surrounding area;
- b) Would not prejudice the residential amenities of neighbouring occupiers;
- c) Allows an acceptable level of off street parking provision;
- d) Would provide adequate amenity space.

5.2 Further, planning policy H4 allows for the principle of house extensions subject to considerations of design, residential amenity and highway safety.

### 5.3 Design/ Visual Amenity

The application site comprises a semi-detached dwelling on the west side of Boverton Road, Filton. The proposal seeks planning approval for a two-storey side extension and single-storey rear addition to facilitate the conversion of the existing dwelling into two flats.

5.4 The proposed two-storey side extension would be set back from the front of the host dwelling with a correspondingly lower ridge height to ensure a subservient appearance to this element of the proposal. It would occupy part of the existing driveway that runs to the side of the house and would extend up to the flank boundary. Meanwhile, the rear extension would comprise a single-storey rear lean-to that would project 3m into the rear garden area.

5.5 The aforementioned additions would provide for two two-bedroom flats. That at ground floor would provide one bedroom within the existing living room with the second within part of the proposed rear extension. The lounge/ diner would occupy the existing dining room and kitchen areas with the new kitchen behind; also within the rear extension. The entrance would be within the ground floor of the side addition with a new bathroom behind.

5.6 Accommodation at first floor would comprise a smaller two bed unit with the living and kitchen areas within the proposed side extension. A separate living



- area is also shown within the existing third bedroom. The entrance to this unit would be via the existing entranceway at the front of the property.
- 5.7 In considering the above, it is noted that a number of dwellings along Boverton Road have been extended with such including two-storey side additions that extend to the respective flank boundaries. As such, with the proposal adopting a subservient appearance and with the rear addition of acceptable size, there is no objection to the extensions proposed. Further, given that planning policy H5 supports the principle of this type of conversion, planning permission could also not be reasonably refused on this basis.
- 5.8 Residential Amenity  
The property forms a semi-detached dwelling with the neighbouring unit devoid of any extensions. Having regard to the impact on this dwelling, the proposed rear addition is considered to be acceptable in size and design with there being many other examples of planning permission having been granted for this size of addition.
- 5.9 Further, bedroom accommodation would be retained along side this attached dwelling helping to minimise noise and disturbance to the adjoining occupiers; such is in accordance with the supporting text to policy H5 which advises that any internal alterations should be designed so as to minimise the impact of noise and disturbance on any directly adjoining residential property. Further, it is also noted that the scope for Building Regulation considerations was extended in 1991 to cover detailed requirements for sound insulation between converted flats and adjoining properties.
- 5.10 In view of the above, it is not considered that planning permission could be reasonably withheld having regard to any impact on this adjoining property. In this regard, in response to the concerns expressed as to the future use of the rooms; this might be a legitimate concern even if the property were to remain as a single dwelling with permission not required for internal rearrangements.
- 5.11 Concerning that property to the opposite side, the twin driveways currently provide an element of separation between these units although the proposed side extension would close up this spacing. In so doing, it is noted that there are a number of side facing windows within this dwelling though these appear obscured glazed with the exception of the kitchen window. Nonetheless, whilst the proposal would close this area of spacing, it is considered that any refusal reason on this basis would be unsustainable; especially in view of the nature of these windows and the others extensions permitted along Boverton Road.
- 5.12 All other properties stand at an appreciable distance from the application site thus it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.13 Amenity Space  
The existing dwelling benefits from a large rear garden which would by reason of the internal arrangement proposed would be available to the ground floor occupants only. The front garden however would remain available to both.
- 5.14 In response, it is considered that this provision would satisfy policy H5 given that in view of the size of the unit's proposed (two bedrooms); it is unlikely that they would be utilised as family accommodation. Further, in the case of a recent appeal where planning permission was refused for a flatted development

partly due to the lack of private amenity space available, the Inspector found that this did not provide good reason to refuse permission concluding that the proximity of large areas of open space was likely to more than compensate for the limited private amenity space available.

