



**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. 39/07**

**Date to Members: 28/09/07**

**Member's Deadline: 05/10/07**

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

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

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

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

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate Area Committee, please let the Director of Planning, Transportation and Strategic Environment know within 5 working days of the date of this Schedule (by 12 noon) (see cover page for the date). A proforma is attached for your use and should be forwarded by fax to the appropriate Development Control Support Team, or by sending an email with the appropriate details to [PlanningApplications@southglos.gov.uk](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: 28/09/07**

**SCHEDULE NO. 39/07**

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 .....**

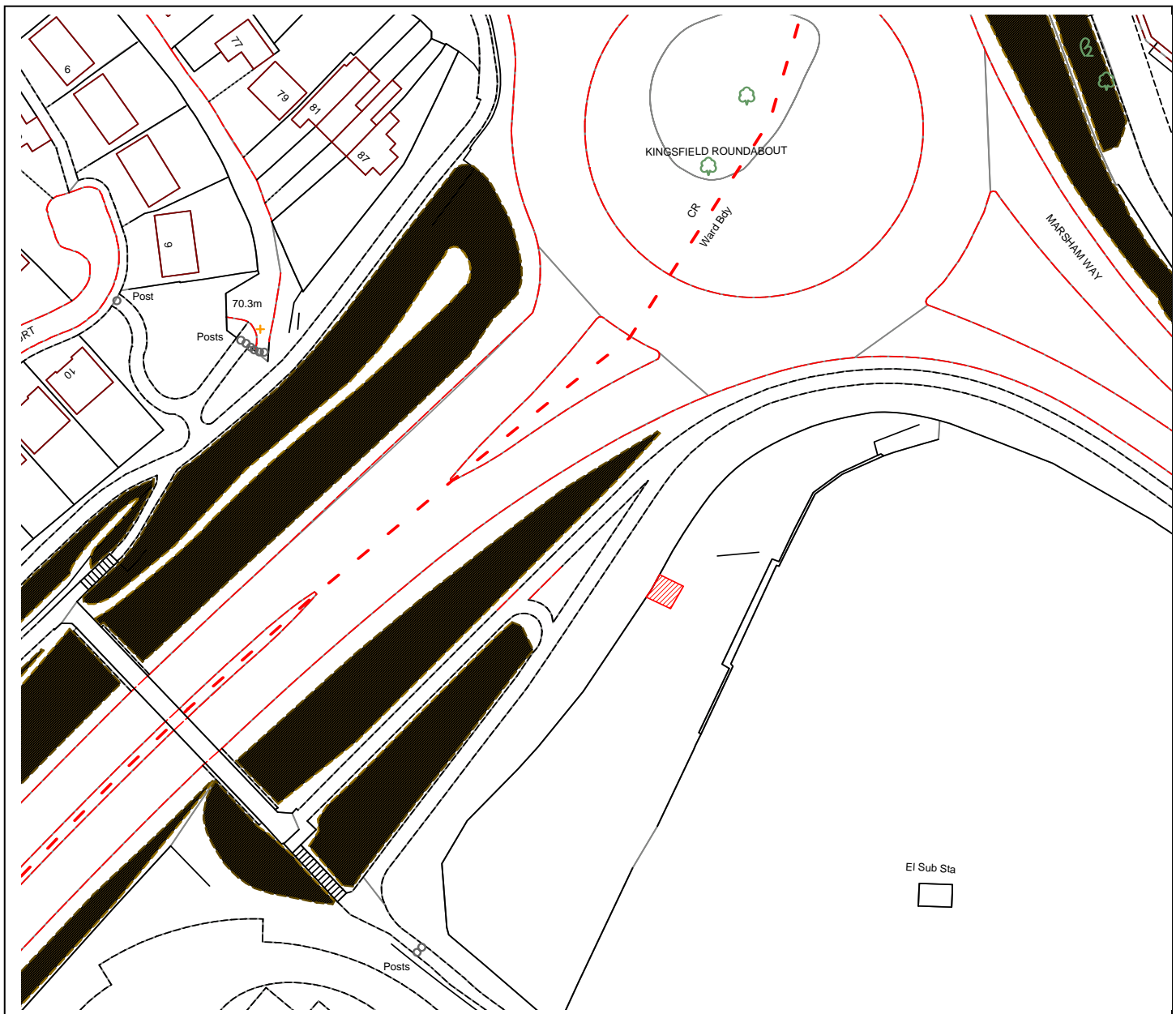
# Circulated Schedule 28 September 2007

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK06/2034/ADV	Approve	Land adjacent to Aldermoor Way, Longwell Green, South Gloucestershire	Longwell Green	Oldland Parish Council
2	PK07/1048/F	Approve with conditions	Shakespeare House High Street Hawkesbury Upton BADMINTON South Gloucestershire GL9 1AU	Cotswold Edge	Hawkesbury Upton Parish Council
3	PK07/1171/F	Approve with conditions	56 - 58 Cleeve Hill Downend South Gloucestershire BS16 6HQ	Downend	Downend and Bromley Heath
4	PK07/1567/F	Approve with conditions	249 Soundwell Road Soundwell South Gloucestershire BS15 1PW	Kings Chase	
5	PK07/1680/F	Approve with conditions	16b & 18 Horse Street Chipping Sodbury South Gloucestershire BS37 6DB	Chipping	Sodbury Town Council
6	PK07/1778/F	Approve with conditions	Former Ebenezer Methodist Church London Road Warmley South Gloucestershire BS30 5JB	Siston	Siston Parish Council
7	PK07/2524/F	Approve with conditions	29A Cadbury Heath Road Cadbury Heath South Gloucestershire BS30 8BX	Parkwall	Oldland Parish Council
8	PK07/2536/F	Approve with conditions	Field Farm Ayford Lane Marshfield CHIPPENHAM South Gloucestershire SN14 8AS	Boyd Valley	Marshfield Parish Council
9	PK07/2632/F	Approve with conditions	Land adjacent to 28 Church Road Soundwell South Gloucestershire BS16 4RH	Staple Hill	
10	PK07/2677/F	Approve with conditions	201 Overndale Road Downend South Gloucestershire BS16 2RQ	Downend	Downend and Bromley Heath
11	PT07/2349/F	Approve with conditions	45 Woodlands Road Charfield WOTTON UNDER EDGE South Gloucestershire GL12 8LT	Charfield	Charfield Parish Council
12	PT07/2352/F	Approve with conditions	Mill Farm House Duck Street Tytherington WOTTON UNDER EDGE South Gloucestershire GL12 8QB	Ladden Brook	Tytherington Parish Council
13	PT07/2425/O	Approve with conditions	110 Pretoria Road Patchway South Gloucestershire BS34 5PZ	Patchway	Patchway Town Council
14	PT07/2440/F	Approve with conditions	Man Hour Acorn Farm Green Lane Cutts Heath WOTTON UNDER EDGE South Gloucestershire GL12 8QW	Ladden Brook	Tytherington Parish Council
15	PT07/2480/F	Approve with conditions	Land adjacent to Townwell House Townwell Cromhall WOTTON UNDER EDGE South Gloucestershire GL12 8AQ	Charfield	Cromhall Parish Council

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATION</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
<b>16</b>	<b>PT07/2488/F</b>	Approve with conditions	The Laurels 2 Strode Common Alveston South Gloucestershire BS35 3PJ	Thornbury South and Alveston	Alveston Parish Council
<b>17</b>	<b>PT07/2518/F</b>	Approve with conditions	Tesco Stores Ltd Midland Way Thornbury South Gloucestershire BS35 2BS	Thornbury South and Alveston	Thornbury Town Council
<b>18</b>	<b>PT07/2591/F</b>	Approve with conditions	10 Robel Avenue Frampton Cotterell South Gloucestershire BS36 2BZ	Frampton Cotterell	Frampton Cotterell Parish Council
<b>19</b>	<b>PT07/2600/F</b>	Approve with conditions	14 Camberley Drive Frampton Cotterell South Gloucestershire BS36 2DF	Winterbourne	Winterbourne Parish Council
<b>20</b>	<b>PT07/2603/F</b>	Approve with conditions	2 Green Dragon Road Winterbourne South Gloucestershire BS36 1HF	Winterbourne	Winterbourne Parish Council
<b>21</b>	<b>PT07/2606/F</b>	Approve with conditions	Bowland Green Cp School Ellicks Close Bradley Stoke South Gloucestershire BS32 0ES	Bradley Stoke Central and Stoke Lodge	Bradley Stoke Town Council
<b>22</b>	<b>PT07/2609/F</b>	Approve with conditions	25 Brackendene Bradley Stoke South Gloucestershire BS32 9DJ	Bradley Stoke Central and Stoke Lodge	Bradley Stoke Town Council
<b>23</b>	<b>PT07/2631/F</b>	Approve with conditions	Lluestowen 41 Bristol Road Frenchay South Gloucestershire BS16 1LQ	Frenchay and Stoke Park	Winterbourne Parish Council
<b>24</b>	<b>PT07/2635/RVC</b>	Refusal	Severinsen & Son Knapp Farm Knapp Road East Thornbury South Gloucestershire BS35 3UE	Thornbury North	Thornbury Town Council

**CIRCULATED SCHEDULE NO. 39/07 – 28 SEPTEMBER 2007**

<b>App No.:</b>	PK06/2034/ADV	<b>Applicant:</b>	Gallagher Projects Ltd
<b>Site:</b>	Land adjacent to Aldermoor Way, Longwell Green, BRISTOL, South Gloucestershire	<b>Date Reg:</b>	11th July 2006
<b>Proposal:</b>	Display of 2no. internally illuminated static estate signs. (Resubmission of PK05/3217/ADV).	<b>Parish:</b>	Oldland Parish Council
<b>Map Ref:</b>	65499 72018	<b>Ward:</b>	Longwell Green



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 100023410, 2007.

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

## **1. THE PROPOSAL**

- 1.1 The application seeks advert consent for the erection of 2 internally illuminated static estate signs.
- 1.2 The site consists of the Gallagher's retail park, which is currently under construction. The proposed signage is situated on the western edge of the retail park, abutting the retaining wall, close to the ring road, and on the south-eastern edge of the site, on the corner by the roundabout on Marsham Way. The proposed sign is 14m high, triangular in section and 2.5m wide, in stainless steel and tubular steelwork, with internally illuminated signage boxes within it. Three 900mm diameter rings in blue neon are proposed at the top of the sign.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPG19 Outdoor Advertisement Control  
Town and Country Planning (Control of Advertisement) Regulations 1992
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006  
  
L19 Display of Advertisements

## **3. RELEVANT PLANNING HISTORY**

- 3.1 Most relevant history:
  - PK06/0854/F Demolition of all existing retail buildings on site and engineering works to produce a level site. Erection of 8 no. new retail units and construction of new central car park, associated serving area and landscaping (Amendment to previously approved scheme PK04/2530/F) Approved with conditions July 2006.
  - PK05/3217/ADV Display of 2no. internally illuminated static estate signs. Refused 2005 for the following reasons:
    1. The proposed signs, due to their height, mass and bulk and location adjacent to neighbouring roads would be unduly prominent in the streetscene, represent a visually jarring element that would harm the visual amenity of the area . The proposal is therefore contrary to Policy KLP100 of the Kingswood Local Plan and Policies L19 and D1 of the South Gloucestershire Local Plan (As Intended to be Adopted) November 2005.
    2. The proposed sign is sited in close proximity to and would be clearly visible from the Aspects roundabout on the Avon Ring Road, at a point on the highway network where vehicles are turning and manoeuvring at speed and where driver concentration is at its most demanding. The scale of the sign and the complexity of the message would cause a distraction for drivers and thereby create a traffic hazard, increasing the risk of accidents occurring. The proposal is therefore contrary to Policy KLP100 of the Kingswood Local

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

##### **4.1 Oldland Parish Council**

It was resolved to object on the grounds of their size and the effect on traffic safety as they would present a distraction to motorists.

#### **Other Representations**

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

Two objections have been received, objecting as follows:

- No more illuminated signs in Aspects/Asda/Alder Moor Way area
- Lights from Asda/Aspects so bright it disturbs sleep
- Illuminations are on 24 hours a day
- Waste of energy
- Existing highway infrastructure does not support such large volumes of traffic

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

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

The application is for advert consent only and therefore only public safety and amenity can be taken into account in the assessment of this application.

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

The proposed signs are considerably smaller (6m lower in height) than the previously refused signs, and are a similar size to the signage on the corner of Aspects Leisure Park, on the other side of the roundabout. The proposed signage is also a metre narrower than the previously refused scheme. Since the proposed signage is of a scale and size as the Aspects Leisure Park signage opposite, and much smaller than the previously refused scheme, it is considered appropriate for this location, which is characterised by large retail and warehousing units.

##### **5.3 Residential Amenity**

The proposed signage at the western part of the site is approx. 105m from the nearest residential property, across the ring road. Given this distance, and the fact that the site is separated from the nearest residential dwellings by the ring road, with its incumbent street lighting, it is not considered that the proposal would harm the residential amenity of the occupiers of the nearest residential properties.

5.4 The proposed signage on the south-eastern corner of the site is approx. 100m from the nearest residential property in Craven Way. From this distance, the fact that the area is characterised by retail and retail warehousing, and the existing street lighting for Marsham Way, means that there would be little impact on the residential amenity of the occupiers of the nearest residential dwellings as a result of the proposal.

5.5 Given that the location of both these proposed signs is in areas where there are high levels of street lighting, it is not considered necessary or reasonable to condition hours of illumination in this case.



## 5.6 Transportation

Since earlier Highway Officer's comments for the proposed signs on the site, the scale and height of the signs have been reduced. The new sign does not contain any complicated message or logo and therefore in my mind, the impact of this proposed sign (on the driver's concentration) would not be greater than those existing signs in the area, for example at the Aspects development opposite. In view of all the above therefore, there could be no highway objections to the proposal in this case.

## 5.7 Design and Access Statement

There is no requirement for a design and access statement for an advert application. In any case the application was submitted prior to the requirement for design and access statements.

## 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 advert consent 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 advert consent be GRANTED.

**Background Papers**      **PK06/2034/ADV**

**Contact Officer:**    **Sarah Tucker**  
**Tel. No.**                **01454 863780**

**CIRCULATED SCHEDULE NO. 39/07 – 28 SEPTEMBER 2007**

<b>App No.:</b> PK07/1048/F	<b>Applicant:</b> Mr R Borton
<b>Site:</b> Shakespeare House High Street Hawkesbury Upton BADMINTON South Gloucestershire GL9 1AU	<b>Date Reg:</b> 3rd April 2007
<b>Proposal:</b> Erection of 1no. detached dwelling with attached garage and associated works.	<b>Parish:</b> Hawkesbury Upton Parish Council
<b>Map Ref:</b> 77692 87065	<b>Ward:</b> Cotswold Edge



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**N.T.S**

**PK07/1048/F**

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 Planning permission is sought for the erection of 1 No. detached dwelling with an attached garage.
- 1.2 The new dwelling would be erected in the side garden of Shakespeare House with the principal elevation facing directly onto the High Street to the south. The side garden currently contains one double garage. It should be noted that this garage along with a stone wall, planter and the removal of a Cherry Tree were the subject of a separate Conservation Area Consent application (PK07/1033/CA: Approved – 10<sup>th</sup> August 2007). In addition, the applicant has proposed to site a double garage, for use of occupiers of Shakespeare House, alongside the west side elevation of the proposed new dwelling. This is currently being assessed under PK07/1021/F.
- 1.3 It should be noted that following officers' concerns the agent has submitted amended plans which ensure that the construction materials are in keeping with the Conservation Area context of the site. In addition, the attached single garage has been enlarged so as to comply with the Council's parking standards and landscaping alterations have been incorporated into the scheme to improve the visual appearance of the front of the site.

### **1.b Information submitted in support of application**

- 1.4 Following the concerns raised by the parish council the applicant responded via email (received 17<sup>th</sup> May) highlighting the following summarised points:
- both accesses are existing and there is provision for vehicles to enter and leave in a forward direction.
  - during construction all reasonable precautions will be included in the building contract. For instance, the contractor would be requested to avoid deliveries and other vehicle movements at the start and end of the school day.
  - It is noted no highways objection has been posted on your web site.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport
Circular 11/95:	Use of Conditions in Planning Permissions

### **2.2 Development Plans**

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

D1	Design
H4	Development within existing Residential Curtilages

L17	The Water Environment
T8	Parking Standards
T12	Transportation Development Control Policy for New

- 2.3 Supplementary Planning Guidance  
Advice Note 17: Hawkesbury Conservation Area

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

- 3.1 N7657                      Erection of double domestic garage and formation of new vehicular access. Re-siting of existing oil storage tank (in accordance with applicants letter and plan received by the Council on 27<sup>th</sup> August 1981). Approve with conditions: 17<sup>th</sup> September 1981.
- 3.2 PK03/0672/TCA          Works to various trees as described in the specification by Tree Management dated 4<sup>th</sup> December 2002.  
No objection: 17<sup>th</sup> April 2003.
- 3.3 PK05/2111/F              Erection of rear conservatory and garden room.  
Withdrawn: 2<sup>nd</sup> September 2005.
- 3.4 PK07/1033/CA            Demolition of double garage, garden wall, planter and tree.  
Approved with conditions: 10<sup>th</sup> August 2007.

### 4. **CONSULTATION RESPONSES**

- 4.1 Hawkesbury Upton Parish Council  
Original comments, received 15<sup>th</sup> May:

No objection but concerned about access and ingress to the site, in particular that of cars reversing out of the site on to the busy road directly in front of the school. They were also concerned about traffic congestion opposite the school when the work is being carried out.

Re-consultation comments, received 18<sup>th</sup> July 2007:

No objection.

- 4.2 Environmental Services  
No objection.

- 4.3 Community Services – Drainage Comments  
Objection. Drainage details are required to demonstrate that the risks of flooding and pollution have been eliminated.

#### **Other Representations**

- 4.4 Local Residents  
No comments received.

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

- 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006, allows for the principle of house extensions subject to considerations of design, residential amenity and highway safety. Regard must also be had to Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the Hawkesbury Upton Conservation Area leaflet which emphasises the need for development to preserve the special architectural and historical character and appearance of the Conservation Area.

#### 5.2 Conservation Area Analysis

Following the submission of amended plans, in line with the Conservation Officers comments dated the 15<sup>th</sup> May, it is considered that the proposal is preserves and enhances the appearance of the Conservation Area.

#### 5.3 Visual Amenity

The proposed dwelling would be set back well behind the existing building lines of Shakespeare House and the neighbouring property, Ashdene. The two storey element of the new house would be lower than Shakespeare House, and would be flanked on both sides by lower elements (double garage to the left and dormered roof to the right). Following the submission of amended plans, which detailed appropriate materials for the Conservation Area, officers are satisfied that the design and visual appearance of the dwelling will be appropriate and the siting of the dwelling will conform to the linear pattern of development along the High Street. Accordingly, in visual amenity terms,. The proposal is considered acceptable.

#### 5.4 Residential Amenity

##### Overbearing Analysis

The rear elevation of the proposed dwelling would project approximately 4 metres beyond the rear elevation of the neighbouring property to the east, Ashdene. However, it is considered that because a separation gap of 0.6 metres would exist between the two properties and the fact that the two storey element of the building would be sited 4.5 metres from Ashdene, a harmful overbearing impact will not be experienced by occupiers of this neighbouring property.

The new dwelling would project 5.5 metres beyond the rear building line of Shakespeare House. However, it should be noted that a separation gap of in excess of 5 would exist between the two properties. Accordingly, only oblique views of the new dwelling could be achieved from the rear windows of Shakespeare House. In light of this officers are satisfied that surrounding occupiers will not experience an overbearing impact as a result of the dwelling being erected.

#### 5.5 Privacy Analysis

The east side elevation of the property will not contain any windows. As a result Officers are again satisfied that occupiers of the Ashedene will not suffer from a loss of privacy.

The west side elevation will contain one window. However, as this serves a non habitable room – a landing – I am satisfied that the occupiers of Shakespeare House will not suffer a loss of privacy.

## 5.6 Amenity Space

The garden area will measure approximately 35 square metres. This is considered sufficient in size to serve a 3 bedroom property. Furthermore, it should be noted that a number of historic properties within Hawkesbury Upton have gardens of similar size and form. Accordingly, the size of the garden is considered to be appropriate to serve the dwelling and its form is in keeping with the Conservation Area context of the site.

## 5.7 Highway Safety Analysis

Concern was raised by the Local Parish Council that the proposal might cause a highway safety risk given the location of the site opposite a school. In respect of this the Council's Highway Officer has assessed the proposal and raises no objection. The level of parking proposed is consistent with the requirements of Policy T12 and following the submission of amended plans the internal dimensions of the garage are now acceptable. It should also be noted that owing to a 30 mph speed limit on the High Street there is no requirement for vehicles to enter and exit in a forward gear. However, the circulation route at the front of the site has been designed to enable vehicles to exit and enter the highway in a forward gear thus improving highway safety. In specific reference to the concerns regarding the proximity of the school to the site, it should be noted that vehicles already exit and enter the highway from this location. Consequently, a refusal on highway grounds could not be substantiated in this case and therefore the proposal is considered acceptable in highway safety terms.

## 5.8 Other matters arising – drainage

Following the comments submitted by Community Services: Drainage, a condition will be appended to the decision notice requesting that 'no development shall take place until drainage details have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details'.