5.15 Highway Safety

Planning policy T8 cites that a maximum of 1.5 spaces should be provided for a two bedroom unit whilst in areas that are readily accessible by non car modes, provision should be below this standard. As such, with the proposal allowing two car parking spaces, there is no highway objection to the proposal. Further details are however required regarding bin storage to ensure that they accord with the Councils twin bin system.

5.16 Notwithstanding the above, there is concern as to the incremental impact caused by such proposals to the oversubscribed north fringe transportation network. In order to mitigate this impact, a financial contribution of £900 should be provided for each unit. This should be secured via an appropriate agreement and received prior to the issuing of any planning permission.

5.17 Outstanding Issues

It is noted that the proposed extensions would overhang the adjoining boundary with no. 20 Boverton Road with certificate B having also been served. In this regard, it should be noted that the granting of planning permission does not authorise any works on or over the boundaries of the application site and thus the agreement of the adjoining land only must firstly be sought. To this extent, the comments received from the adjoining land owners indicate that such is unlikely to be forthcoming.

5.18 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.

5.19 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, having regard to the above advice, the transportation improvements, is appropriately the subject of a Section 278 Agreement and would satisfy the tests set out in Circular 05/2005.

## 6. CONCLUSION

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

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 Authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant permission subject to conditions set out below and the applicant first voluntarily enter into an agreement under Section 278 of the Town and Country Planning Act 1990 (as amended) to secure the following:
- 7.2 A contribution of £1800 towards the North Fringe Development Proposal (Transport Matters) initiative. The reasons for this agreement are to mitigate against the impact on the Bristol North Fringe local road network to comply with Policy T12.
- 7.3 That the Head of Legal & Democratic Services be authorised to prepare and seal the agreement.
- 7.4 Should the section 278 agreement fail to be determined within one year of this resolution, then the application is refused on the failure to secure the head of term set out in section 1 of the recommendation.

### **Background Papers**      **PT07/2263/F**

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

## **CONDITIONS**

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

Reason(s):

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

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

Reason(s):

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

3. No windows shall be inserted at any time in the north and south elevations of the property.

Reason(s):

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

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

Reason(s):

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

5. The parking area hereby approved shall be provided with a bound surface and thereafter retained as such.

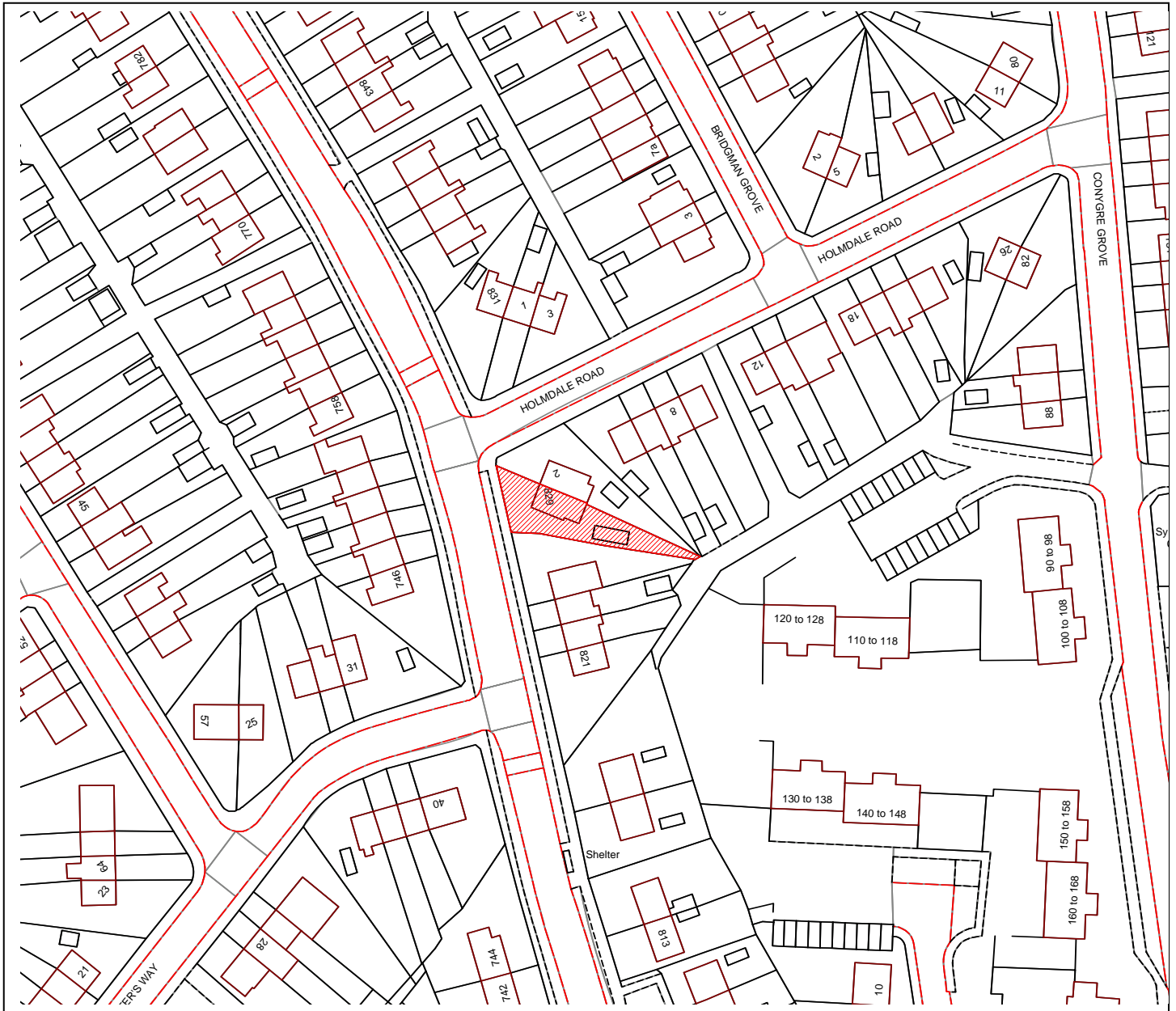
Reason(s):

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

**CIRCULATED SCHEDULE NO. 36/07 – 7 SEPTEMBER 2007**

**App No.:** PT07/2301/F  
**Site:** 829 Filton Avenue Filton BRISTOL  
 South Gloucestershire BS34 7HH  
**Proposal:** Conversion of 1 no. dwelling into 2 no.  
 flats with associated works.  
**Map Ref:** 60978 79224

**Applicant:** Mr J Boucher  
**Date Reg:** 27th July 2007  
**Parish:** Filton Town Council  
**Ward:** Filton



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**N.T.S**

**PT07/2301/F**

The application appears on the Circulated Schedule in view of the comments received from Filton Town Council and the letters of objection from two neighbouring residents.

## **1. THE PROPOSAL**

- 1.1 The application seeks planning permission for the conversion of single dwelling to provide two self contained flats.
- 1.2 The application site forms a two-storey semi-detached dwelling on the east side of Filton Avenue, Filton.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPG3	Housing
PPG24	Planning and Noise

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

D1	Achieving Good Quality Design in New Development
H4	Development within Residential Curtilages
H5	Residential Conversions
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy for New Development

## **3. RELEVANT PLANNING HISTORY**

- 3.1 None

## **4. CONSULTATION RESPONSES**

### **4.1 Filton Town Council**

Objection: 'Over intensive. Filton Town Council reiterates its objection to the increasing number of family homes being converted to flats. Recommend that planning is in line with South Gloucestershire's bio diversity plan.'