## 5.9 Section 106 Requirements

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

**Background Papers**      **PK07/1048/F**

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

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

### **CONDITIONS**

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

Reason:

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

2. No development shall take place until drainage details have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

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

3. Sample panels of stonework, demonstrating the colour, texture and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

Reason:

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. No development shall take place until samples of the clay roof tiles, wall render panes, bricks (for the chimney) and garage door facings 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 in the Hawkesbury Upton Conservation Area, and to accord with and Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

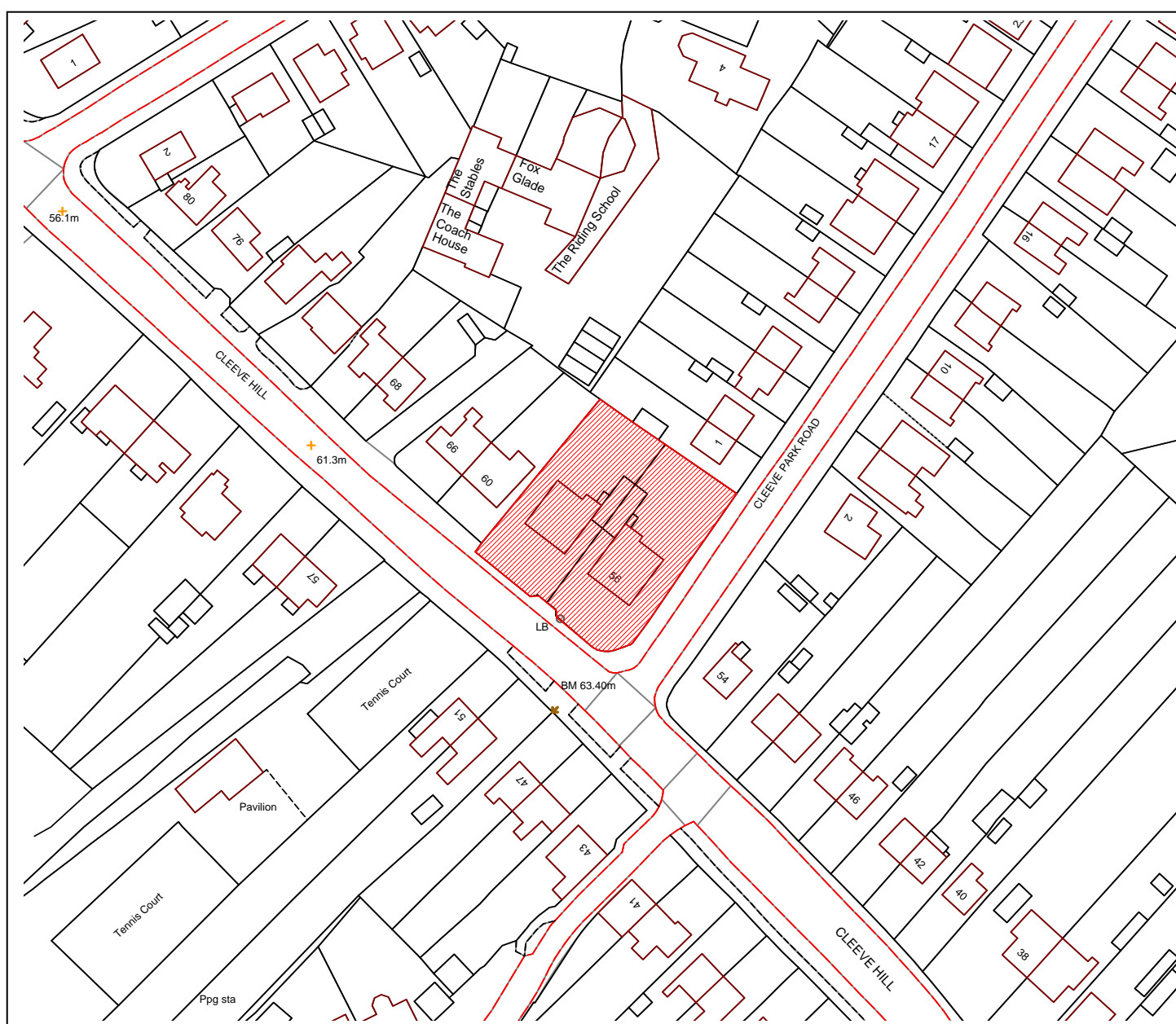
Reason:

To ensure the satisfactory external appearance of the development in the interests of visual amenity particularly given the Conservation Area location of the new dwelling, and to protect the residential amenity of the neighbouring occupiers, and to accord with Policy D1, H4 & L12 of the South Gloucestershire Local Plan (Adopted) January 2006.



**CIRCULATED SCHEDULE NO. 39/07 – 28 SEPTEMBER 2007**

<b>App No.:</b>	PK07/1171/F	<b>Applicant:</b>	Geometric Group Ltd
<b>Site:</b>	56 - 58 Cleeve Hill Downend BRISTOL South Gloucestershire BS16 6HQ	<b>Date Reg:</b>	16th April 2007
<b>Proposal:</b>	Demolition of 2 no. bungalows to facilitate the erection of 12 no. flats with 13 no. car parking spaces. Erection of 0.5m boundary wall and construction of new vehicular access from Cleeve Park Road. (Resubmission of PK07/0033/F).	<b>Parish:</b>	Downend and Bromley Heath
<b>Map Ref:</b>	64923 77061	<b>Ward:</b>	Downend



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100023410, 2007.

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This application appears on the Circulated Schedule because it is a Major Application, furthermore objections have been raised by Downend and Bromley Heath Parish Council as well as local residents, which are contrary to the officer recommendation.

## **1. THE PROPOSAL**

- 1.1 The application relates to a corner plot located at the junction of Cleeve Hill and Cleeve Park Road, Downend. The overall area of the plot is 0.151 hectares and is currently occupied by two link-detached bungalows i.e. nos. 56 and 58 Cleeve Hill. Both properties currently have separate vehicular accesses from Cleeve Hill, with large frontages of hard-standing behind low stone boundary walls. Private amenity areas lie to the rear of the respective bungalows.
- 1.2 The location is distinctly sub-urban in character, despite lying only some 300m to the north-west of Downend centre. The locality is characterised by a mix of predominantly 1930's/1940's semi-detached and detached houses or bungalows set in relatively large gardens. Downend Tennis Club lies directly opposite no.58, on the opposite side of Cleeve Hill. A group of Grade II Listed Buildings including 'Foxglade' lies to the north of the site; the buildings are enclosed by the houses on the Cleeve Hill and Cleeve Park Road frontages.
- 1.3 It is proposed to demolish the two bungalows nos.56 and 58 Cleeve Hill and replace them with 3no. x 2.5 storey blocks of flats. The scheme would include 12no flats in all, comprising 1no. x 1 bed apartment, 9 no. x 2 bed apartments and 2no. x 3 bed duplexes. 13no. car parking spaces would lie within the site behind the blocks of flats, accessed via a new vehicular access off Cleeve Park Road. The development would be enclosed by a new 0.5m high boundary wall.
- 1.4 A previous application PK07/0033/F for 14 flats in a single building of contemporary design, was withdrawn in response to the officer and resident concerns raised. The current proposal was originally for the erection of 14no. flats in a single 'L' shaped building with 18no. car parking spaces but this scheme has since been further amended to give the current proposal.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

- PPS1 - Delivering Sustainable Development
- PPS3 - Housing
- PPS6 - Planning for Town Centres
- PPG13 - Transport
- PPG14 - Development on Unstable Land

### **2.2 Development Plans**

#### Joint Replacement Structure Plan

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

## South Gloucestershire Local Plan (Adopted) January 2006

- D1 - Design
- L1 - Landscape Protection and Enhancement
- L5 - Open Areas within the Existing Urban Areas and Defined Settlements.
- L10 - Historic Parks and Gardens
- L11 - Archaeology
- L13 - Listed Buildings
- L17 & L18 - The Water Environment
- EP1 - Environmental Pollution
- EP2 - Flood Risk and Development
- EP4 - Noise-sensitive development
- EP7 - Unstable Land
- T7 - Cycle Parking
- T8 - Parking Standards
- T12 - Transportation Development Control Policy for New Development
- H2 - Proposals for Residential Development, Including Residential Institutions and Special Needs Accommodation, and Applications to Renew Permissions for Residential development, within the Existing Urban Area and Defined Settlement Boundaries.
- H4 - Development within Residential Curtilages
- LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions).

### 2.3 Supplementary Planning Guidance

Advice Note 2 - House Extensions

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

## **3. RELEVANT PLANNING HISTORY**

- 3.1 P75/4848 - Erection of two dormer bedrooms with store, toilet facilities and hall.  
Approved 30<sup>th</sup> Jan 1976
- 3.2 P87/4619 - Detached Dwelling House and Construction of New Access (Outline)  
Withdrawn 5<sup>th</sup> Nov.1987
- 3.3 P87/4755 - Detached Bungalow and Garage Construction of New Highway Access (Outline)  
Refused 7<sup>th</sup> Dec. 1987 for reasons of:
  - Cramped form of development lacking in adequate space, detrimental to existing and future occupiers.
- 3.4 P88/4903 - Erection of 1no detached house and garage, construction of new vehicular/pedestrian access to highway.  
Refused 2<sup>nd</sup> Dec. 1988 for reasons of:
  - Cramped form of development out of character with existing development.
  - Detrimental to neighbouring amenity by reason of cramped nature, overbearing effect and loss of privacy.
  - Poorly arranged private garden space for existing (no.56) and proposed dwellings, which fail to comply with minimum area required for family housing.

- 3.5 P96/4269 - Change of use from residential (Class C3) to day nursery Class D1)  
Refused 2<sup>nd</sup> Sept 1996 for reasons of:
- Development would attract additional vehicles to the site and parking of vehicles on the carriageway to detriment of highway safety.
- 3.6 PK00/1360/F - Erection of 1no. detached bungalow.  
Refused 10<sup>th</sup> July 2000 for reasons of:
- Cramped form of development out of character with existing development.
- 3.7 PK07/0033/F - Demolition of 2no. bungalows to facilitate the erection of 14no. flats and construction of new access.  
Withdrawn 26<sup>th</sup> Feb. 2007

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

Including the initial consultations, there have been in total 3no. rounds of consultations relating to this application. The second round of consultations followed the receipt of revised plans, in which the number of proposed flats had been reduced to 12no. and the number of car parking spaces reduced to 13no. This resulted in a net increase in on-site amenity space and the breaking up of the Cleeve Hill Road Frontage into two separate elements. A third round of consultations was carried out in order to give local residents the opportunity to comment on submitted Computer Generated Images of the proposal.

#### **The following are responses received to the initial round of consultations:**

- 4.1 Downend and Bromley Heath Parish Council  
Object on the following grounds:
- Overall scale of the building not in-keeping with the character of the surrounding houses.
  - Dangerous access of 18 cars onto a very busy junction with existing problems of parked cars.
  - Density of housing too intensive for this location. Reference to Crossroads Garage site is not appropriate as that site adjoins the buildings in a shopping street.
- 4.2 Other Consultees
- 4.3 Wessex Water  
No objections raised. The development is located within a sewered area, with foul and surface water sewers.
- 4.4 Avon & Somerset Police Crime Reduction Officer  
No comment
- 4.5 South Gloucestershire Council Conservation & Design Advisory Panel  
Recommended rejection for the following reasons:
- Overall scale and mass of building does not relate to its surroundings.
  - There are no entrances to the building from the street, reducing the interaction of the building with its surroundings.
  - The proposals are significantly in front of the established building line.
  - Poor amount and quality of shared amenity space.
  - Over-development of the site.

## Other Representations

### 4.6 Downend Local History Society

Object on the following grounds:

- Demolition of two bungalows would be a loss to the street scene.
- Affect on subterranean passage or tunnel which led from the Serpentine Drive opposite the bungalows to the Stables of Cleeve Hill House. A detailed archaeological survey should be taken prior to any development.
- Further traffic onto Cleeve Park Road near junction with Cleeve Hill would create a traffic hazard.
- Overbearing and out of character with area.

### 4.7 **The following are further responses to the subsequent rounds of consultations which relate to the current scheme:**

### 4.8 Downend and Bromley Heath Parish Council

Object on the following grounds:

- Density still too intensive for this location.
- Car parking still seems inadequate as some of the properties are 3 bedroom apartments.

### 4.9 Downend Local History Society

Object on the following grounds:

- Demolition of two bungalows and erection of 3 x three storey blocks of flats will alter the sky line to detriment of the visual amenity of the urban landscape.
- A detailed archaeological survey should be taken prior to any development.
- Traffic onto Cleeve Park Road near junction with Cleeve Hill would still create a traffic hazard. Parking has not been increased.
- Overbearing and out of character with area of mixed housing.

### 4.10 **Local Residents**

A total of 125 letters/e-mails of objection have been received in response to the 3 rounds of consultations. The concerns raised are summarised as follows:

- Overbearing impact.
- Out of keeping in terms of scale, design and materials.
- Dangerous busy junction Cleeve Park Road/Cleeve Hill.
- Inadequate parking provision will result in increased on-street parking.
- Site subsidence due to tunnel.
- Overdevelopment.
- Precedent for similar proposals.
- Adverse impact on wildlife.
- Set forward of building line – Cleeve Hill.
- Increased pollution.
- Car parking spaces not accessible.
- Post box in boundary wall no.58 should be retained.
- Increased noise from future occupiers.
- Adverse impact on Listed Building.
- Loss of privacy from balconies and windows overlooking neighbouring sites.
- Car park too close to neighbouring garden; noise and pollution.
- Insufficient amenity space.

- Dust and noise will have adverse impact on elderly person residing at no.54 Cleeve Hill.
- Increased refuse bins.
- Disabled Parking spaces would not be used.
- Previous application for dwelling and day nursery were refused.
- Disturbance during construction phase.
- Increased traffic from Cave Close opposite.
- Loss of property values.
- Does not compare with Crossroads Service Station site.
- Visibility at junction Cleeve Park Road/Cleeve Hill would be blocked.
- Loss of trees.
- 3-storey blocks of flats are inappropriate for the area.
- Acoustic fence not high enough.
- Roof line too high, above neighbouring property.
- Computer generated pictures are not accurate.
- Cleeve Hill bus service to be axed.

#### 4.11 Applicant's Supporting Information.

A Planning, Design and Access Statement was submitted in support of the original application. The key points in support of the application are summarised as follows:

- A previous application (PK07/0033/F) for a scheme with a more contemporary design was withdrawn.
- The area is mixed residential in a sustainable location close to the centre of Downend.
- There are a mix of 2 and 2.5 storey detached and semi-detached properties on Cleeve Hill, set back from the road frontage.
- The dwellings have a variety of external finishes. The building line moves forward to the junction with Cleeve Pak Road when approached up Cleeve Hill.
- Cleeve Park Road displays more modern semi-detached dwellings.
- The application is supported by national and Local Plan Policy.
- Principle of flats in this location has already been established following planning permission (PK06/0113/F) for flats at the former Crossroads Service Station Site.
- The proposal makes more efficient use of the site.
- Proposed landscaping will enhance the street frontages.
- There would be adequate visibility from the single vehicular access.
- There would be adequate parking provision.
- The scheme provides a mix of housing type.
- There would be no adverse overlooking or loss of privacy to neighbouring property with only oblique views to rear gardens.
- Required amenity distances are achieved.
- Adequate amenity space would be provided.
- The scheme maintains strong defined frontages with low boundary walls, characteristic of the locality.
- The proposed materials reflect local identity.
- There would be a clear distinction between the public and private realms.
- The proposal would enhance the townscape qualities of the site through a strongly defined urban structure and greater enclosure to public spaces provided by the frontages to Cleeve Hill and Cleeve Park Road.
- The proposal helps to provide a mix of community as advocated by PPS3.

- The proposal respects the building line in Cleeve Park Road and the scale of the development is entirely in-keeping with the ridge heights of neighbouring property.
- The development has been designed to minimise the use of natural energy resources.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The site lies within the Urban Area and is previously developed land and can therefore be assessed as a brownfield windfall site. The existing bungalows are not afforded any special protection and do not lie within a Conservation Area. There is therefore no in-principle objection to the demolition of the bungalows and the re-development of the site for alternative residential use. PPS3 supports the generation of mixed communities in sustainable locations and at para.20 states:

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

The proposal for flats is therefore considered to be in accordance with the latest government advice contained in PPS3 and as such, there is no in-principle objection to flats being erected in the location proposed and in place of the existing bungalows. The flats would be sold on the open market and would provide a valuable contribution to the low cost open market housing stock, which is increasingly in demand by single people, professional couples or first time buyers.

5.2 Having regard to the adopted Joint Replacement Structure Plan, Policy 34 states that in making allocations for housing provision, Councils should give priority to the re-use of previously developed land. Similarly, Policy 33 states that priority will be given to the re-use of previously developed sites *within the urban area*. Furthermore, Policy 2 of the JRSP, the locational strategy, aims to concentrate development for jobs, housing and facilities within the main urban areas, in order to maintain and develop their vitality and quality as regional and sub regional centres. JRSP Policy 19 requires development to be managed in a manner that respects local character and distinctiveness through good design.

5.3 The proposal falls to be determined under Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits the residential development proposed, subject to the following criteria:

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

- D. Provision for education, leisure, recreation and other community facilities within the vicinity is adequate to meet the needs arising from the proposals.
- 5.4 Density  
Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and like PPS3 seeks to avoid development, which makes an inefficient use of land. PPS3 (para.47) indicates that a national indicative minimum density of 30 dwellings per hectare should be used and whilst not prescribing any maximum figure, the PPS encourages the highest density that can be achieved within the various local considerations that need to be taken into account.
- 5.5 PPS3 (para.50) states that *“The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.”*
- 5.6 There would be 12 units on the 0.151ha site, which equates to a density of 79 dwellings per hectare. The high density figure merely reflects the fact that the development would comprise of 12no. flats as opposed to individual dwelling houses (if the proposed 3no. blocks were to be large detached houses the density would only be 19.8 dph.). Having regard to the size of the plot and the scale of the buildings proposed, officers consider that the proposed density would make the most efficient use of the site in this sub-urban location and in this respect alone is not considered to be an overdevelopment of the site. A larger development than that proposed is not considered appropriate due to the proximity of two-storey residential dwellings and the character of the street scene. The site is in a relatively sustainable location being close (300m) to the centre of Downend, within easy walking distance of the shopping and community facilities and main bus routes. The density is therefore acceptable.
- 5.7 Scale and Design  
Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 requires a good standard of design, in particular the siting, layout, form, scale, height, detailing, colour and materials should be informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.
- 5.8 The design rationale is for the erection of 12 flats now to be contained within 3no. separate blocks, thus reducing the scale and perceived mass of the development, which was originally to be one large building. A mix of materials would be used in the construction of the buildings, including predominantly through coloured renders, aluminium window and door surrounds, concrete double roman tiles and a limited amount of cedar board cladding. This mix of materials together with the articulation of the front facades will also help to reduce the perceived massing of the buildings.
- 5.9 The flats would be accessed from a number of entry points at street level thus creating an active street frontage. Being set back from the footways there is a sense of defensible space between the buildings and the public realm, the spaces being enclosed by low-level brick walls, which would be entirely in-keeping with the locality. The open garden spaces to the front and rear of the



site would be enhanced with appropriate landscaping and additional tree and shrub planting as shown on the submitted landscape scheme.

- 5.10 Within the development and to the rear would be an open landscaped communal amenity area. Also incorporated within the scheme would be cycle parking and bin storage facilities, with car parking restricted to the rear courtyard.
- 5.11 PPS1 (para. 38) in addressing design issues states that:  
*“Local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness particularly where this is supported by clear plan policies or supplementary planning documents on design.”*
- 5.12 Officers have considered the proposal in the context of the local architectural vernacular. The locality is suburban in character but does not exhibit a strong local distinctiveness supported by any supplementary planning documents. Most of the buildings are substantial two-storey detached or semi-detached dwellings although some e.g. nos. 24, 30 and 32 Cleeve Hill have had dormer extensions, which facilitate occupation of the roof space, thus creating 2.5 storey dwellings. Whilst there are some bungalows further down Cleeve Park Road, the two bungalows within the application site are in fact anomalous within the Cleeve Hill street scene. The two bungalows are unexceptional in appearance, indeed no.56 has an awkward looking dormer extension, which is has a jarring appearance within the street scene.
- 5.13 Within the applicant’s Design and Access Statement, comparisons have been made between this proposal and the recently approved scheme (PK06/0113/F) for a block of 14no. flats, located on the former Crossroads Service Station site in the centre of Downend. Officers consider however that the two sites are distinctly different in character and any comparisons between the two are not therefore appropriate. The current proposal has been considered on its individual merits in relation to the latest government guidance, adopted Local Plan Policy and any other material considerations.
- 5.14 In terms of scale and massing, the proposed buildings would not be significantly different from the existing detached or pairs of semi-detached houses along the Cleeve Hill and Cleeve Park Road Street frontages. The grain of development accords with that existing, comprising of linear rows of blocks with frontages to Cleeve Hill and Cleeve Park Road. The eaves and ridge levels of the respective blocks immediately adjacent to nos. 60 Cleeve Hill and 1 Cleeve Park Road, are of very similar height to these properties, with hipped roofs to match. The overall height of the third block does rise in stages to 10.0m and then to 10.8m but as this block would be located on a corner plot at the junction of Cleeve Hill and Cleeve Park Road, the increase in height would have less impact than if located immediately adjacent to the existing neighbouring properties. The front bays in part replicate the rhythm of existing bays within the street scene. Officers are therefore satisfied that having regard to the scale of the nearest buildings and the innovative design of the proposed building, that the scale and massing would be sufficiently in-keeping with the locality.
- 5.15 There are well defined building lines along both Cleeve Park Road and Cleeve Hill, although being set well back into the site where the road bends, the

existing bungalows to not entirely conform to the Cleeve Hill building line. Furthermore the side elevation of no.56 projects 2m in front of the Cleeve Park Road building line. Whilst the proposed buildings would conform very well with the Cleeve Park Road building line, it is acknowledged that the proposed buildings would project beyond the Cleeve Hill building line. Officers have however noted that most of the front gardens on the north-eastern side of Cleeve Hill contain a variety of mature garden vegetation, which to some extent renders the building line less obvious within the street scene. Viewed in approaches from the south east, the existing bungalows within the application site are barely visible, the view being terminated by the stark white side elevation of no. 60, which is most prominent at the crest of the hill. Viewed from the opposite direction from approaches up Cleeve Hill, the application site is barely visible, being at the crest of the hill and well screened by the trees that grow in front garden of no.60. It is noted that it is proposed to supplement the existing vegetation with additional planting to the front of the application site. Officers are therefore satisfied that, the small projection of built development beyond the existing building line, on the Cleeve Hill frontage, would not have a significant adverse impact upon the street scene and would not be such an incongruous element within the street scene as to justify refusal of the planning application.

- 5.16 The proposed mix of materials is considered to be acceptable in what is a location comprising of dwellings constructed of a wide variety and mix of materials. The overall design is considered to generally respect the architectural vernacular of the location and is not excessively contemporary in appearance. The proposed balconies are not replicated within the immediate street scene but are considered to be common enough features within 'flatted' schemes within the wider urban area.
- 5.17 The applicant has indicated in para. 6.66 of their Design and Access Statement a willingness to accept a condition to achieve a high standard of resource and energy efficiency, which would be assessed through the Code for Sustainable Homes. It is therefore proposed to impose a condition to any planning approval, to ensure that the development is constructed to a standard of Level 3 of the Code for Sustainable Homes. On balance therefore the scale and design is considered to be acceptable.
- 5.18 Impact Upon Residential Amenities  
Officers consider that whilst it is perfectly normal for buildings to be in close proximity to each other in sub-urban locations, careful consideration still needs to be given to the impact of the development on the residential amenities of neighbours and future occupiers alike.
- 5.19 For prospective occupiers of the proposed flats, a communal amenity area would be provided within the site. Further amenity space would be available within the front garden areas (albeit not private amenity space) and upon the proposed balconies. The site is however within relatively easy reach of community facilities within the area e.g. King George V Playing Fields, Downend School and Sports Centre, and Downend Cricket and Tennis Clubs. Bin storage and a cycle store would be provided within the complex. The proposed rear boundary fence would be high enough to provide adequate screening and privacy for future occupiers. There would be no sources nearby of excessive levels of noise, smell, dust or pollution.

- 5.20 Moving to the impact of the proposal on neighbouring residential amenity. Given the amount of amenity space provision within the development, officers do not consider the proposal to be an overdevelopment of the site. The individual blocks are reasonably well spaced and would be an adequate distance from the adjacent properties. On the Cleeve Hill Frontage the side elevation of the existing bungalow no.58 is approximately 6.0m from the side extension of neighbouring no. 60. The nearest proposed block to no.60 would be 4m away. Whilst there are some windows in the side elevation of no.60, these are only secondary windows. Along Cleeve Park Road the proposed development would be only 1.7m from the side elevation of no.1, however the proposed building would be of very similar height and depth to that of no.1, furthermore there are no significant habitable room windows in the side elevation of no.1. Officers therefore conclude that the scheme would not be excessively overbearing on the adjoining properties.
- 5.21 Regarding the issue of overlooking and loss of privacy, officers consider that some overlooking of neighbouring property is a ubiquitous situation in urban areas and provided that any overlooking from new developments is from a reasonable distance, this should not be justification for refusal of planning permission. The Council's Supplementary Planning Guidance does however normally require a minimum of 21m between facing habitable room windows, and a distance of 12m between a principal habitable room window and a blank facing elevation. With government guidelines supporting higher density developments in sustainable locations, some loss of privacy from overlooking is considered inevitable.
- 5.22 Officers have noted that virtually all of the properties within the vicinity of the site have low boundary walls adjacent to the public realm. This allows very clear overlooking of the majority of the front gardens and in some cases rear gardens as well e.g. neighbouring no. 54 Cleeve Hill. To the rear of the application site, existing fences and high vegetation provide adequate screening at ground floor level to the gardens of neighbouring no.60 Cleeve Hill and no.1 Cleeve Park Road. In the proposed development it is intended to erect a new 1.8m high acoustic fence on these boundaries. Furthermore any loss of vegetation would be mitigated for by the new planting proposed in the submitted landscape scheme. The acoustic fence is intended to reduce noise disturbance from the parking court, this matter is discussed further under the Environmental section below.
- 5.23 Concerns have been raised about possible loss of privacy as a result of overlooking from the proposed upper floor windows and not least from the proposed balconies. It is noted that the scheme has been designed such that there are no 2<sup>nd</sup> floor windows or balconies overlooking the rear gardens of no.60 Cleeve Hill or no.1 Cleeve Park Road. There would be additional overlooking from some first floor bedroom windows in the larger block, but these windows would be set well back from the boundaries of the neighbouring properties. The windows in the smaller blocks serve only landings or en-suites and could be obscurely glazed.
- 5.24 To the front of the proposed buildings, overlooking Cleeve Hill, there would be at least 30m clearance between the proposed balconies and the facing habitable room windows within the houses opposite i.e. nos. 49 and 51 Cleeve Hill; this comfortably satisfies current SPG standards. Of more concern is the overlooking of the rear garden of no.54 Cleeve Hill and inter-visibility with a ground floor window in the flank elevation of this property. There would

however still be some 18m between the respective properties and bearing in mind that both the window and garden of no.54 can already be clearly overlooked from the public realm, officers do not consider that further overlooking across the busy Cleeve Park Road junction would result in a significant loss of privacy. Similarly the adjacent front gardens of properties such as no.1 Cleeve Park Road, being open to view from the pavement, are not considered to be private areas of amenity space

5.25 Whilst there would inevitably be some disturbance during the development phase, this would be on a temporary basis only; furthermore disturbance during the development phase could in some way be mitigated for by the imposition of a condition to control the hours of working. Any access of neighbouring land, required to demolish the existing buildings or erect the flats, is not controlled through the planning system. The work would also be the subject of the normal Environmental Health legislation. Any anti-social behaviour by the developers would be a matter for the appropriate law enforcement agencies and is not controlled through the planning system.

5.26 On balance therefore, officers are satisfied that the impact of the proposed development upon neighbouring residential amenity, would be acceptable.

5.27 Transportation Issues

The proposed development includes the provision of 13 off-street car parking spaces as well as secure cycle parking facilities. Provision of these facilities is in accordance with the Council's adopted maximum car parking policy T8 and cycle parking policy T7. The parking layout has now been revised in order to minimise impact upon residential amenity. An appropriate planning condition would be imposed to secure these facilities and to allocate the parking spaces on the basis of no more than one space per flat, the only exception being the tandem parking spaces no.12 and 13, which would be allocated to the adjacent 3 bed flat. The site is on a bus route with bus stops in very close proximity, furthermore the site is also within a sustainable location, close to the centre of Downend. Some relaxation in the maximum parking provision is therefore acceptable. To mitigate however for this shortfall of off-street parking and to encourage the future occupiers to use alternative modes of transport to the private car, the applicant has agreed to make a contribution of £4,000 towards the enhancement of public transport facilities in the area i.e. raised borders at the two nearby bus stops on Cleeve Hill; the contribution to be secured by an appropriate legal agreement.

5.28 At present the existing bungalows both gain vehicular access directly onto Cleeve Hill, at the brow of the hill and close to the junction of Cleeve Hill with Cleeve Park Road. Both bungalows have large areas of hard-standing to the front, with driveways leading to garages towards the back of the site. Officers have recorded on several occasions up to 5 cars parked on the hard-standing to the front of no.56 alone. It is acknowledged that the Cleeve Hill/Cleeve Park Road junction is heavily used and some on-street parking already takes place close to the junction. Visibility at this junction is also compromised by the existing 1.25m high boundary wall, which currently bounds the application site.

5.29 In the proposal there would be no vehicular access points directly onto Cleeve Hill but a single access from Cleeve Park Road set back from the junction. Furthermore a condition would be imposed to ensure that the new boundary wall, which is to be only 0.5m high, would be set back to provide a 2.4m wide footway along the entire site frontage, which would significantly improve

visibility at the junction for traffic exiting Cleeve Park Road onto Cleeve Hill. A further condition would prevent any gates being erected at the new vehicular access. These access arrangements are considered to be preferable to the current situation.

5.30 The bin storage facilities are considered to be adequate and within close enough proximity to the collection point. On balance therefore the Council's Highway Officer has no highway objections to the proposal.

5.31 Landscape Issues

Policy L1 seeks to conserve and enhance the character, distinctiveness, quality and amenity of the landscape. The existing vegetation within the site consists of garden trees and ornamental shrubs, none of which are protected by Tree Preservation Order; the Council's Tree Officer therefore raises no objection to the proposal. The Council's Landscape Architect does not consider that the garden areas are open areas as defined in Policy L5 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which would otherwise need to be preserved. A comprehensive landscape scheme has been submitted, which includes a substantial amount of new planting, which would be in-keeping with the locality and would adequately mitigate for the loss of any existing vegetation.

5.32 The existing boundary wall to the front of no.58 Cleeve Hill is constructed of natural stone and is a remnant of the original boundary wall to Cleeve Hill Estate. Other remnants of this wall are to be found on the frontages of properties on Cleeve Hill to the south east of the site. Properties to the north-west and along Cleeve Park Road have later brick boundary walls. Whilst it would be preferable to retain this older wall in-situ, this will not be possible if the pavement is to be widened. The wall is not protected and could be demolished at any time. An appropriate compromise would therefore be to erect the new boundary wall on the entire Cleeve Hill frontage, in natural stone to match the existing remnant wall, with the remaining boundary wall on Cleeve Park Road constructed in brick. Subject to a condition to secure the implementation of the landscape scheme and the erection of the boundary walls as described, there are no landscape objections to the proposal.

5.33 Drainage

PPG25 and Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 require that, proposed development ensures that foul and surface water disposal arrangements are acceptable and incorporate sustainable drainage principles. In addition, development will not be permitted where it could increase the risk of flooding. The Council's Drainage Engineer has raised no objections to the principle of the development, which would also be the subject of Building Control.

5.34 Environmental Issues

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

5.35 The courtyard car parking layout has been designed to minimise disturbance for adjacent occupiers. None of the spaces would be immediately adjacent to neighbouring gardens. Whilst there is already likely to be background noise from traffic using Cleeve Hill and Cleve Park Road, the applicant intends to erect a 1.8m high acoustic fence on the boundaries with the neighbouring rear gardens, the details of which would be secured by a condition. The Council's Environmental Health Officer considers that a 1.8m high acoustic barrier should be adequate. Subject to the erection of the acoustic fence, there are no objections on Environmental grounds.

5.36 Conservation and Archaeology Issues

The application site lies in the vicinity of a group of Grade II Listed Buildings, which lie to the north. The Listed Buildings are surrounded by various residential dwellings. A belt of high Poplar Trees and a large garage lie between the northern corner of the application site and the Listed Buildings. The Council's Conservation Officer considers that the Listed Buildings are sufficiently distant from the application site, that the proposed development would have no adverse impact upon their architectural or historic interest or their setting. Subject to an appropriate landscaping scheme, as secured by condition, there are no Conservation objections.

5.37 The Council's Archaeologist has confirmed that a subterranean passage, associated with Cleeve Hill House, once led from the serpentine drive opposite the existing bungalows, to the Stables at Cleeve Hill House. It is possible that part of this tunnel still survives within the curtilage of no.58. A watching brief condition is therefore recommended and any archaeological remains found should be recorded.

5.38 Ecology

The site has no special ecological designation and no protected species are known to inhabit the site. Any vegetation or habitat lost in the development of the site would be adequately replaced under the proposed scheme of landscaping. There are therefore no objections on ecological grounds.

5.39 Other Concerns Raised

Of the concerns raised that, have not already been addressed in this report:

**Subsidence** - It is possible that the old tunnel has resulted in past subsidence of the application site. Any decision notice for approval can carry an informative to this effect. It would be for the developer to remedy the situation via Building Regulation Control.

**Precedent** - Since every application must be determined on its own individual merits, it is not considered that the proposal would set any precedent for similar future proposals in the area.

**Post Box** - The applicant has confirmed that the existing Royal Mail Post Box located within the front boundary wall on Cleeve Hill, would be retained.

**Impact on Property Values** - The impact of development on the value of adjoining property is not in fact a material consideration in the determination of planning applications.

**Previous Planning Refusals** - It is acknowledged that there have been a number of previous planning applications relating to this site, some of which

were refused. These applications related to development within the garden area, but with the existing bungalows or access arrangements retained. Furthermore these applications were all determined under a different Policy regime than is currently extant.

5.40 Education

The proposed number and mix of residential units would generate one additional Primary School place, based on the pupil number calculator. There is a projected surplus of Secondary School places in the local area. Based on current DfES cost calculators, a contribution of £8,861.43p indexed at April 2007 prices, is therefore requested towards Education facilities and secured by S106 Agreement.

5.41 Affordable Housing

The site area is less than 0.5ha and the proposal for 12 flats falls below the Council's threshold (15) for affordable housing provision.

5.42 Community Services

The following contributions are required:

£13,581.40p towards enhancement of public open space within 2km of the development. The contribution is therefore likely to be spent on improving facilities at King George V playing fields, Lincombe Barn or Britannia Woods, to cater for the increased usage as a result of this development and to be spent within a period of 10 years of receipt, or return of any unspent moneys.

£12,142.24p towards the maintenance of the enhanced open space with no claw back clause.

These contributions to be paid not later than the first occupation of 5 of the 12 dwellings.

5.43 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 23<sup>rd</sup> August 2007).

5.44 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 highway improvements and community service contributions are appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005.

## **6. CONCLUSION**

- 6.1 Officers consider that, there is a balance to be drawn between the Government's latest policy in favour of establishing mixed communities and making the most efficient use of land within the urban area, and the inevitable implications of implementing this policy, having regard to such matters of acknowledged importance as e.g. impact on visual and residential amenity and highway safety. In this instance it is considered that the Government policy outweighs any perceived harm to result from the proposed development.
- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 (1) That authority be delegated to the Director of Planning, Transportation & Strategic Environment to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following:
- (i) A contribution of £4,000.00p towards the enhancement of public transport facilities in the area.
  - (ii) A contribution of £13,581.40p towards enhancement of public open space within 2km of the application site, to cater for the increased usage as a result of this development and to be spent within a period of 10 years of receipt, or return of any unspent moneys.
  - (iii) A contribution of £12,142.24p towards the maintenance of the enhanced open space with no claw back clause.

These contributions to be paid not later than the first occupation of 5 of the 12 dwellings.

The reasons for this Agreement are:

- (i) To improve highway infrastructure having regard to Policy T12(A) of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
- (ii) To ensure the adequate provision of Public Open Space facilities within the vicinity of the development having regard to the increased population generated by the development, in accordance with Policy LC1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
- (iv) To ensure the maintenance of the Public Open Space facilities provided in (ii) within the vicinity of the development having regard to the increased population



generated by the development, in accordance with Policy LC1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

**Background Papers**      **PK07/1171/F**

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

**CONDITIONS**

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

Reason:

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

2. 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:

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.

3. The drainage scheme approved, incorporating best management practices, 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.

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

Reason:

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

5. Other than the tandem spaces nos. 12 & 13, which shall be allocated to the adjacent 3 bed duplex, the car parking spaces shown on the approved 'Proposed Site Plan' numbered 521/106F, shall be allocated on the basis of no more than one space per flat (whichever they may be) and maintained as such unless the Local Planning Authority gives written consent to any variation.

Reason:

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

6. Prior to the first occupation of the development hereby approved, the footway along the entire site frontage on Cleeve Hill, shall be widened to 2.4m.

Reason:

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

7. Before the vehicular access hereby permitted is first used, the existing vehicular accesses onto Cleeve Hill shall be permanently stopped up in accordance with the approved plans.

Reason:

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

8. No gates shall be erected at any time, on the vehicular access (to Cleeve Park Road) hereby approved.

Reason:

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

9. Building operations shall not be commenced until details/samples of the roofing and external facing materials proposed to be used have been submitted to and approved by the Council and all such materials used in construction of the buildings hereby authorised shall conform to the details so approved.

Reason:

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

10. Before the development hereby authorised is commenced, sample panels of the render indicating colour and texture, shall be erected on site and approved in writing by the Local Planning Authority. The approved sample panels shall be kept on site for reference until the development is complete.

Reason:

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

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

Reason:

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

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

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

Reason:

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

13. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out during the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Council gives written consent to any variation.

Reason:

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

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

Reason:

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

15. The boundary wall hereby approved shall, on the entire Cleeve Hill frontage, be constructed of natural stone to match that of the existing boundary wall to the front of no.58 Cleeve Hill; the remaining boundary wall to the Cleeve Park Road frontage shall be constructed of brick to match the existing wall.

Reason:

To protect the character and appearance of the area in the interests of visual amenity and to accord with Policy D1/H2/L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

16. Having regard to the likely presence of an old subterranean passage below the site, the developer shall appoint an archaeological contractor not less than three weeks prior to the commencement of any ground disturbance on site, and shall afford him or other archaeologist nominated by the Local Planning Authority access at all reasonable times in order to observe the excavations and record archaeological remains uncovered during the work. This work is to be carried out in accordance with the attached brief.

Reason:

In the interest of archaeological investigation or recording, and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 39/07 – 28 SEPTEMBER 2007**

**App No.:** PK07/1567/F  
**Site:** 249 Soundwell Road Soundwell  
 BRISTOL South Gloucestershire BS15  
 1PW

**Applicant:** Mr J Rodway S.I.L.S  
**Date Reg:** 21st May 2007

**Proposal:** Conversion of existing dwellinghouse to  
 comprise of 2 no. 1 bedroom flats and  
 other associated works.

**Parish:**

**Map Ref:** 64677 74598

**Ward:** Kings Chase



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**N.T.S**

**PK07/1567/F**

## **INTRODUCTION**

This application has been referred to the Circulated Schedule following objections to the proposed scheme being received from a local resident.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission to convert an existing two-storey terraced dwelling into 2no. 1-bed flats. Previously the application proposed a conversion to facilitate 3no. flats with a unit in the roofspace which would also require a substantial box-type rear dormer. On the grounds of design and general concerns of intensity of use, the unit in the roofspace and the rear dormer was omitted from the scheme.
- 1.2 The scheme proposes no external alterations to either the dwelling or its existing rear extension. Externally cycle racks and bins stores are proposed in the modest front garden.
- 1.3 The application site lies in an area between the main centres of Kingswood and Downend, which are both easily accessible by foot, bicycle or public transport.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1 Delivering Sustainable Development  
PPS3 Housing

#### **2.2 Development Plans**

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design  
H5 Residential Conversions  
T12 Transportation Development Control Policy for New Development.

#### **2.3 Supplementary Planning Guidance**

South Gloucestershire Council Advice Note 2 – “House Extensions”

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

- 3.1 None of relevance for this application.

### **4. CONSULTATION RESPONSES**

#### **4.1 Parish/Town Council**

The site lies within an unparished area.

#### **Other Representations**

#### **4.2 Local Residents**

6 no. letters/ e-mails of objection were received from local residents (although 2 were from the same address) which expressed the following summarised objections to the proposed scheme:

- The subject building is of a small scale with no parking facilities and the conversion could bring up to 5 cars if used for residential use when on-street parking is already a problem;
- The proposed dormer (now deleted) would completely overlook and overshadow our garden and velux windows within the loft;
- The building was previously used by tenants who needed assistance and this caused disturbance to all local residents;

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy H5 of the adopted local plan allows for the conversion of existing residential properties into smaller units of self contained residential accommodation provided that they comply with the following tests:

**A. (The proposal) would not prejudice the character of the surrounding area.**

5.2 With no external alterations proposed, the proposed scheme could comply with this criterion of Policy H5.

**B. (The proposal) would not prejudice the amenities of nearby occupiers**

5.3 The only concern is the possible transfer of noise through the dividing walls at first floor level, as the first floor flat would have its living room area possibly adjoining the bedrooms of the adjoining houses. The conversion however will also require approval under the latest building regulations and within this process, the issue of noise insulation will be addressed under Part E. It is considered that compliance with such legislation should ensure levels of disturbance are minimised as far as possible.

**C. (The proposal) would identify an acceptable level of off-street parking.**

5.4 The proposal is to convert the existing house into two units. The site currently affords no off-street vehicular parking and none is proposed as part of this proposal. It is also noted that there is no increase in bed spaces proposed as part of this development.

5.5 Moreover, it is noted that the existing dwelling could become a multi-occupation dwelling for up to five people without planning permission, all of whom could own a car.

5.6 In light of the above, there is no transportation objection to this proposal, as it is considered that the proposal would not result in any increase in the existing demand for on-street parking.

**D. (The proposal) would provide adequate amenity space**

5.7 The existing rear garden is to be used by the ground floor flat and would provide more than sufficient amenity space. The first floor flat would however not be afforded with any amenity space, which although regrettable, is not uncommon for first floor plans within the urban area. Therefore although the first floor flat would not be afforded any amenity, none could reasonably be

provided and ultimately it will be left for any prospective resident to consider whether such an arrangement meets their own individual requirements. There is therefore no objection to the proposed scheme on amenity grounds.

#### Other Issues

- 5.8 Of the local resident's concerns not addressed in the above analysis, the applicant has confirmed that the building was used for people with learning difficulties. These people lived independently but were given "remote support" with periodic welfare visits. This use can be considered a residential C3 use, as it is not considered to constitute a care home ( a C2 use).
- 5.9 The converted building as proposed would also be used by people with learning difficulties, but the accommodation would now be self-contained as opposed to be communal. Therefore with no material change in use, there are no objections to the proposed use of the building, as it is considered to remain within a C3 use.

#### 5.10 Section 106 Requirements

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

## 6. CONCLUSION

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

## 7. RECOMMENDATION

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

**Background Papers**      **PK07/1567/F**

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



## **CONDITIONS**

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

Reason:

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

2. The layout of the units hereby approved shall be constructed exactly as shown on the proposed floor plans (dwg no. SILS\_SR\_02/A1 Rev.B). Any deviation from the proposed floor plans will require prior written approval of the local planning authority.

Reason:

In the interests of the residential amenity of both existing and prospective residents, and to accord with H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the occupation of the units hereby authorised, the cycle store and bin store shall be in situ.

Reason:

To provide an acceptable level of amenity for the prospective residents of the units, and in accordance with Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 39/07 – 28 SEPTEMBER 2007

App No.: PK07/1680/F

Applicant: Mr M Iqbal Chicken  
PerfectSite: 16b & 18 Horse Street Chipping Sodbury  
BRISTOL South Gloucestershire BS37  
6DB

Date Reg: 30th May 2007

Proposal: Change of use of No.16b from Retail  
(Class A1) and No.18 from Residential  
(C3) to Mixed Use (Class A3)  
Restaurants and Cafes and (Class A5)  
Hot Food Takeaways as defined in the  
Town and Country Planning (Use  
Classes) Order 1987 (as amended).  
(Retrospective).Parish: Sodbury Town  
Council

Map Ref: 72926 82147

Ward: Chipping Sodbury



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DC0901MW

## **INTRODUCTION**

This application is referred to the Circulated Schedule due to objections to the proposed scheme being received by the local Town Council and local residents.