### **4.2 Other Consultees**

Environmental Services: no objections in principle

### **4.3 Sustainable Transport**

No objection

## **Other Representations**

### **4.4 Summary of Local Residents Concerns**

Two letters expressing the following concerns:

- It is time to call a halt to these conversions and lets because they do not benefit the local area- the area has been downgraded because of them;
- No pride is taken in garden areas which are stacked full of bin liners;
- 'Entrepreneurs' are earmarking corner plots for conversion;
- Adequate sound proofing is 'absolutely essential'.

On further letter in support of the proposal:

- 'We would like to extend our whole-hearted approval for the proposal in its entirety. We believe that under the present high cost housing market, the addition of affordable housing would be a valuable asset to the local community';
- Double yellow lines should though be provided to the front of the site.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy H5 of the South Gloucestershire Local Plan allows for the conversion of residential properties into smaller units provided that the proposal:

- a) Would not prejudice the character of the surrounding area;
- b) Would not prejudice the residential amenities of neighbouring occupiers;
- c) Allows an acceptable level of off street parking provision;
- d) Would provide adequate amenity space.

5.2 Further, planning policy H4 allows for the principle of house extensions subject to considerations of design, residential amenity and highway safety.

### 5.3 Design/ Visual Amenity

The application site forms a semi-detached dwelling on the east side of Filton Avenue; its attached property fronts Holmdale Road. The unit benefits from a single-storey rear lean-to which projects 3.25m into the rear garden providing a study and kitchen extension. First floor accommodation provides 2 bedrooms with two former rooms having been combined (originally a 3 bed unit).

5.4 The proposal seeks planning approval for the conversion of this dwelling into two flats. That at ground floor would comprise a two bedroom unit with the two bedrooms formed within the existing lean-to and with part of the dining room to provide for a small shower room. The first floor flat would comprise a one bedroom unit with the front bedroom to provide for the living room and with the rear bedroom again subdivided with the smaller room providing a new kitchen.

5.5 In view of the above and with minimal external alterations proposed (shown to include the formation a side entrance for the ground floor flat), the proposal is considered acceptable with no objection raised on this basis.

### 5.6 Residential Amenity

The property forms a semi-detached unit with the neighbouring unit seemingly handed. Further, this attached dwelling also benefits from a rear extension of identical depth. Therefore, and with no further extensions proposed, it is not considered that any significant adverse impact in residential amenity would be caused.

5.7 Nonetheless, notwithstanding the above in view of the comments received from these adjoining neighbours, it is noted that the supporting text to policy H5 advises that any internal alterations should be designed so as to minimise the impact of noise and disturbance on any directly adjoining residential property. In this regard, the scope for Building Regulation considerations was extended in 1991 to cover detailed requirements for sound insulation between converted flats and adjoining properties. As such, and with the required sound insulation provided, it is not considered that permission could be reasonably withheld on this basis. Other permissions have also allowed for this form of relationship.

5.8 All other dwellings stand at an appreciable distance from the host dwelling; in part due to the corner positioning of the application site. As such, it is again not considered that any significant adverse impact in residential amenity would be caused.

5.9 Amenity Space

The host dwelling benefits from an uncharacteristically large plot by virtue of its corner positioning; accordingly there are large front and rear garden areas with ample space to the side of the property providing for parking. In this regard, whilst there is sufficient space for both the existing and proposed unit, the block plan received appears unclear in showing how this space would be divided. It is considered that this can be satisfactorily dealt with by means of a condition attached to any planning permission granted.

5.10 Highway Safety

There is no highway objection to the proposal given that the proposed cycle store and bin storage accommodation appears acceptable whilst there is also sufficient space for car parking. Nonetheless, in order to comply with policy T8, it is advised that a maximum of one parking space per unit is provided.

5.11 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).

5.12 Section 106 Requirements

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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



**Background Papers**      **PT07/2301/F**

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

**CONDITIONS**

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

Reason(s):

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

2.     Prior to the commencement of development, a detailed site layout plan showing provision of one car parking space for each unit and bin and cycle storage provision 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.

3.     The proposed parking area shall be finished with a bound surface and thereafter retained as such.

Reason(s):

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