### **1. THE PROPOSAL**

- 1.1 This application seeks retrospective consent for the change of use of the ground floor of two units from an A1 retail use (No.16b) and a C3 residential use (No.18) to a mixed use of a restaurant (A3) and a takeaway (A5). The existing uses of the building have changed since submission and this will be discussed later within the report. The hours of operation are stated as being from 11am to 11pm. No.18 is Grade II listed and both units are also located within the Chipping Sodbury Conservation Area and also the Horse Street Secondary Retail frontage area.
- 1.2 The application also seeks planning permission to extend an existing chimney so it would terminate 1 metre above the ridge height (it currently terminates at 500mm) and install an up graded extraction system up through an existing chimney. The applicant has however confirmed that no significant changes will be made to the internal layout of the building, as previous alterations are to be utilised and only minor reversible alterations to the original fabric will be made to facilitate to the conversion.
- 1.3 Previously No's 16b and 18 were used as an unauthorised café/ tearoom (from around 2001). It is considered that during this use that the unauthorised internal alterations were undertaken – stripping out of internal features and creation of internal link between the two units.
- 1.4 This application follows two previous applications for the retrospective consent for both the change of use and advertisement consent, both of which were refused due to a lack of detailed information submitted in support of the application.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPS6	Planning for Town Centres
PPG15	Planning and the Historic Environment

#### **2.2 Development Plans**

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

EP1	Environmental Pollution
L12	Conservation Areas
L13	Listed Buildings
RT10	Changes of Use of Retail Premises within Secondary Shopping Frontages
T12	Transportation Development Control Policy for New Development

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

- 3.1 N3622 – Change of Use of No's 14 and 16 at ground floor level from residential use to retail with flats above. Approved 15 September 1977.

- 3.2 P85/2383 – Conversion of Store (No.16b) to lock-up shop. Installation of window. Approved 20 November 1985.
- 3.3 PK06/0867/ADV – Display of 1no. illuminated sign. Refused 03/05/06.
- 3.4 PK06/0863/F – Retrospective change of use from retail (A1) to mixed use café/ restaurant (A3/A5). Refused 08/05/06.

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

##### **4.1 Sodbury Town Council**

Objection of the grounds of public nuisance; noise level; health and safety; smell; traffic congestion; late night anti-social behaviour; parking problem; and litter.

##### **4.2 Other Consultees**

###### **Wessex Water**

Attention is drawn to a serious blockage in the sewers in Horse Street, which resulted in complaints from the residents. Jetting works with follow up CCTV camera surveys helped alleviate the problem of fat build up.

Therefore approval is to be recommended, a fat trap should be installed to help assist our attempts to keep the sewer clear and fat free.

##### **Other Representations**

##### **4.3 Local Residents**

9no. consultation responses were received from local residents which expressed the following summarised objections to the proposed scheme:

1. No.18 does not have an authorised retail use and so following the ceasing of the unauthorised commercial kitchen use, it should be reinstated as a dwellinghouse;
2. Previously the area outside the takeaway was not kept clean and tidy;
3. The side passage way was used for storage with rubbish bins on the pavement;
4. The pavement outside was covered in grease;
5. There is a fire risk due to the use and the timber framed construction of the buildings and so what fire insulation and precautionary works are being proposed?;
6. Proposal will lead to on-street parking problems and obstruction for existing neighbours;
7. The operation of the previous business resulted in offensive cooking odour;
8. Installation of extraction systems and the heightening of a chimney are out of character for such a listed building;
9. The previous operation created disturbance from customers arriving, consuming and leaving the premises;
10. The operation of a takeaway from the premises detracts from the setting of historic group of late 17<sup>th</sup> century cottages;
11. Unauthorised structural changes to internal and external walls harm the character of the building;
12. Unauthorised use of external blue paint is not in keeping with character of area;
13. The proposal would be contrary to Policy RT10, as it would “*undermine the established character of the secondary frontage*”;

14. The design of the shop frontage is not appropriate for an historic building within the Chipping Sodbury Conservation Area;
15. The previous use of the premises for a takeaway lead to anti-social behaviour from noisy and intoxicated crowds gathering in the late evening causing also an increase in crime and disorder;
16. No.18 has an authorised use as a residential unit until its unauthorised use a kitchen for the commercial premises at No.16b which began in 2001; and
17. The kitchen was fitted out in 2004 without the benefit of planning permission;
18. No.16b was previously a dress shop, prior to its use as a café in 2001

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy RT10 states that within the grounds floor level of secondary shopping frontages, as shown on the proposals map, proposal for the change of use will be permitted except where:

- A. The proposed use would undermine the established character, vitality or civic role of that frontage;
- B. The proposed use would result in unacceptable environmental or transportation effects or would prejudice residential amenity.

5.2 As in the consideration of the previous scheme, there are no objections to the proposal on the grounds of criterion A, as a takeaway use can be considered a use to be reasonably expected within a high street context. Therefore as per the previous application, it is the tests within criterion B that are considered pertinent to this application.

5.3 However, prior to this assessment, the authorised use of the units was an issue raised by the local residents. As submitted, the claimed that No.18 Horse Street has an authorised retail use. No planning history however traced to back up this claim although the Council has previously accepted this claim. Therefore following discussions with the applicant, it was agreed that contrary the applicant's supporting statement, the authorised use of No.18 is residential and the previous café use was never regularised. In terms of planning policy, the implications of the authorised use of No.18 being considered residential is that Policy RT10 could not now be applied, and so the change of use is to be merely considered on its merits under the following heading.

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

### Environmental Issues/ Residential Amenity

5.5 This issue is considered to be the primary concern due to the harm the previous takeaway had on the amenities of local residents. This was due to inadequate extraction and filtration systems, and so prior to this application being submitted, detailed discussions have taken place between the applicant's agent and the Council's Environmental Protection Officer.

5.6 It is considered that following an assessment of the environmental protection measures proposed within the supporting statement and in light of the opening hours proposed, subject to the suggested conditions, the Council's Environmental Officer raises no objection to the proposed scheme on the basis that the measures proposed would help safeguard local residents from unreasonable levels of odour and disturbance from noise.

- 5.7 Therefore with no objections on environmental and amenity grounds, the scheme on environmental and residential amenity grounds and so the scheme can be seen to accord with the relevant parts of criterion B of Policy RT10.

#### Transportation

- 5.8 It is considered that given the extant use, the proposed use of the building would not significantly alter traffic movements to and from the site. Local resident's concerns about on-street parking are noted, but the existing premises could be utilised as a video shop and the dwell time for this activity would be similar to the takeaway business, and such a factor needs to be given some weighting when considering this application. There is some formal on-street parking available in close proximity to the premises and additionally, peak hour for restaurant/takeaways would be in the evening when other retail units in the area would be closed.
- 5.9 Therefore in light of the above, no highways objections have been raised by the Council's Sustainable Transport Officer and so the proposal can therefore be seen to be compliant with the transportation test within Policy RT10 of the local plan.

#### Conservation Issues

- 5.10 The use of the premises for a takeaway can not be considered to detract from the character and appearance of a Conservation Area, as such a view would be unreasonable and unsustainable. The key test is whether the alterations to the building would or have either preserved or enhanced the character and appearance of a conservation area.
- 5.11 Externally bar a non-illuminated fascia board sign, there have been no external alterations. Previously unsympathetic internally illuminated signage have been removed and no replacements at this stage are being proposed. The blue painted shop front is rather unfortunate, but there are no controls over painted finishes to a non listed building. In view of the above, it is therefore considered that the use of the two units for takeaway/ restaurant purposes as proposed would preserve the character and appearance of the Chipping Sodbury Conservation Area.
- 5.12 With regard to the internal alterations to No.18, there are no objections to the creation of an opening between the two units, and such a feature is reversible. It is considered that a number of original features may have been lost when the kitchen was created some 6 years ago, without knowing what was lost, the Enforcement Manager previously concluded that it would not be expedient to take any action in light of the lack of evidence on what was removed and also the scale of the unit.
- 5.13 The use of tiles for surface finishes is clearly not in keeping with the character of a listed dwellinghouse, but that is not to say that there would be an objection if the use is to be changed. Again although tiles may not be the most appropriate option for such a building, they could be removed once the use ceased with original or more sympathetic surfaces restored. Therefore it is not considered the case that kitchens, especially commercial kitchens within listed buildings should not be tiled as a matter of principle. The extension of an existing chimney with materials to match existing is also considered a minor alteration of no significance.

- 5.14 One of the few features that remain in situ is however the fire surround. Although the applicant suggests that any alteration would be minimal, further details would be required and so a condition is to be attached to the listed building application to required large scale details of any alterations to the existing fireplace.

#### Other Issues

- 5.15 The issue of noise disturbance through use is not considered sufficient to warrant an objection, as with a closing time of 11 o'clock, there exists within the surrounding a number of licensed premises with licences that operate later into the evening. Therefore it is considered that there is no justification to object to this application, as although the existing noise and disturbance should not be exacerbated, it is considered that such a use operating to such a time is not unreasonable within a town centre location.
- 5.16 Issues of fire and fire precautionary measures are not relevant to a planning application.
- 5.17 A number of the environmental concerns expressed by local residents and the Water authority will be resolved with the insertion of grease traps which would prevent the blocking up of the system. The storage of waste can be restricted to the storage area noted on plan and so a condition is to be attached accordingly.

#### 5.18 Section 106 Requirements

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

## 6. CONCLUSION

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

## 7. RECOMMENDATION

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

**Background Papers**      **PK07/1680/F**

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

**CONDITIONS**

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

Reason:

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

2. The use hereby permitted shall not be open to customers outside the following times 2300hrs to 1100 hrs Monday to Sunday and including Bank Holidays.

Reason:

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

3. There is to be no external storage of waste and any waste is only to be kept within the bin store as noted on drg no.03.

Reason:

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

4. Prior to the use hereby authorised commencing, large scale details of any alterations to the existing fireplace to accommodate the new extraction system are to be submitted to the local planning authority for written approval.

Reason:

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

5. The ventilation system should be installed as indicated on the design stated and inspected and approved by the Council prior to opening to ensure that noise and odour are not detrimental to neighbours as indicated in sections 6.4 and 6.7 of the design statement.

Reason:

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

6. Duct silencers referred to in the design and access statement should ensure that noise from the system is not audible in adjoining properties, and is not at such a level so as to be detrimental to the amenity of neighbouring properties.

Reason:

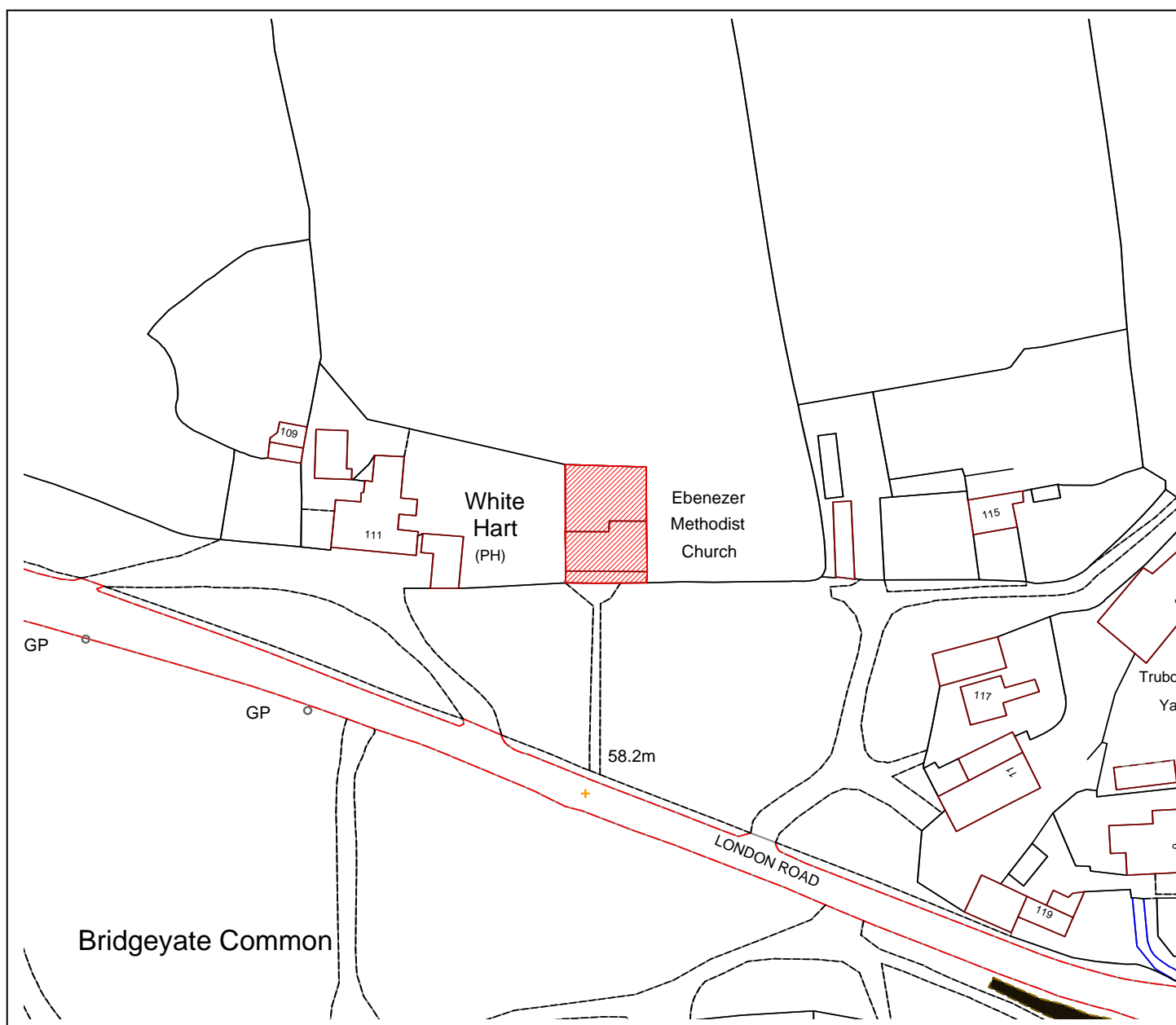
To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.



7. To ensure that odours do not escape at ground level, windows should be kept shut while closed other than for access and egress.

**CIRCULATED SCHEDULE NO. 39/07 – 28 SEPTEMBER 2007**

<b>App No.:</b> PK07/1778/F	<b>Applicant:</b> Mr D Burke
<b>Site:</b> Former Ebenezer Methodist Church London Road Warmley BRISTOL South Gloucestershire BS30 5JB	<b>Date Reg:</b> 7th June 2007
<b>Proposal:</b> Change of use of existing vacant church (Class D1) to 3 no. self contained holiday lets (Class C1) as defined in Town and Country Planning (Use Classes Order) 1987 (as amended). (Resubmission of PK07/0854/F).	<b>Parish:</b> Siston Parish Council
<b>Map Ref:</b> 68162 73292	<b>Ward:</b> Siston



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100023410, 2007.

DC0901MW

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

## 1. **THE PROPOSAL**

- 1.1 This application seeks full planning permission for the change of use of a former chapel building to a self contained holiday let. The chapel building stands in its own grounds, at the edge of a Common and in the Green Belt, outside the urban area. It has no direct access for vehicles, but can be accessed by foot.
- 1.2 The building has blank side walls. The curtilage consists of a narrow 'front garden' enclosed by a 1 metre high brick wall, topped with railings, the rear of the site is overgrown and bounded and enclosed by a mature hedgerow. To the west of the site is the car park associated with the White Harte public house, to the east is a field access and then a field before the nearest house.
- 1.3 The building is Grade II listed and has been submitted following the refusal of a previous application which was refused for the following reason:
- The level of information supplied with the application is insufficient in order to make a proper assessment of the impact of the proposal upon the character of the Listed Building. The information which was supplied suggests that the proposal would have an adverse impact upon the character of the Listed Building, contrary to Policy L13 of the adopted South Gloucestershire Local Plan.*
- 1.4 An associated listed building application for this development has already been approved under application reference PK07/2030/LB.

## **POLICY CONTEXT**

### 2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG2	Green Belt
PPG13	Transport
PPG15	Planning and the historic environment

### 2.2 Development Plans

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

D1	Design
L13	Listed Buildings
GB1	Green Belt
H10	Conversion of Rural Buildings
E11	Tourism
T7	Cycle Parking
T8	Car Parking
T12	Transportation

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

- 3.1 PK07/0854/F Change of use of vacant church to 3 holiday lets, Refused 2007
- 3.2 PK07/1283 /LB Listed Building application for above, Refused 2007
- 3.3 PK07/2030/LB Internal and external alterations to facilitate the conversion of existing vacant church to 3 no. holiday lets, Approved 2007

### **4. CONSULTATION RESPONSES**

4.1 Siston Parish Council  
Object as no parking facilities available. Inappropriate development of a listed building.

4.2 Other Consultees

No replies received.

#### **Other Representations**

4.3 Local Residents

No replies received.

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

5.1 Principle of Development

This application stands to be assessed against the policies listed above in the light of all material considerations. The principle of this proposal rests mainly on the Green Belt status of the site. PPG2, echoed in policy GB1, states that the change of use of buildings in the Green Belt is not inappropriate development, provided that the new use does not compromise the open character of the Green Belt.

No residential curtilage is required for a holiday cottage. Clothes drying could take place within the building or in the rear garden which is out of view of the public realm. For parking purposes there is no available parking within the curtilage and no available vehicular access. Parking would therefore not affect the openness of the Green Belt in the application area and outside the site it is outside the scope of planning control.

Given the physical characteristics of the site as a whole, it is considered that the proposal would not result in any material impact on the open character of the Green Belt, since all possible effects would be internalised. It is therefore considered that the proposal is acceptable in principle in the Green Belt and would constitute appropriate development. The task of this application is to overcome the previous refusal reason, relating to detail appropriate to the assessment of the impact upon the Listed Building.

5.2 Green Belt

As analysed above, the effect of this proposal, since it would not have a detrimental impact on the open character of the Green Belt, is considered to comply with policy.

### 5.3 Residential Amenity

The building is relatively remote from other dwellings in the locality. The proposal is for the building to be used as a holiday let which, in itself, is not considered likely to generate significant noise and could indeed remain unoccupied at times outside of the peak Summer season.

No new windows are proposed and the existing windows face front and rear, which would not give rise to any overlooking or intervisibility problems. Given these two factors, it is not considered that this proposal would have any significant effect upon residential amenity.

### 5.4 Conversion Works/ Effect on Listed Building

This application has been submitted following the refusal of the previous planning and listed building applications. It is the opinion of officers that the previous scheme lacked sufficient detail to allow a detailed consideration to be undertaken.

This has now been resolved and a listed building consent has now been issued for the conversion works, which protect the character and setting of the listed building. The application is therefore now considered acceptable to officers.

### 5.5 Transportation

The proposal is for the conversion of an existing church into 3no. self contained holiday lets. Traffic associated with holiday lets tend to be low and most often it is seasonal traffic. In traffic terms therefore, the proposed conversion would not have major impact. In the design and access statement supplied with the application, the agent states that there is insufficient land associated with the building to provide for car parking provision on the site.

From a parking point of view, it is considered that the proposed development without parking provision at this location is not ideal. However, it is important that all factors are taken into account including the extant/lawful of the building, in the determination of the application. The extant / lawful use of the building is as a place of worship. This use can generate a large level of traffic and also has its own demand for parking. The building can be brought back into this use again together with all of the issues of traffic and parking associated with it, without requiring planning permission. In planning terms and by reference to the Use Classes Order 1987 (as amended), it is permissible to convert a church to, for instance, a day nursery without a need to submit a formal planning application. On this basis, the transportation officer concludes that it is not possible to substantiate a highway refusal reason in this case.

### 5.6 Tourism Policy

Many of the tests under this condition have been analysed elsewhere in this report. Of the remaining criteria are that there would not be unacceptable environmental effects: In this respect, no objection has been raised by Environmental Protection. Criterion D requires that the building is well related to existing settlements or groups of buildings. It is considered that the latter applies in this case. It is therefore considered that the terms of policy E11 are met with this proposal.

## 5.7 Design and Access Statement

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

## 5.8 Section 106 Requirements

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

- 7.1 That planning permission be approved.

**Background Papers      PK07/1778/F**  
**Contact Officer:      Chris Gosling**  
**Tel. No.                      01454 863787**

## CONDITIONS

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

Reason:

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

2. The unit hereby permitted shall be used for holiday accommodation only and shall not be used as a residential dwelling.

Reason:

The application has been made for holiday units and the site, which lacks a residential curtilage) is considered to be inappropriate for permanent residential use. To accord with policy E11 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 39/07 – 28 SEPTEMBER 2007**

**App No.:** PK07/2524/F  
**Site:** 29A Cadbury Heath Road Cadbury Heath BRISTOL South Gloucestershire BS30 8BX

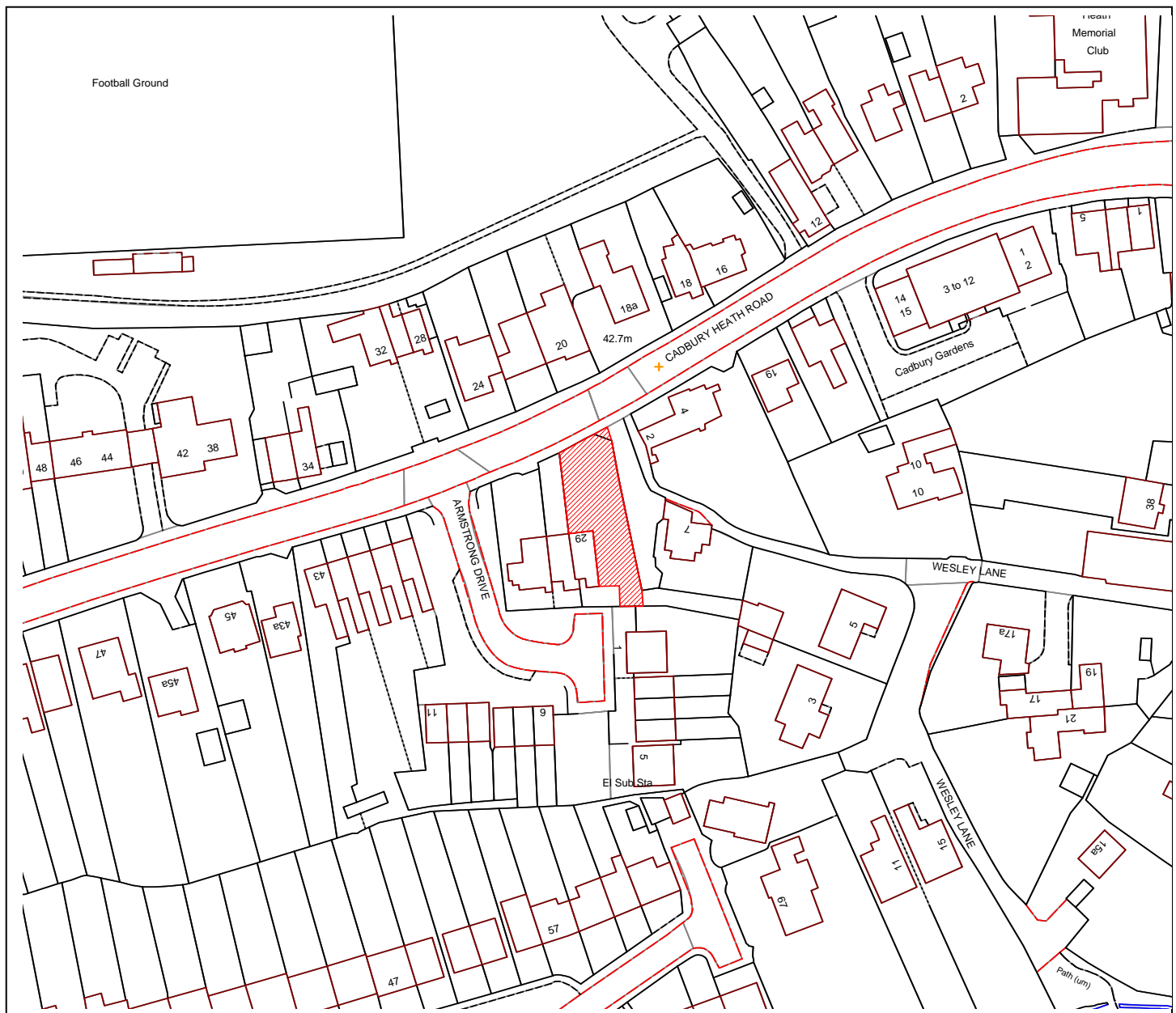
**Applicant:** Miss S Bowers  
**Date Reg:** 16th August 2007

**Proposal:** Conversion of existing dwelling to form 1no. flat and 1no. maisonette with erection of single storey side extension, 4no. car parking spaces and associated works.

**Parish:** Oldland Parish Council

**Map Ref:** 66752 72493

**Ward:** Parkwall



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## **INTRODUCTION**

This application appears on the Circulated Schedule due to the receipt of objections from local residents.

### **1. THE PROPOSAL**

1.1 This application seeks full planning permission for the conversion of an existing end-terrace dwelling into two one bedroomed flats, one in the form of a maisonette. The application would also involve the conversion of the existing car port to living space and also some alterations to the existing parking arrangements, resulting in the provision of four off street parking spaces to serve the dwelling next to the site, No. 29, and the two proposed flats.

1.2 The property is located within a residential area of Cadbury Heath. The property was extended with a two-storey side extension and garage in the 1990's. The proposal would not provide any amenity space for one of the dwellings formed. The other would have the amenity space at the rear of the existing house. The proposed works include a single storey extension to the rear of the existing garage.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG3	Housing
PPG13	Transport

#### 2.2 Development Plans

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

D1	Delivering Sustainable Development
T8	Parking standards
T12	Transportation Development Control Policy for New Development
H4	Extensions to dwellings
H5	Residential Conversions

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

3.1 P94/4205 Erection of two storey side extension and garage: Approved 1994

3.2 PK06/3609/F Conversion of existing dwelling to form 2 No. dwellings  
Approved January 2007

3.3 PK07/1800/F Conversion of one dwelling into two flats Approved 2007

### **4. CONSULTATION RESPONSES**

4.1 Oldland Parish Council  
No objection

#### **Other Representations**

##### 4.2 Local Residents

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

- Parking and manoeuvring spaces are inadequate
- Visibility is already poor and any extra vehicles will add to an already dangerous situation.
- The further subdivision of No. 29A would leave three dwellings on a site where there was formerly one.



- This could lead to further subdivision of the site
- Seeking confirmation that no part of the development will be on or over adjoining land and will not require access for maintenance

NB The last two concerns are not valid planning issues. The application is to be determined on its own merits and the development will take place within the red line of the application site, under the applicant's ownership. Any other development or access is an issue of trespass and would require the neighbour's consent.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006 allows proposals for conversion of existing residential properties into smaller units of self contained residential accommodation subject to a number of criteria including satisfactory parking facilities and not prejudicing the character of the surrounding area and residential amenity.

### 5.2 Visual Amenity

The application seeks to convert an existing dwelling complete with car port into two self contained one bedroom dwellings. The works are internal with very little external alteration, amounting to only a small single storey rear extension. When viewed from the front elevation, the only visual external change would be the infilling of the front of the existing car port to facilitate its conversion to additional living space. The only increase in size of the existing building would be the small rear extension.

The parking and turning areas to the front of the building are already largely in existence and thus it is not considered that the development will result in the loss of any vegetation or greenery that contributes positively towards the character of the area. Therefore the design and visual amenity of the proposal is considered to be acceptable.

### 5.3 Residential amenity

A number of internal alterations are proposed – including the installation of and alteration to stud walls. Externally, the only alteration is the modest rear elevation at ground floor level, infilling the gap at the rear of the garage formed by the rear building line of the dwelling and extending slightly beyond it.

With regard to potential noise nuisance, there is always the possibility of transmission, which could affect residential amenity. However, the conversion works will need to conform to the recent changes in Building Regulations, which require high standards for the reduction of transmitted noise. Subject to the necessary building regulations approval being granted, it is not considered that there are likely to be any issues of noise transmission sufficient to warrant the refusal of the application.

The ground floor flat will be afforded ample private amenity space – well above levels one would normally expect for a one bedroomed flat. The first floor flat will not have any amenity space. However, given that the flat is to have one bedroom only, it is considered highly unlikely that it will be occupied by children. It is not therefore considered that it is necessary to provide garden space for the first floor flat. Cycle and Bin stores have however been shown at the front of the site for both flats and subject to the attachment of conditions to

ensure details of these stores are submitted, it is considered that each flat is afforded ample amenity.

The proposed flats, while small, are sufficiently sized for modern living standards and this is not a concern, since they would both have one bedroom. There are to be no new or additional windows at first floor in the rear of the property and thus it is not considered that there will be any additional levels of overlooking or loss of privacy of neighbour's gardens.

Subject to the attachment of the relevant conditions shown below, it is not considered that the proposal would have any detrimental effect on existing levels of residential amenity.

#### 5.4 Transportation Issues

It is accepted that local residents are concerned about the impact of the proposal on highway safety and parking in the vicinity of the site. However, following detailed assessment by both planning and highway officers, no highway objection is raised to the proposed scheme. This current proposal seeks to erect a single storey extension to the rear of the existing car port. Four parking spaces are now proposed within the site boundary. Subject to the following condition, there is no transportation objection to this proposal.

### CONDITIONS

1. The parking spaces to be allocated as one for the existing dwelling, one each for the two new dwellings and the remaining space to be marked and allocated as visitor parking.
2. All parking spaces and access to have a bound surface and be satisfactorily maintained as such.
3. No gates to be erected without the prior permission of the Council.

With regards to impact on highway safety, the authorised use of the land must be taken into consideration. The site and existing access has consent to be used by 2 two bedroomed dwellings. It is not considered that the proposed use of the site will result in any noticeable intensification of traffic movements to and from the site that could have an impact on existing levels of highway safety. Subject to the conditions shown below to ensure that the car and cycle parking is provided, there is no highways objection to the proposed scheme.

#### 5.5 Design and Access Statement

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

#### 5.6 Section 106 Requirements

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

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

7.1 That planning permission be granted subject to the conditions shown below.

**Background Papers**      **PK07/2524/F**

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

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

## **CONDITIONS**

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

Reason:

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

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

Reason:

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

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

Reason:

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

4. The off-street parking facilities shown on the plan hereby approved shall be provided utilising a bound surface material before the building is first occupied, and thereafter retained for that purpose. One parking space shall be allocated to each dwelling, with the remaining space designated as visitor parking.

Reason:

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

5. 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:

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

6. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

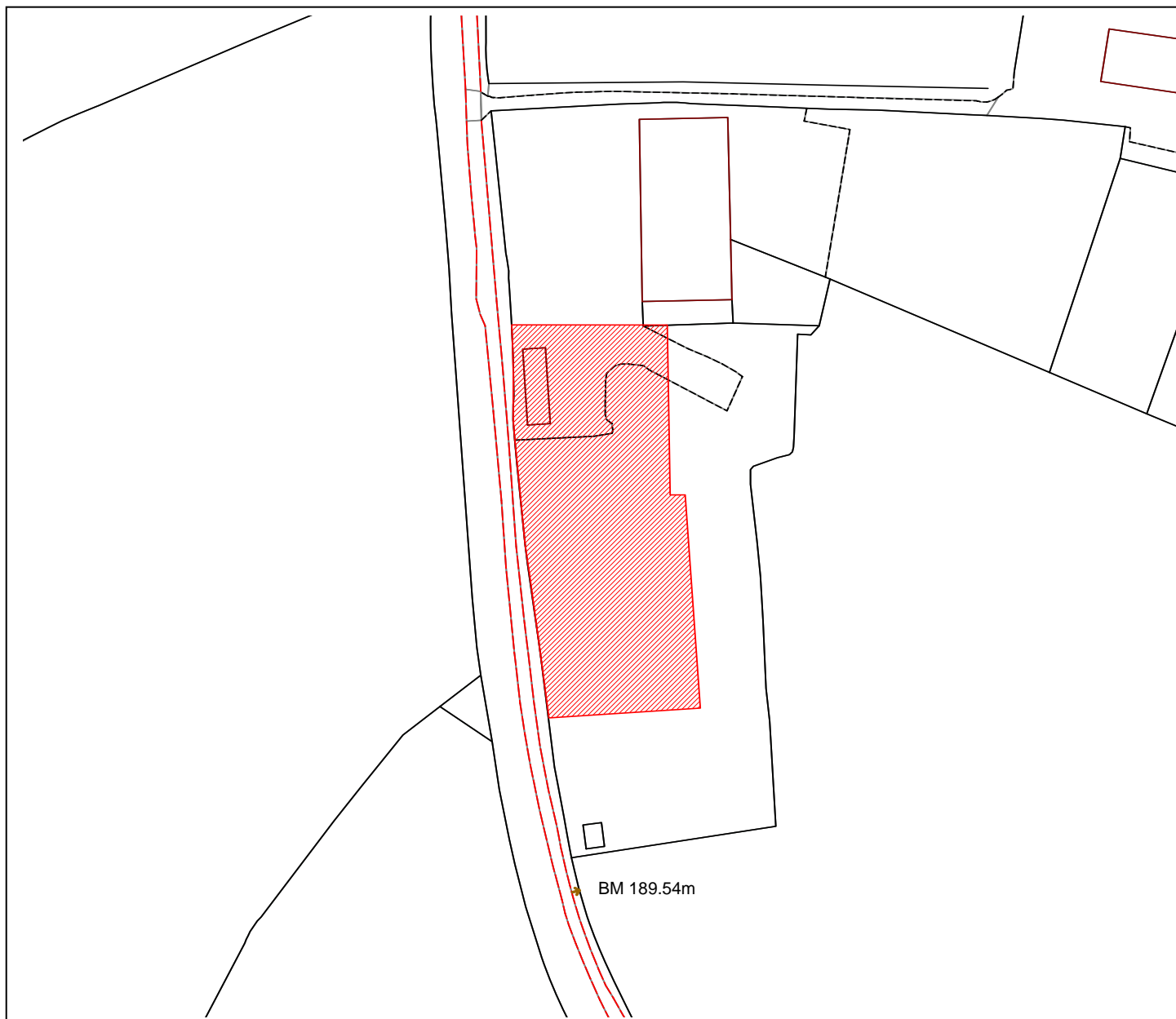
Reason:

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

## CIRCULATED SCHEDULE NO. 39/07 – 28 SEPTEMBER 2007

<b>App No.:</b> PK07/2536/F	<b>Applicant:</b> Mr L Tiley
<b>Site:</b> Field Farm Ayford Lane Marshfield CHIPPENHAM South Gloucestershire SN14 8AS	<b>Date Reg:</b> 17th August 2007
<b>Proposal:</b> Erection of 1no. agricultural workers dwelling.	<b>Parish:</b> Marshfield Parish Council
<b>Map Ref:</b> 77605 72118	<b>Ward:</b> Boyd Valley

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N.T.S

PK07/2536/F

## **INTRODUCTION**

This application is reported on the Circulated Schedule due to the receipt of an objection from the Parish Council.

### **1. THE PROPOSAL**

1.1 This application seeks full planning permission for the erection of an agricultural workers dwelling to serve Field Farm. The site lies in the Green Belt and the Cotswolds Area of Outstanding Natural Beauty. There is currently a caravan for accommodation and a permanent meat cutting room on the site, well screened by the tall boundary hedge to Ayford Lane. There is also a large barn on site.

1.2 Although this application is a full planning application, it should be noted that the principle of this proposal was resolved on appeal earlier this year following the Council's refusal of a previous outline planning application. Details of this appear below.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPG1	Delivering Sustainable Development
PPG2	Green Belt
PPS3	Housing
PPG13	Transport

#### **2.2 Development Plans**

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

D1	Design
GB1	Green Belt
L1	Landscape
L2	AONB
H3	Dwellings in the open countryside
H8 & H9	Agricultural workers dwellings
T7	Cycle Parking
T8	Car parking
T12	Transportation

#### **2.3 Supplementary Planning Documents**

Green Belt (2007)

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

3.1 PK05/1922/O Erection of agricultural workers' dwelling (outline) with siting and means of access to be determined Refused – appeal allowed

3.2 PK06/3222/F Erection of agricultural workers' dwelling  
Withdrawn

### **4. CONSULTATION RESPONSES**

#### **4.1 Marshfield Parish Council**

Object on the grounds that the size, design and materials of the proposed dwelling are out of keeping with the surrounding area, inappropriate for an agricultural workers dwelling in the Green Belt and AONB and are an overdevelopment of the site.

- 4.2 Other Consultees  
Environment Agency  
Do not wish to comment

Technical Services

No objection, subject to the inclusion of a condition covering sustainable drainage and advice regarding the septic tank.

Environmental Protection  
No adverse comments

**Other Representations**

- 4.3 Local Residents  
No replies received

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

As stated above, the principle of whether an agricultural workers' dwelling could be built at this site was resolved on appeal, following the refusal of the previous outline application (siting and access were considered at that stage). This is therefore not at issue and the matters still to be resolved are to do with the appearance of the building, within the AONB, as well as any other matters raised through the consultation process. The issue of protecting the openness of the Green Belt was the other issue resolved through the appeal being allowed and the design of the dwelling as a bungalow, screened by the hedgerow, is considered to have taken this into account. The siting of the proposed bungalow and its residential curtilage also follow the appeal decision. Residential amenity is not considered to be at issue, due to the isolated location of the site.

5.2 Design of dwelling

The Parish Council has objected to the proposal in respect of the size, design and materials of the proposed dwelling. With regard to the size, the issue of the footprint and height were resolved through the appeal process, the materials proposed are oak, stone and slate, all of which are considered to be appropriate to the AONB setting of the site. The design is analysed below. With regard to the Parish's concerns on the overdevelopment of the site, this too has been effectively resolved in the Inspector's decision to grant outline planning permission for the footprint shown on the outline application.

5.3 Landscape Implications/ AONB

The surrounding rural landscape has an undulating landform with a variety of boundaries including dense overgrown hedgerows or clipped hedgerows with some mature trees. The new dwelling will be located at the top of an east facing slope. Views from the west and along Ayford Lane will be screened by a substantial hedge. The building is low lying and only the pitched roof will be visible above the hedgerow. The new building will be open to views from the east; however the landform slopes down in this direction, resulting in only middle distance views being possible. The dwelling has a traditional form, is relatively low lying and is constructed using natural materials that will harmonise with the surrounding landscape. The extensive glazing on the south and east elevations is not a traditional feature, however it is considered that the building will be an interesting and attractive feature within the landscape and is not excessively prominent. It is considered that the form and style of the building will not be detrimental to the landscape character of the AONB and

that the proposals are in accordance with policies L1, and L2 of the adopted local plan. With regard to the impact upon the Area of Outstanding Natural Beauty, the roof pitch would be traditional for this location. The materials selected, stone, slate and oak, are considered to compliment the AONB and overall the impact of the proposed dwelling is not considered to harm the natural beauty of the area. The house relates well to the existing farm group, being proposed to be situated on the other side of the farmyard from the existing dominant barn and it is considered that any visual impact would improve the visual quality of the locality through the provision of a well designed, logical addition to the countryside.

#### 5.4 Other Issues

A condition has been appended to ensure that the existing caravan is removed within one month of the first occupation of the dwelling. A further condition is intended to preserve the open character of the Green Belt by removing permitted development rights for the dwelling.

#### 5.5 Design and Access Statement

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

#### 5.6 Section 106 Requirements

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

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

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

**Background Papers**      **PK07/2536/F**  
**Contact Officer:**      **Chris Gosling**  
**Tel. No.**                      **01454 863787**



## **CONDITIONS**

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

Reason:

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

2. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

Reason:

The site is not in an area intended for development and the development has been permitted solely because it is required to accommodate a person working in agriculture or forestry, to accord with Policies H8 and H9 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason:

To allow for further consideration of any extensions of the dwelling or works within the curtilage in order to preserve the openness of the Green Belt and the natural beauty of the Cotswolds AONB to accord with Policies L1, L2 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The caravan currently providing accommodation for Field Farm sited on that holding shall be removed from the holding within one month of the first occupation of the dwelling hereby approved.

Reason:

To preserve the openness of the Green Belt and the natural beauty of the AONB to accord with Policies L2 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

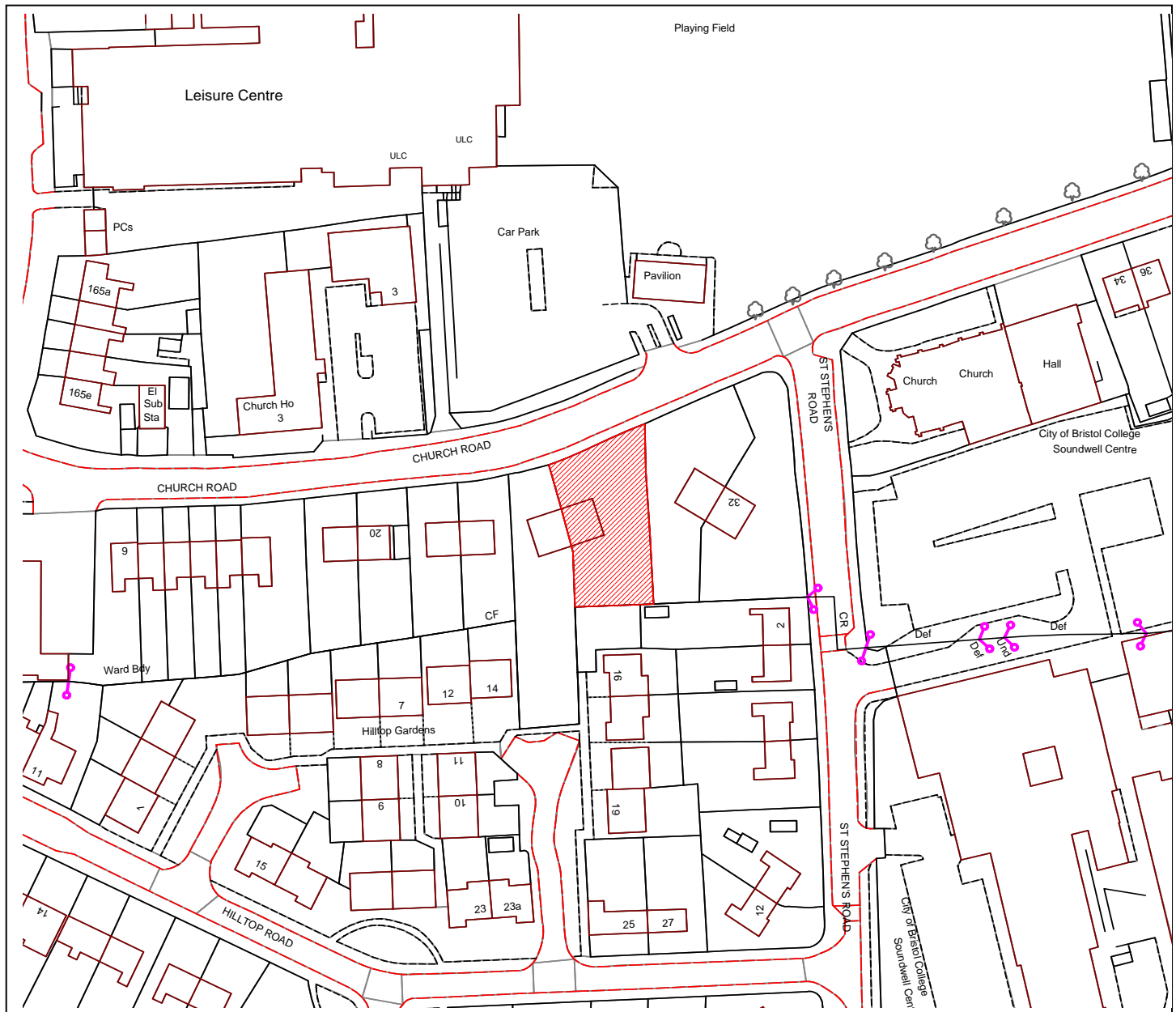
5. No development shall take place until drainage details proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (eg soil permeability, watercourses, mining culverts) within the development have been submitted to and approved in writing by the Local Planning 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 L17/L18/EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 39/07 – 28 SEPTEMBER 2007**

<b>App No.:</b> PK07/2632/F	<b>Applicant:</b> Orchard Projects Ltd
<b>Site:</b> Land adjacent to 28 Church Road Soundwell BRISTOL South Gloucestershire BS16 4RH	<b>Date Reg:</b> 24th August 2007
<b>Proposal:</b> Erection of 1no. flat and 1no. maisonette with associated works.	<b>Parish:</b>
<b>Map Ref:</b> 64928 74991	<b>Ward:</b> Staple Hill



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**N.T.S**

**PK07/2632/F**

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of one building to accommodate 1no. flat and 1no. maisonette with associated works.
- 1.2 The application site relates to domestic curtilage located within the established residential area of Soundwell.

### **2. POLICY CONTEXT**

#### **2.2 Development Plans**

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

- D1 Design
- H2 Residential Development
- H4 Development within existing residential domestic curtilages and Extensions
- T8 Car Parking Standards
- T7 Cycle Parking
- T12 Transportation Development Control

#### **2.3 Supplementary Guidance**

SPD Design Checklist adopted August 2007

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

- 3.1 The following planning history relates to the application site:
- 3.2 PK07/0717/F           Erection of 1 no. detached dwelling  
Approved April 2007

### **4. CONSULTATION RESPONSES**

- 4.1 Downend & Bromley Heath Parish Council  
No response

#### **Other Representations**

#### **4.2 Local Residents**

One letter has been received from a local resident raising the following objections, which have been summarised as follows:

- All drains covered in this area are in the garden of no.32
- Existing problem of blockage and overflow into garden
- Overloaded drainage system

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy H2 and H4 of the South Gloucestershire Local Plan allows for residential development within existing residential domestic curtilages within the urban areas subject to a number of criteria being satisfied.

5.2 Members are advised to consider that the principle of residential development has already been established on this site through the granting of planning permission PK07/0717/F for the erection of a two storey detached dwelling.

### 5.3 Design and Scale of Development

Those properties along Church Road comprise of a terraced row of six properties (no's 6- 16) and 4 pairs of semi detached dwellings and are post war. This application proposes to site a detached building between no.30 and the application site property no.28.

5.4 The design of the proposed building subject of this application is exactly the same as that already approved under planning permission PK07/0717/F in terms of siting, external appearance, scale and materials and therefore no objection is raised.

### 5.5 Residential Amenity

As the scheme mirrors that already approved it is considered that this proposal would have no greater impact on the existing residential amenities of neighbouring occupiers in terms of loss of privacy or overbearing impact. Bin storage facilities can be satisfactorily provided on the site and private amenity space can be provided for the future occupiers of both flats within the rear garden area.

### 5.8 Transportation Issues

No highway objection is raised as the proposed development provides one single point of access serving both properties and two off street parking spaces for the existing and proposed dwelling. In addition secure and under cover cycle parking will also be provided.

### 5.9 Landscaping Issues

There are no landscaping constraints on the site.

### 5.10 Drainage Issues

A letter of objection has been received from a local resident on the grounds that the existing drainage system is inadequate and that there are current problems. Members are advised to consider that this is an issue for Wessex Water as the drains in question are private.

5.11 In addition the Council's Engineering Consultancy has advised that no objection is raised in principle to this proposed development and that the applicant consider the use of soak ways or permeable surfaces for roofs, private drives and parking areas for ground water replenishment and surface water pollution control so as to ensure a satisfactory means of drainage.

## 5.12 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.

## 5.13 Section 106 Requirements

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

## 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the 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.

**Background Papers      PK07/0717/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 a samples of the roofing 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. The building hereby approved shall not be occupied until pedestrian visibility splays have been constructed in accordance with the approved proposed Site Block Plan plan.

Reason:

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

4. 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. .

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

Reason:

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

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

Reason:

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

**CIRCULATED SCHEDULE NO. 39/07 – 28 SEPTEMBER 2007**

**App No.:** PK07/2677/F  
**Site:** 201 Overdale Road Downend  
 BRISTOL South Gloucestershire BS16  
 2RQ

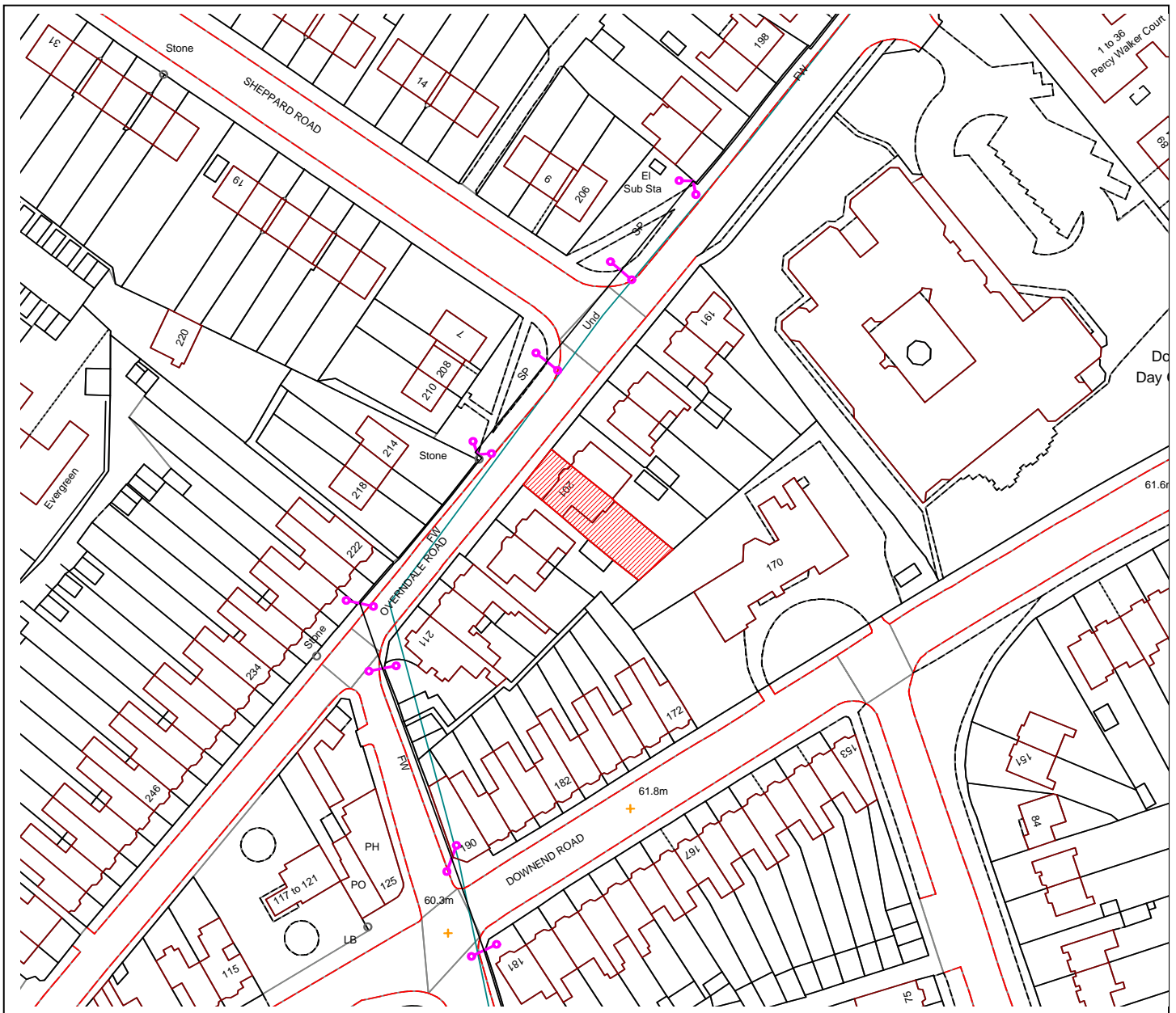
**Applicant:** Mr S Cook  
**Date Reg:** 30th August 2007

**Proposal:** Erection of single storey side extension to form additional living accommodation and replacement garage. Installation of side and rear dormers to facilitate loft conversion. (Resubmission of PK07/1233/F)

**Parish:** Downend and Bromley Heath

**Map Ref:** 64261 76390

**Ward:** Downend



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## **INTRODUCTION**

This application is placed on the Circulated Schedule in accordance with procedure given that concerns have been raised

### **1. THE PROPOSAL**

- 1.1 The applicant seeks consent for the erection of a single storey side extension and replacement garage. Dormer windows are to be installed on the side and rear elevations.

The side extension incorporating the replacement garage would have a hipped roof. The dormer window adopts a pitched roof and this would be set down from the ridge of the original property by approximately 0.5 metres with a width at the base of 2.3 metres. The dormer to the rear with a mono-pitch roof would be set down from the main roof by 0.4 metres and would have a width of 2.5 metres.

- 1.2 The application site comprises a semi-detached 1930's style property situated on the southern side of Overndale Road. The application represents a re-submission of application no. PK07/1233/F

### **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

The South Gloucestershire Design Checklist (Adopted August 2007)

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

- 3.1 PK07/1233/F Erection of single storey side extension and replacement garage. Installation of side and rear dormers to facilitate loft conversion. This application was refused on the grounds that the proposed development would be detrimental to the visual amenity of the locality.

### **4. CONSULTATION RESPONSES**

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

- 4.1 Downend and Bromley Heath Parish Council  
No objection



## **(b) Other Representations**

### **4.2 Local Residents**

One letter has been received raising concerns that the development will encroach beyond the boundary line, may result in the loss of privacy and may impact upon drains.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allow for extensions to existing dwellings subject to criteria relating to scale and design, highways, and impact upon visual and residential amenity. Policy D1 supports this policy, seeking to achieve good quality design in new development having regard among other criteria to form, scale, height, detailing, colour and materials in respect of both the site and the wider locality.

### **5.2 Design / Visual Amenity**

The proposed side extension to incorporate a replacement garage, is considered of an appropriate form and scale both to the original property and within the wider street scene. If the proposal were acceptable in other respects, a condition would be attached to the decision notice to require the use of matching materials to ensure that the proposal integrated successfully with the original property.

The proposed roof extensions while are appropriately set down from the main roof, this being the concern in relation to the previously refused application are now considered to be in proportion with the original roof and are considered acceptable in design terms. It should be noted that this form of development is widespread within the vicinity of the site and within Downend.

The proposal is therefore considered in accord with the aims and objectives of Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) and the guidance given in The South Gloucestershire Design Checklist (Adopted August 2007).

### **5.3 Residential Amenity**

Concern has been made that the proposed dormer roof extensions may result in the loss of privacy to an adjoining occupier. It is not considered that the rear dormer extension would have a significant impact upon the amenity of the adjoining occupier (any more than the existing first floor rear window). With respect to the side dormer window, for the avoidance of doubt a condition will be attached to the decision notice to require the use of obscure glazing (to level 3).

It is not considered that the proposed side extension would have an adverse impact upon the amenity of the adjoining occupier.

Given the scale and the location of the proposed development, subject to the above condition, it is considered that there would not be any significant impact upon the amenity of the adjoining occupiers.

### Other issues

Concern has been raised that the proposal may result in encroachment onto the adjoining property. Notice has been served to the occupier of that property (No203), however it should be noted that land ownership issues are not a material planning consideration.

Concern has been raised regarding the position of drainage. This is not a material planning consideration and would relate to the construction of the foundations and hence the Building Regulations

## **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**

Planning Permission be granted subject to the following conditions

**Background Papers**      **PK07/2677/F**

**Contact Officer:**    **David Stockdale**  
**Tel. No.**                **01454 863131**

### **CONDITIONS**

- 1      The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason:  
To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2      The materials to be used in the construction of the external surfaces of the 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      Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed side dormer window on the [south] elevation shall be glazed with obscure glass (level 3) only.

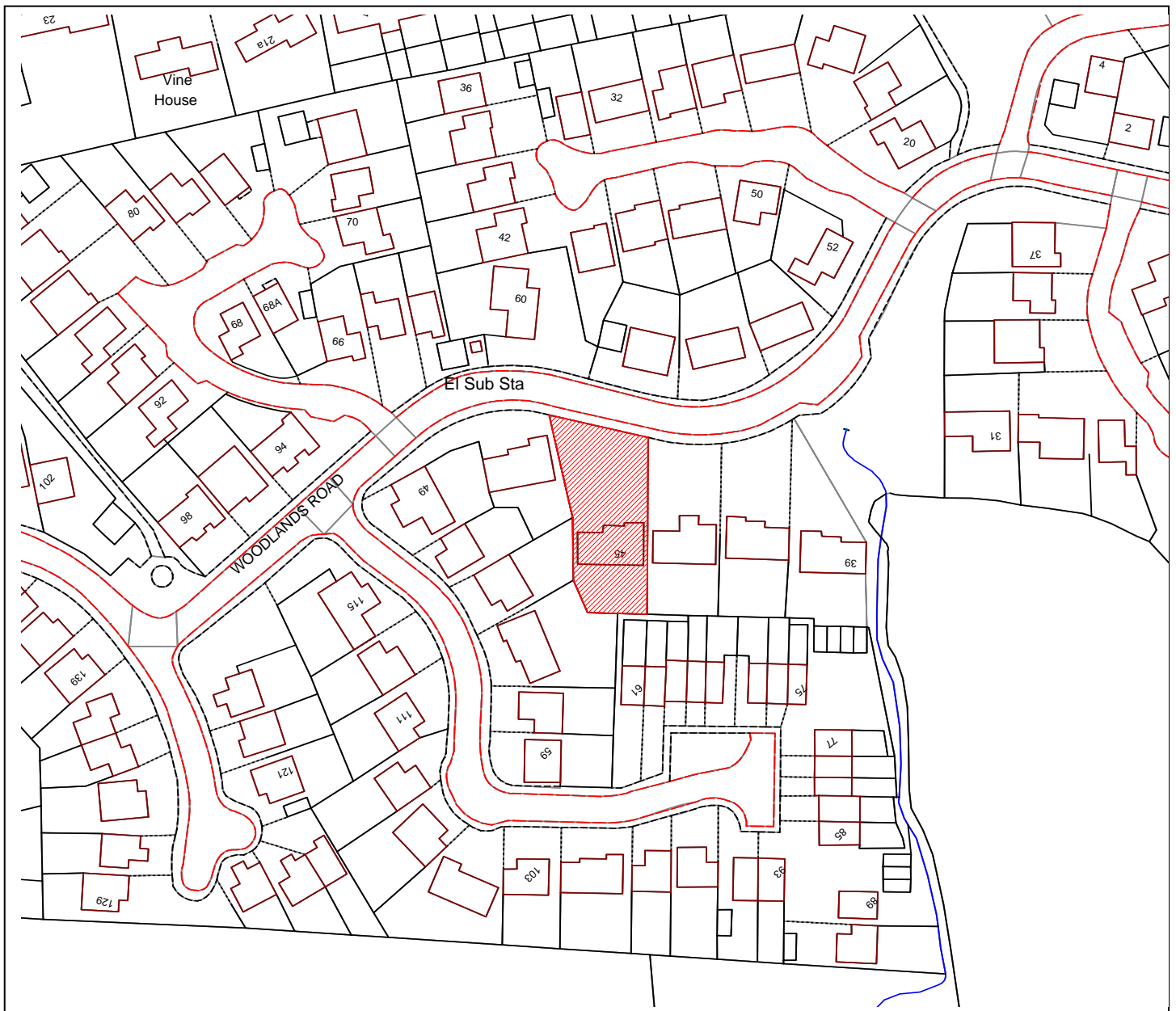
Reason:

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

**CIRCULATED SCHEDULE NO. 39/07 – 28 SEPTEMBER 2007**

**App No.:** PT07/2349/F  
**Site:** 45 Woodlands Road Charfield  
 South Gloucestershire GL12 8LT  
**Proposal:** Erection of two storey and first floor side extension and single storey rear extension to provide additional living accommodation. Alterations to existing roofline.  
**Map Ref:** 72454 91780

**Applicant:** Mr J Fosbrook  
**Date Reg:** 1st August 2007  
**Parish:** Charfield Parish Council  
**Ward:** Charfield



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**N.T.S**

**PT07/2349/F**

## **INTRODUCTION:**

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

### **1. THE PROPOSAL**

- 1.1 The application seeks planning permission for a single-storey rear extension to provide an extension to the existing dining room and for a first floor side addition to provide two-ensuite bedrooms. The proposal would also allow the creation a further ensuite bedroom within the enlarged roof space.
- 1.2 The application site comprises a detached two-storey dwelling on the south side of Woodlands Road, Charfield. The property lies within the Charfield settlement boundary.

### **2. POLICY CONTEXT**

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

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

- 3.1 None specific

### **4. CONSULTATION RESPONSES**

- 4.1 Charfield Parish Council  
No objection
- 4.2 Other Consultees  
Environmental Services: no objections in principle
- 4.3 Summary of Local Residents Comments  
One letter received expressing the following concerns:
  - a) There would be a reduction in light to the neighbouring property;
  - b) There would be a loss of privacy due to the overlooking window.

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

- 5.1 Principle of Development  
Policy H4 allows for the principle of house extensions subject to considerations of design, residential amenity and highway safety.
- 5.2 Design/ Visual Amenity  
The application site comprises a detached two-storey dwelling with an attached single-storey side addition that appears to have originally provided for a double garage but now forms a playroom and single garage. The unit is the last of four

- properties that fronts this stretch of Woodlands Road all of which appear of similar design.
- 5.3 The application seeks planning approval for a single-storey rear extension and first-floor side addition above the garage/ playroom. Concerning the former, this would project 3m into the rear garden enlarging the existing dining room. It would be encompassed by a pitched roof whilst by virtue of its rear position, would not be readily visible from the public viewpoints. As such, there is no objection to this element of the scheme.
- 5.4 The two-storey side extension would build above the attached garage allowing the creation of a second two-storey front gable and continuing the ridge of the main dwelling. These works would provide two large ensuite bedrooms whilst a further ensuite bedroom would be provided within the extended roof space; this would be served by six velux roof lights.
- 5.5 In view of the above, the side extension would not appear subservient to the host dwelling whilst it is further noted that the proposed front gable would be larger than the existing front gable to the far side of the property. Nonetheless, in this instance it is not considered that planning approval could be reasonably withheld on this basis whilst further; there are a number of similar first-floor extensions to surrounding properties closing up the original area of spacing to the flank boundary. Accordingly, the proposal is on balance considered to be acceptable and in keeping with the general character of the area.
- 5.6 Residential Amenity  
The rear addition would stand adjacent to the east flank boundary that is lined by a 1.8m high (approx.) close-boarded boundary fence. The neighbouring unit to this side is devoid of any rear extension with its attached single-storey garaging to this side. Accordingly, and having regard to the limited size of the rear extension, it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.7 In response to the comments received from these above neighbours, the depth of the rear extension is well within the general limit allowed and thus it would be unreasonable to withhold permission on this basis. Meanwhile, the window would be a high level window thus limiting overlooking. Nonetheless, given its proximity to the boundary and the further windows within this room, it is not considered to be unreasonable to request obscured glazing to this window.
- 5.8 Properties to the west side of the application site front a cul-de-sac which runs around to the rear of the host dwelling also serving those properties behind. As such, the rear gardens to these neighbouring properties provide an element of spacing to the application site and thus it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.9 One further unit sits to the east of the property facing forwards; however this sits well forward of the applicant's dwelling and thus appears visually detached from the aforementioned row of four dwellings. Having regard to any impact on this dwelling, the new front windows would face the rear of this property at an oblique angle in a similar manner to the existing. Therefore, and in view of the additional screening provided within this adjoining garden, it is not considered that any significant adverse impact in residential amenity would be caused.

5.10 Design and Access Statement

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

5.11 Section 106 Requirements

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

**6. CONCLUSION**

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

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

**7. RECOMMENDATION**

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

**Background Papers      PT07/2349/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. The glazing in the east elevation of the single-storey rear extension and the bathroom windows within the west elevation shall at all times be of obscured glass (level 3).

Reason(s):

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



**CIRCULATED SCHEDULE NO. 39/07 – 28 SEPTEMBER 2007**

**App No.:** PT07/2352/F

**Applicant:** Mr & Mrs DE & R Pearce

**Site:** Mill Farm House  
Duck Street Tytherington  
South Gloucestershire GL12 8QB

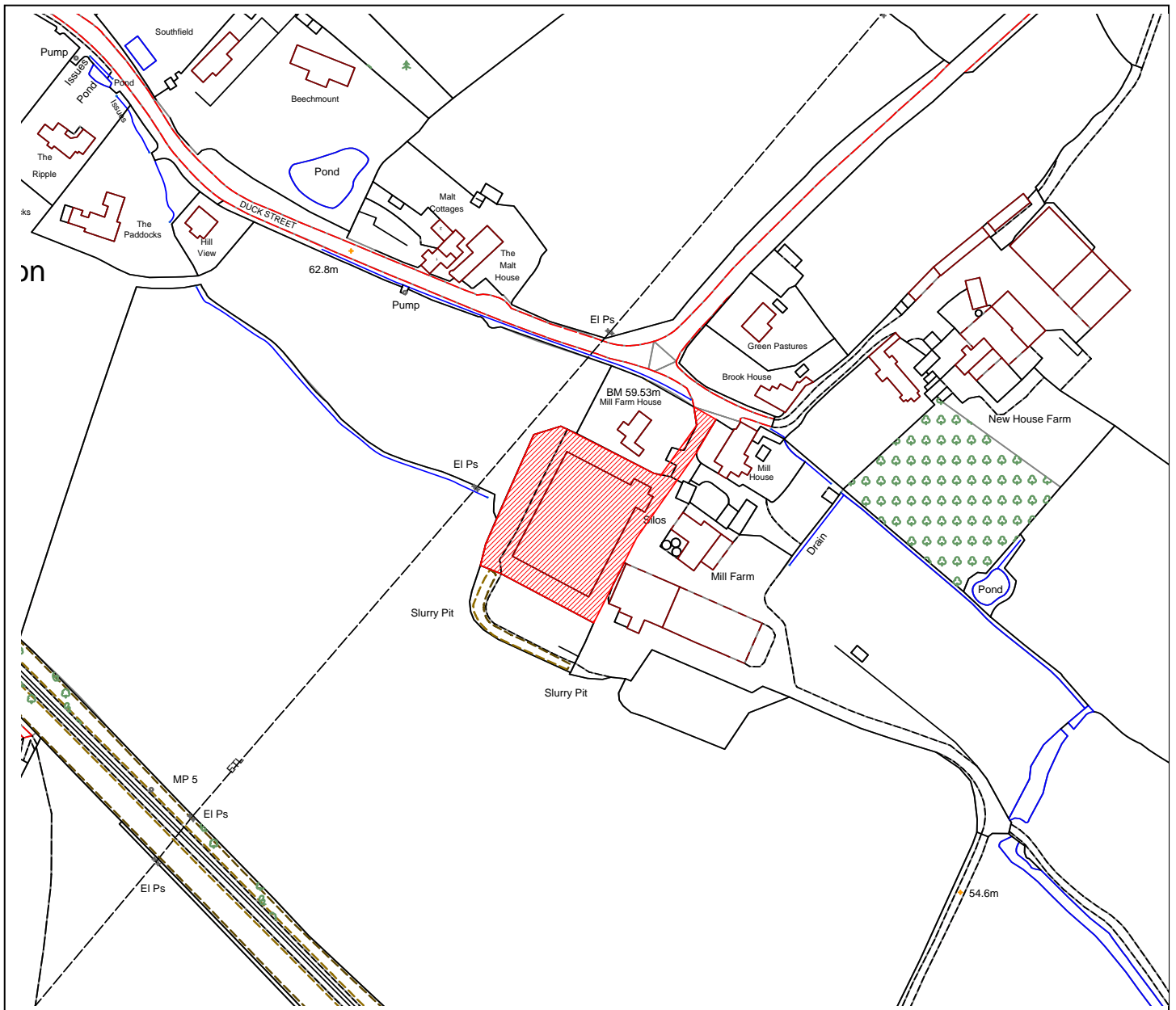
**Date Reg:** 1st August 2007

**Proposal:** Change of use of agricultural building to storage use (Class B8) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

**Parish:** Tytherington Parish Council

**Map Ref:** 67204 88058

**Ward:** Ladden Brook



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**N.T.S**

**PT07/2352/F**

## **INTRODUCTION:**

This application appears on the Circulated Schedule in view of a letter of objection received from Tytherington Parish Council and one letter received from neighbouring residents.

### **1. THE PROPOSAL**

- 1.1 The application seeks planning approval for the conversion of an agricultural building to provide for storage use. The building would be utilised in its current state, with no alterations.
- 1.2 The application site forms Mill Farm positioned at the far eastern end of Duck Street (at its junction with Stidcot Lane), Tytherington. The application site is located outside of the Tytherington settlement boundary and beyond the Green Belt. It also sits outside of the Tytherington Conservation Area.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPG4	Industrial and Commercial Development and Small Firms
PPS7	Sustainable Development in Rural Areas
PPG13	Transport

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

D1	Achieving Good Quality Design in New Development
E3	Criteria for Assessing Proposals for Employment Development
E6	Employment Development in the Countryside
E7	Conversion and Re-Use of Rural Buildings
T8	Parking Standards
T12	Transportation Development Control Policy for New Development

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

- 3.1 N4416 Erection of dairy complex and associated external works. Permitted: 6 July 1978
- 3.2 P96/2525 Erection of agricultural workers dwelling & cubicle shed. Permitted: 28 May 1997
- 3.3 PT06/2201/F Conversion and alterations to roofline of existing barns (A and B) for use as office accommodation. Permitted: 16 February 2007

### **4. CONSULTATION RESPONSES**

#### **4.1 Tytherington Parish Council**

Objection:

- a) There is insufficient information regarding the movement of traffic, hours of working and the purpose of the storage- the application can't be accurately determined in the absence of this information;
- b) It would be inappropriate development within the village with the potential to create an industrial site within this rural area with associated heavy traffic movements.

#### **4.2 Environmental Services**

No objection

#### 4.3 Sustainable Transport

No objection subject to conditions limiting the proposal to repository distribution only and requiring the provision and retention of a visibility splay.

#### 4.4 Summary of Local Residents Concerns:

One letter received expressing the following concerns:

- a) Change of use from agriculture to B8 storage means the owner can use the land for outside storage and as a distribution centre;
- b) There are highway issues because the site is on a dangerous bend;
- c) Additional traffic will cause noise and disturbance;
- d) The design, including signage, lighting and landscaping must reflect that this is an old established farm within a small residential community.

### 5. ANALYSIS OF PROPOSAL

#### 5.1 Principle of Development

National planning guidance supports the principle of the conversion and re-use of former agricultural buildings. Further, as stated within PPS7 (Sustainable Development in Rural Areas), the 're-use for economic development purposes will usually be preferable' (para 17).

5.2 Planning policies E6 and E7 of the South Gloucestershire Local Plan reflect this guidance supporting the principle of the re-use of former agricultural buildings. In the case of policy E6, this cites that proposals for B8 storage and distribution uses might be permitted where it involves the conversion and re-use of existing rural buildings whilst planning policy E7 details the building type that might be considered. In this regard, proposals will be permitted provided that:

- a) The buildings are of permanent construction and structurally sound and capable of conversion without major or complete reconstruction; and
- b) The buildings are in keeping with their surroundings in terms of character, form, bulk, and overall design; and
- c) Development, including any alterations, intensification or extensions, would not have a harmful effect on the character of the countryside or the local amenities.

#### 5.3 The Proposal

The application seeks planning approval for the change of use of a redundant agricultural building at Mill Farm, Tytherington to provide for Class B8 storage purposes. The building forms a large modern timber clad structure that stands adjacent to the existing farm house fronting the farm yard. Planning permission has recently been granted for the change of use of two stone barns that front this yard to provide for office accommodation.

#### 5.4 Structural Condition of Building

The existing building comprises a timber clad structure that sits on a block work base and which is covered by a corrugated metal roof. The building previously provided accommodation for the milking herd but has stood empty for approximately the last four years.

5.5 The building is of permanent construction and appears structurally sound and capable of accommodating a storage use without further significant works. As such, there is no objection to the proposal on this basis.

5.6 Visual Amenity

The building is typical of modern farm buildings and thus in this respect, it is not considered that permission could not be reasonably withheld on this basis. Further, the proposal would involve minimal external works to the building and thus on this basis there is no objection to the proposal. It is however recommended that a planning condition is imposed on any planning permission preventing outdoor storage.

5.7 Highway Safety

Access to the application site is provided on the outside corner of a sharp bend along Duck Street (a classified highway). However, visibility from this access is considered to be acceptable having regard to the likely approach speed of vehicles approaching from both directions.

5.8 Further, as per the previous application, it is noted that if the verge on the north east side of the highway is maintained, there is an acceptable level of inter-visibility between vehicles approaching from the north east and those turning right into the site. Therefore, and as per this approval, a condition is required to ensure the retention of the visibility splay at this corner and for a distance of at least 60m to the north east. A further condition is also requested to limit the use of the building to repository distribution; this can be covered by a condition which limits the further change of use of the building.

5.9 In summary, this proposal would utilise an existing building that would have had an associated traffic generation. Further, vehicle speeds are reduced by the carriageway alignment and provided that there is adequate verge maintenance, there is an acceptable level of inter-visibility between drivers. On that basis, and subject to these aforementioned planning conditions, there is no highway objection to this current proposal.

5.10 Residential Amenity

Neighbouring properties are generally positioned at an appreciable distance from the application site with the exception of the adjoining farm house and Mill House opposite. Nonetheless, having regard to the nature of the proposal (that does not involve any extensions to this existing building); it is not considered that any impact on these properties would provide sufficient basis upon which to withhold planning permission. This is subject to conditions in respect of the hours of operation and any lighting proposed. The aforementioned condition preventing outdoor storage would also help to address the concerns that have been expressed.

5.11 Design and Access Statement

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

5.12 Section 106 Requirements

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

## 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The 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**      **PT07/2352/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 premises shall be used for Class B8 storage and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Amendment Order 2005, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason(s):

To prevent separate uses arising which may be inappropriate or over-intensive, and to accord with Policies E6 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No deliveries shall be taken at or despatched from the site outside the hours of:  
7.30am - 6pm Monday to Friday  
8am - 1pm Saturday  
nor at any time on Sundays, Bank or Public Holidays.

Reason(s):

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

4. Details of any floodlighting and external illuminations, including measures to control light spillage, shall be submitted to and approved in writing by the Local Planning Authority

before the development commences. Development shall be carried out in accordance with the approved details.

Reason(s):

To minimise disturbance to occupiers of the neighbouring properties and to accord with Policies E6 and E7 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

In the interests of visual amenity and to protect the amenity enjoyed by those living in the locality to accord with Policy E6 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The verge occupying the north side of the carriageway opposite the site access and for a distance of at least 60m to the north east shall be maintained as a visibility splay. No planting or built form greater than 0.9m in height shall be allowed within the splay.

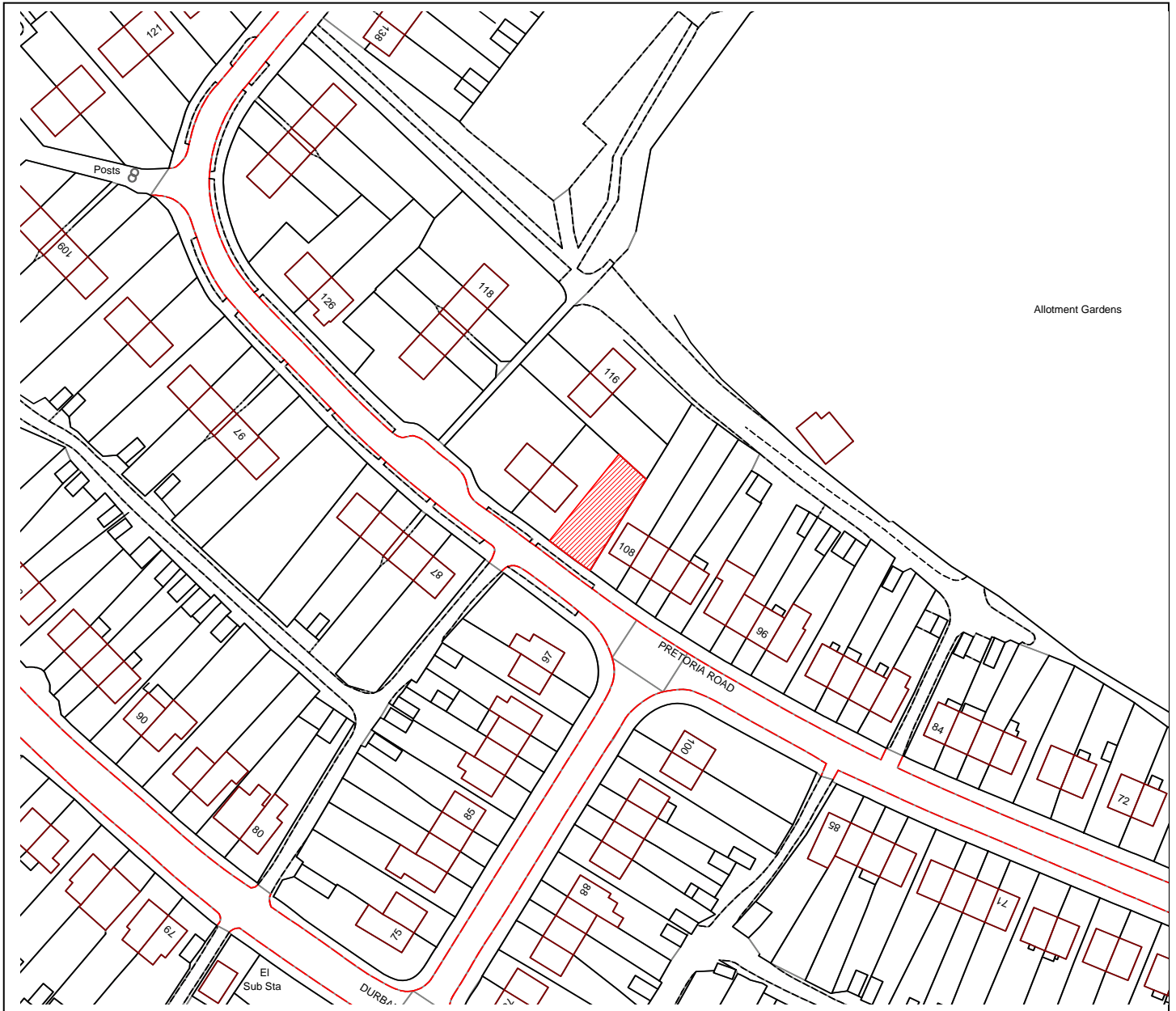
Reason(s):

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

**CIRCULATED SCHEDULE NO. 39/07 – 28 SEPTEMBER 2007**

**App No.:** PT07/2425/O  
**Site:** 110 Pretoria Road Patchway  
South Gloucestershire BS34 5PZ  
**Proposal:** Erection of 1 no. detached dwelling with  
construction of pedestrian access and  
associated works. (Outline) with all  
matters to be reserved.  
**Map Ref:** 59841 81893

**Applicant:** Mr A Chapman  
**Date Reg:** 15th August 2007  
**Parish:** Patchway Town  
Council  
**Ward:** Patchway



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**N.T.S**

**PT07/2425/O**

## 1. **THE PROPOSAL**

- 1.1 The application is an outline application for single dwelling with all matters reserved for subsequent consideration. The neighbouring property to the west, 110 Pretoria road, is a semi detached Cornish style dwelling, whilst 108 to the east is a terraced dwelling. The area is residential in nature and the site itself currently contains a garage. A hedge runs along the frontage.

## 2. **POLICY CONTEXT**

### 2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

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

D1	Design
T7	Cycle parking
T8	Parking standards
T12	Transportation Development Control Policy
H2	Residential Development within existing urban areas

### 2.3 Supplementary Planning Guidance Councils' Design Checklist

## 3. **RELEVANT PLANNING HISTORY**

- 3.1 No relevant recent planning history

## 4. **CONSULTATION RESPONSES**

### 4.1 Patchway Town Council No comments received

### 4.2 Technical Services – Street Care No objection subject to SUDS drainage condition

### 4.4 Local Residents 1 letter of objection on the following grounds:- a) loss of privacy b) loss of sunlight c) dust and noise during demolition of garage and construction of dwelling

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy H2 of the Local Plan supports principle of dwellings in existing urban areas subject to there being no unacceptable environmental or transportation effects, would not affect residential amenity, and would maximise the density compatible with the site and its location.

- 5.2 With regard to environmental impacts, the site is of adequate size to accommodate a dwelling similar to neighbouring properties in size while respecting the character and appearance of the area.



5.3 In terms of transportation, the site currently contains a variety of vehicles in association with the use of no.110 Pretoria Road, including a boat. It is recommended that any approval requires the proposed dwelling to be shown with 2 parking spaces and no.110 which is blue lined, to be shown with a single space. This would meet the Council's parking standards.

5.4 Regarding residential amenity, the neighbour at 114 which borders the application site to the rear has raised objections on grounds of loss of privacy and sunlight. Any proposed dwelling on this site would be positioned to respect the front and rear elevations of 108 and 110 Pretoria Road. In this position the dwelling at no.114 would not be directly behind the new dwelling and would be at right angles to it. There would be no material harm to the residential amenities of this occupier.

A dwelling positioned between 108 and 110 can also be adequately accommodated without material harm to their residential amenities, however a condition is suggested on any permission that there should be no flank windows unless otherwise agreed in writing by the local planning authority.

The applicant has however submitted illustrations of a large dwelling that could not be satisfactorily accommodated on the site, and an informative will be attached to any permission stating as such.

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.

5.6 Section 106 Requirements

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

**6. CONCLUSION**

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

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

**7. RECOMMENDATION**

7.1 That Planning Permission be GRANTED subject to conditions.

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

## **CONDITIONS**

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

Reason(s):

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

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

Reason(s):

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

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason(s):

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

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason(s):

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

5. No windows shall be inserted at any time in the north west and south east elevations of a dwelling on this site unless otherwise agreed in writing by the local planning authority.

Reason(s):

To protect the privacy and amenity of neighbouring occupiers of 108 and 110 Pretoria Road and to accord with Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Details of parking provision for no 110 Pretoria Road and the new dwelling, showing 1 space for no.110 and 2 spaces for the new dwelling, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced on site. The development shall be constructed and retained in accordance with these approved details.

Reason(s):

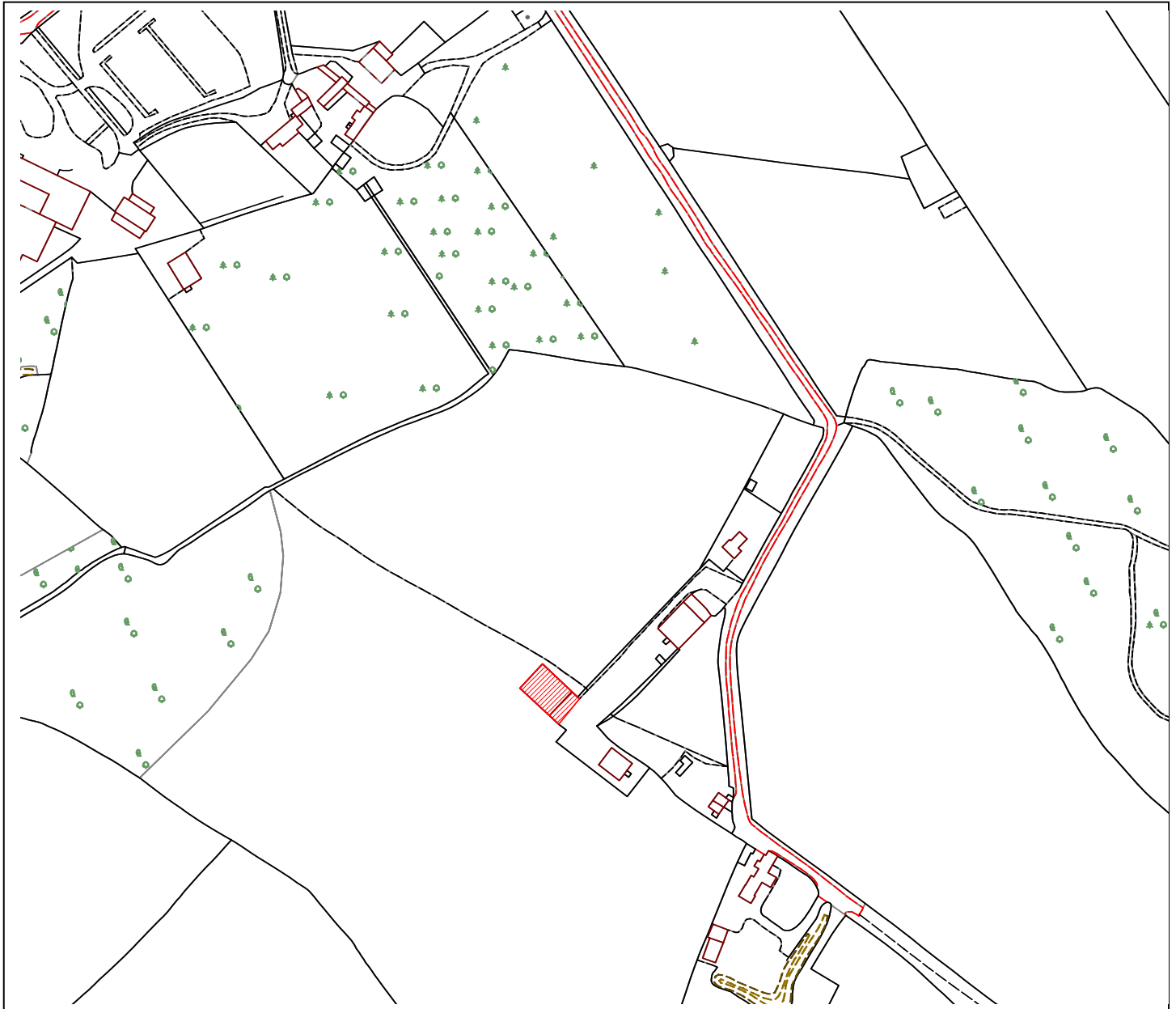
To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

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

## CIRCULATED SCHEDULE NO. 39/07 – 28 SEPTEMBER 2007

**App No.:** PT07/2440/F**Applicant:** Barden Network  
Engineering Ltd**Site:** Man Hour Acorn Farm Green Lane  
Cutts Heath WOTTON UNDER EDGE  
South Gloucestershire GL12 8QW**Date Reg:** 9th August 2007**Proposal:** Alteration and extension to existing  
building for use as a warehouse with  
ancillary office accommodation.**Parish:** Tytherington Parish  
Council**Map Ref:** 66598 89664**Ward:** Ladden Brook

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**N.T.S****PT07/2440/F**

## **INTRODUCTION**

This application has been put on the circulated schedule due to an objection by the parish council.

### **1. THE PROPOSAL**

- 1.1 Acorn Farm is located within the open country side, but not within the Green Belt. The farm is currently in use by Barden Network Engineering Ltd for Class B1 – business and Class B8 –Storage and Distribution
- 1.2 The current building measure some 23m x 19m and has an overall floor area of approximately 437 square metres. This current planning application proposes to extend the building forward by 4 metres in a similar style to the existing to create an additional 186 square metres of accommodation. The overall new building would accommodate 400 square metres of warehousing accommodation.  
Part of the works have already taken place with the block work being started on the internal office element.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS 1	Delivering Sustainable Development
PPG4	Industrial, commercial development and small firms
PPS7	Sustainable Development in Rural Areas

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

E6	Employment Development in the Countryside
E7	Conversion and re-use of rural buildings
T8	Parking Standards
T12	Transportation development control policy for new development

#### **2.3 Supplementary Planning Guidance** Adopted Design checklist

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

- 3.1 P95/2781 Change of use of existing agricultural land and building for use for manufacture , storing and distribution of timber products Approved with conditions - 7 Jan 1997
- 3.2 P98/2091 Change of use of offices ancillary to existing business to separate lettable offices .  
Approved with conditions – 10 Nov 1998
- 3.3 PT04/1570/F Erection of replacement industrial unit Approved with conditions  
14 June 2004
- 3.4 PT07/0404/F Change of use from general industrial use (Class B2 ) to use of land and buildings for business (Class B1) and storage and distribution (Class B8) as defined in the Town and Country Planning (Use Classes) Order 1987 ( as amended)  
Approved with conditions 5 July 2007

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

4.1 Tytherington Parish Council

Noted that significant detail had been provided regarding alterations to the building and no objection is raised in that respect. However due to lack of detail regarding the use and purpose of the warehouse and the traffic movements, an objection is lodged.

4.2 Transportation

This site was subject to a previous application PT07/0404/F, which involved the change of use from Class B2 to Classes B1 and B8. One of the conditions on this approval related to the provision of parking bays along Green Lane, which have yet to be implemented due to poor weather. Subject to these bays being provided there is no objection to the proposal.

4.3 Environmental Services

No objection

4.4 Local Residents

None received

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

5.1 Principle of Development

The principle of the use of the site for business use Class B1 and Class B8 storage has already been established under application PT07/0404/F. The issues to be addressed under this application are any potential impact on neighbouring occupiers, the impact of the appearance of the proposed extension on the appearance of the open countryside and as to whether the proposed extension would enable any intensification of the use of the site and lead to any detrimental harm through intensification.

5.2 The proposed extension of the building would be further into the site itself and there are no residential occupiers within close vicinity that would have their amenities affected.

5.3 With regard to impact on the open countryside, as stated the proposed extension would be coming forward in to the site itself, would be of the same height and width as the existing building , and would be profile metal clad in a green colour to minimise impact . There would therefore not be any detrimental impact on the visual amenities of the area.

5.4 The proposal would be looking to improve current working arrangements on the site rather than intensifying the use. Conditions would be recommended on any permission ensuring that the extended building and in particular the offices are only used in conjunction with the overall use of the site and not separately, as this could increase the intensity and could have implications , in particular , for traffic movements.

5.5 With regard to transportation impacts, your transportation officer has no objection to the scheme providing the previously conditioned three passing bays along Green Lane are provided. Under application PT07/0404/F these bays were to be provided within 6 months of the decision date of 5 July 2007. The applicants are still within their time limit to provide these bays, but an

informative will be added to any permission for this development reminding them of this previous condition 3.

5.6 Design and Access Statement

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

5.7 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That Planning Permission be Granted

**Background Papers**      **PT07/2440/F**

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

**CONDITIONS**

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

Reason(s):

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

2. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 7am to 6pm, nor at any time on Sunday or Bank Holidays.

Reason(s):

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

3. The warehouse and office shall be used in conjunction with the main use of the site outlined in blue on the site plan for storage and distribution purposes, and shall not form a separate planning unit.

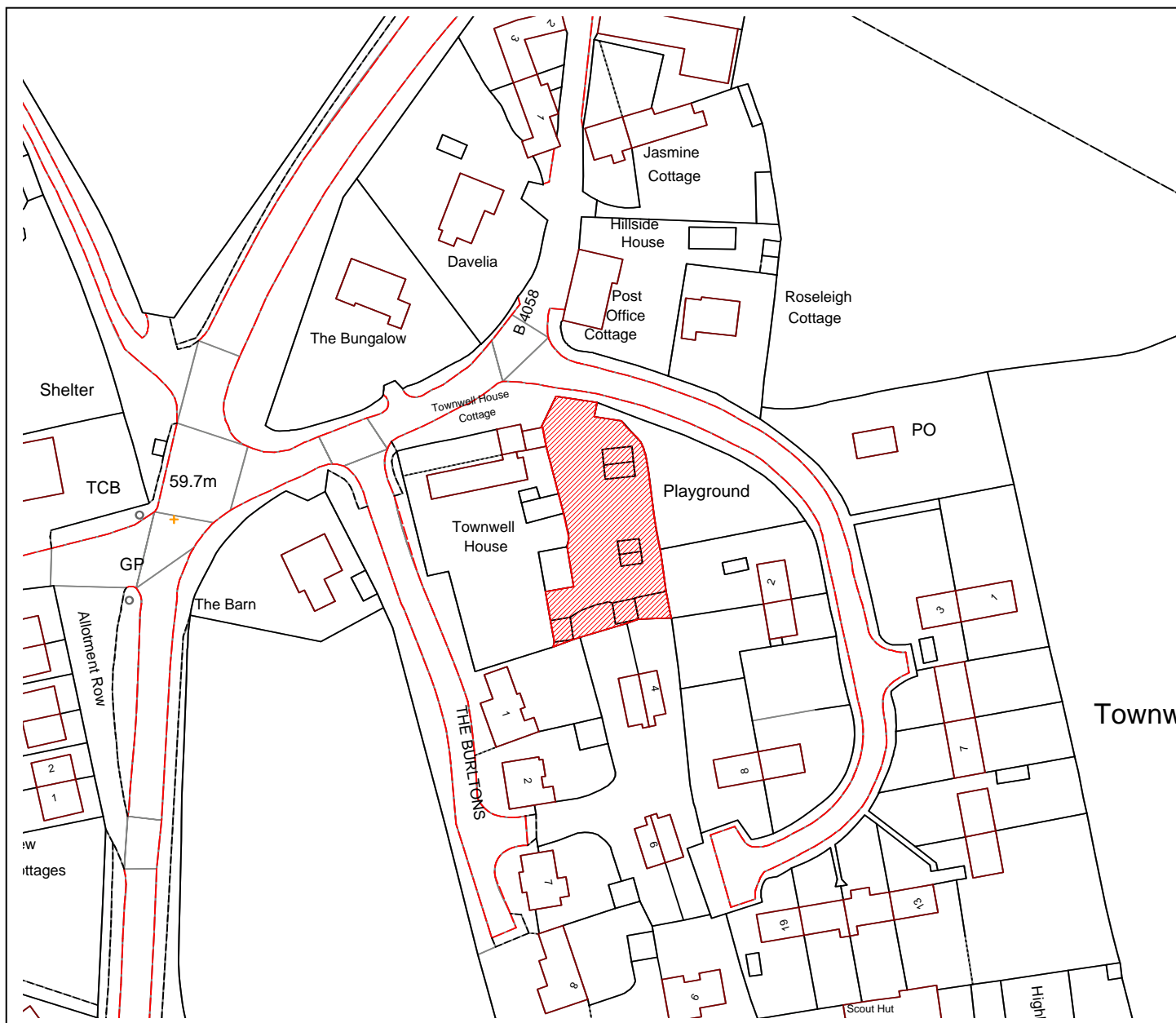
Reason(s):

In the interests of highway safety and to accord with Policy T12 of the South Gloucestershire Local Plan.



**CIRCULATED SCHEDULE NO. 39/07 – 28 SEPTEMBER 2007**

<b>App No.:</b>	PT07/2480/F	<b>Applicant:</b>	Mr P Hanney
<b>Site:</b>	Land adjacent to Townwell House Townwell Cromhall South Gloucestershire GL12 8AQ	<b>Date Reg:</b>	14th August 2007
<b>Proposal:</b>	Erection of 1 no. dwelling and detached garage with associated works	<b>Parish:</b>	Cromhall Parish Council
<b>Map Ref:</b>	69744 90700	<b>Ward:</b>	Charfield



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**N.T.S**

**PT07/2480/F**

## **INTRODUCTION**

The previous planning application was submitted for the above development under PT07/1185/F and was subsequently refused on 6<sup>th</sup> June 2007 for the following reason;

*The proposed development would achieve 11 dwellings per hectare. This is far below the lowest figure of 30 dwellings per hectare advocated by PPS3 and as required by Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006. The proposed development is therefore contrary to Policy H2 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006, the draft South Gloucestershire Design Checklist; Policy 33 and 34 of the Joint Replacement Structure Plan; and PPS3*

However, that application was assessed on the basis that the conditioned time period allowed for the implementation of a very similar development approved under PT00/2291/O and PT03/2958/RM had expired. The appropriate condition under PT03/2958/RM reads;

*The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.*

### *Reason*

*To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.*

The reserved matters (PT03/2958/RM) referred to were approved on 2<sup>nd</sup> February 2004. As such, taking the wording of the condition as it stands, the latest date for the implementation of the development approved under PT03/2958/F is 2<sup>nd</sup> February 2009 (i.e. five years from the date of that permission) and not 2<sup>nd</sup> February 2006 (i.e. two years from the date of the approval of the last of the reserved matters to be approved) which formed the basis of the previous assessment.

The reserved matters approval (PT03/2958/RM) therefore remains valid, and the assessment of this application should consider the fact that the dwelling approved under PT03/2958/RM can be implemented as approved. The nature of this submission effectively seeks amendments to the extant consent. The previous refusal reason, as detailed above is not considered to be reasonable and the applicant has resubmitted the proposal under this application. The re-assessment of this application is set out below.

## **1. THE PROPOSAL**

- 1.1 The site consists of an area of land currently occupied by disused buildings. The ground is made up of scrub and hardcore and contains several parking spaces for vehicles. A walnut tree occupies the southern part of the site that is protected by a Tree Preservation Order. The site provides access to the adjacent dwellings and is accessed direct from Townwell.
- 1.2 The proposed development consists of the construction of a single dwelling and associated garage and store. Access is via the existing access onto the site.

## 2. POLICY CONTEXT

### 2.1 National Guidance

PPS1 Delivering Sustainable Development  
PPS3 Housing

### 2.2 Adopted Joint Replacement Structure Plan

Policy 33 and 34 Housing

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

D1 Achieving Good Quality Design in New Development  
L1 Landscape Protection and Enhancement  
H2 New Residential Development within the Urban Areas or Village Development Boundary  
T12 Transportation Development Control Policy for New Development

### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) SPD

## 3. RELEVANT PLANNING HISTORY

- 3.1 PT00/2291/O Erection of one dwelling (outline) Approved
- 3.2 PT03/2958/RM Erection of dwelling and detached garage. (Approval of Reserved Matters pursuant to the Outline Planning consent number PT00/2291/O).  
Approved
- 3.2 PT07/1185/F Erection of 1 no. dwelling and detached garage with associated works (amendment to previously approved scheme PT03/2958/RM).  
Refused

## 4. CONSULTATION RESPONSES

4.1 Cromhall Parish Council  
No Comments Received

4.2 Sustainable Transport  
No Objection

### 4.3 Local Residents

Two sets of comments have been received. These comments reiterate the previous objections relating to PT07/1185/F; which can be summarised as follows;

- The height of the proposed dwelling is unacceptably overbearing on the surroundings and is poorly related to the surrounding buildings
- The proposed development would allow the overlooking of 1, 3 and 4 The Burltons
- The proposed garage would have an overbearing impact upon the occupants of the dwellings to the south of the site
- The building would possibly encroach upon the roots of the Walnut Tree
- The proposed car port/garage takes up any available visitor space.
- The proposed development over utilises the small plot size

- g) The site has access for to garages for two existing properties so space is at a premium.
- h) There is no communal parking provided and the development would result in the need to park on the highway to the detriment of safety.
- i) No visitor parking should be allowed at the road junction outside the property
- j) The existing old field boundary hedge of indigenous trees should be preserved up to the play area gate.

## **5. ANALYSIS OF PROPOSAL**

5.1 The proposed development consists of the erection of a single dwelling and garage on this site.

### 5.2 Principle of Development

The site benefits from a planning consent under PT00/2291/O and PT03/2958/RM which details the erection of a single dwelling and detached garage. This consent remains current and can be implemented any time before 2<sup>nd</sup> February 2009. On this basis, the principle of the development of one dwelling on this site is established.

5.3 This application details amendments to the approved development. The assessment of the changes are addressed below.

### 5.4 Design

Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development achieves high standards of design. This is supported by Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist.

5.5 The surrounding locality is characterised by a wide range of buildings of various ages and sizes. The proposed dwelling is a large family house of traditional form with accommodation in the roof space. It is proposed to use a mixture of stone, render and timber to the external elevations and plain concrete tiles to the roof.

5.6 Concern has been raised as to the height of the proposed dwelling in comparison to the existing buildings associated with Townwell House and Townwell Cottage. In this instance, the design of the approved scheme under PT03/2958/RM is considered to appropriately address the design and visual character of the locality. The amendments to the design of the dwelling as submitted under this planning application are also considered to be acceptable and would offer some improvement over the existing consent. As such this proposal would not have a detrimental impact upon the character and visual amenity of the surrounding locality in its own right.

### 5.7 Residential Amenity

Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new residential development would not have a detrimental impact upon the privacy and residential amenity of the occupants of nearby dwellings and would itself provide a reasonable residential environment for the occupants of the new development.

5.8 There is local concern that the proposed dwelling would allow overlooking of the surrounding dwellings and in particular, there is concern that the proposed

garage located in the South-East of the site is of such a height as to create an over bearing impact upon the adjacent properties. However, the frontage of the proposed dwelling is set back from the highway by approximately 10 to 12 metres and from the boundary of the nearest dwelling on the opposite side of the road by approximately 20 to 25 metres. It is considered that these distances are sufficient to minimise any overlooking to an acceptable level. The nearest property to the rear (South) of the proposed dwelling is approximately 35 to 40 metres from its rear elevation; and is also considered adequate. The relationship of the proposed dwelling with the adjacent dwelling at Townwell House is such that there would be limited views across the gardens from the second floor of the proposed dwelling. However, these views would be restricted and would be typical of normal domestic residential areas; and as such would not have a material impact upon the amenity of the occupants of that dwelling.

5.9 The proposed garage/carport with store over is approximately 5.5 to 6 metres in height. It would be located in the south east corner of the site adjacent to the boundaries of Townwell House and 1 The Burltons. Given the orientation of the building and its position in relation to the dwelling at 1 The Burltons, it is considered that this element of the proposed development would not be overbearing and would have no material impact upon the amenity of the occupiers of the adjacent dwelling.

5.10 Trees and Hedgerow

There is a Walnut Tree located within the site that benefits from a Tree Preservation Order. Concern has been raised as to the impact of the development upon its well being. In this instance the developer has not specified the exact nature of protection during development; or the extent of the root system of the tree via an appropriate tree survey. However, officers are content that the tree is in such a location as to allow development without putting the tree at risk. However, in order to ensure that the tree is appropriately protected during the construction of a dwelling and garage on this site, an appropriately worded condition attached to any approval is considered appropriate.

5.11 Further concern relates to the hedge on the East boundary of the site. This hedgerow is not protected and would not meet the criteria for protection under the hedgerow regulations. However, the hedge has some limited value in this context and suitable protection through a planning condition is also considered appropriate.

5.12 Transportation

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

5.13 Concern has been raised regarding the impact of additional vehicles using the site upon parking and highway safety in the area. However, in this instance it is not considered that the introduction of a single dwelling would have any material impact in highway safety terms. The proposed development would provide sufficient off street parking within the site, and would enable access to the existing dwellings adjacent to this site to continue.

5.14 Design and Access Statement

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

5.15 Section 106 Requirements

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

**6. CONCLUSION**

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

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

**7. RECOMMENDATION**

7.1 That Planning Permission is granted subject to the following conditions

**Background Papers      PT07/2480/F**

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

**CONDITIONS**

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

Reason(s):

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

2. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason(s):

Given the nature of the constraints of the site and to ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy D1, H2 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No development shall take place until details and samples of the roofing and external facing materials; and all new materials to areas of hardstanding/driveways 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, L1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

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

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of all the measures for the protection of the protected Walnut Tree within the site and the Hedgerow immediately adjacent to the East Boundary of the site during the course of the development. Development shall be carried out in accordance with the agreed details.

Reason(s):

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

**CIRCULATED SCHEDULE NO. 39/07 – 28 SEPTEMBER 2007**

**App No.:** PT07/2488/F

**Applicant:** Macaulay Construction Ltd  
**Date Reg:** 14th August 2007

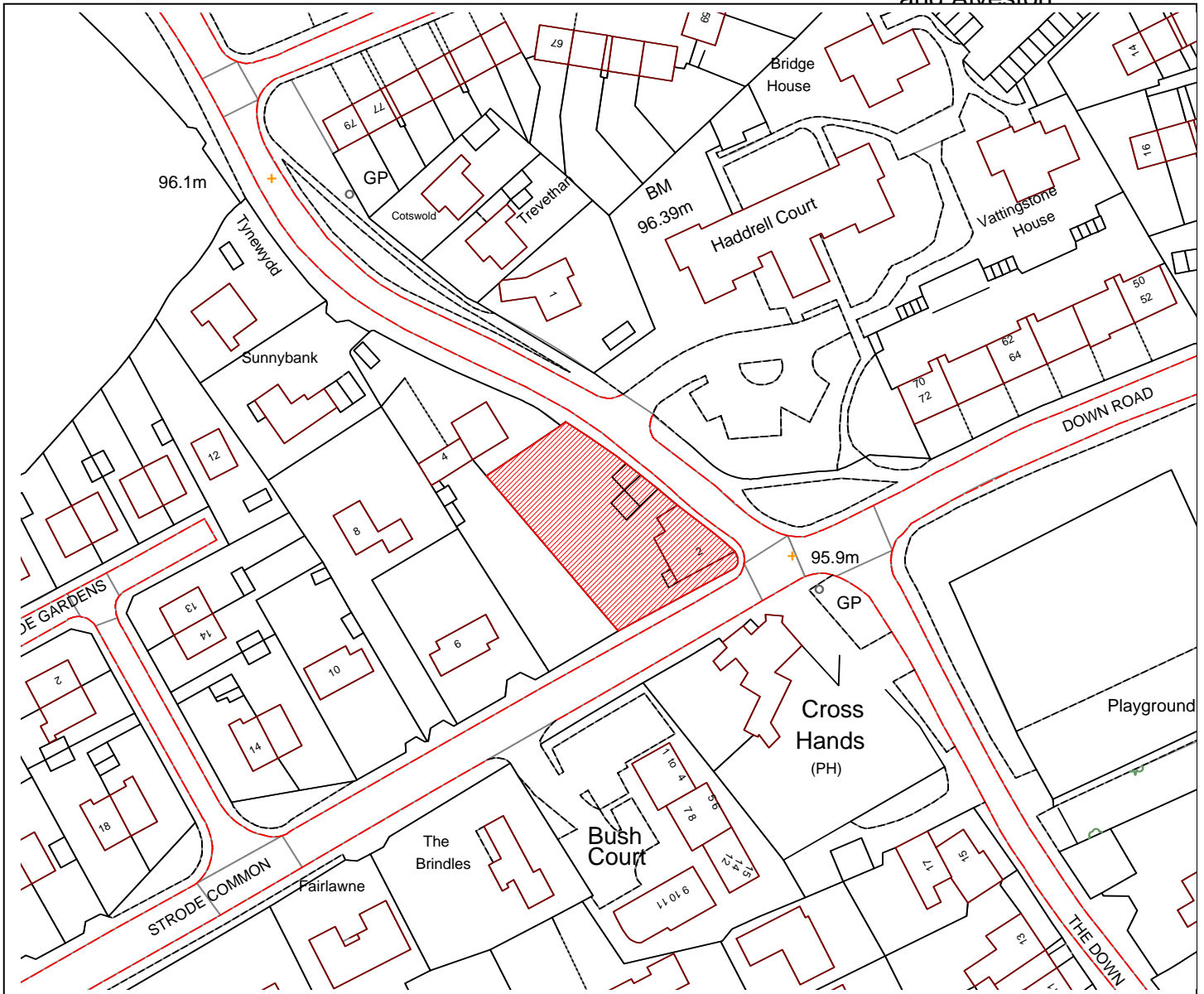
**Site:** The Laurels 2 Strode Common Alveston South Gloucestershire BS35 3PJ

**Proposal:** Formation of vehicular and pedestrian accesses to facilitate erection of 3 no. dwellings. Erection of single storey building to form 2 no. garages. Alterations and extension to the existing dwelling by raising the roof, rear extension and insertion of dormer windows. Conversion of existing outbuilding to form car port and store. (Resubmission of PT07/1446/F)

**Parish:** Alveston Parish Council

**Map Ref:** 62842 88199

**Ward:** Thornbury South and Alveston



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 100023410, 2007.



## **INTRODUCTION:**

This application appears on the Circulated Schedule as a result of the Parish and neighbour objections.

### **1. THE PROPOSAL**

- 1.1 This full application relates to demolition and extension works to the original cottage on the site from a four bedroom to a five bedroom dwelling and the erection of three No. three bedroom detached houses and construction of new vehicular access on garden land at 2 Strode Common, Alveston. The proposal involves the raising of the eaves and ridgeline of the original cottage and the erection of three no. two storey houses which utilise the roofspace to create the third bedrooms.
- 1.2 The application site occupies a large corner plot on the junction with Strode Common and Vattingstone Lane and has a total site area of some 0.1 hectares. The proposed dwelling is to be erected adjacent to 2 Strode Common and fronts onto this road. The front garden of 4 Strode Common lies immediately to the west of the site but the actual property and the adjoining house of 2 Vattingstone Lane is set back some 45m from the road. The front elevation of 2 Vattingstone Lane lies only around 1m away from the rear boundary of the application site and directly overlooks the rear garden area. The proposed access is to be taken off Strode Common to the front of the site.
- 1.3 The application site lies within the settlement boundary of Alveston and is also within the Green Belt.
- 1.4 The existing hayloft which abuts Vattingstone Lane is to be retained and extended as garaging for The Laurels and three other garage spaces are also provided.
- 1.5 This application differs in that the relationship between plot four and Logan cottage has changed, the garaging has been amended and the height and form of the houses have changed. The changes are evident in that the new build houses have been reduced from four bedroom houses to three bedroom houses.

### **2. POLICY CONTEXT**

- 2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPS3	Housing
PPG13	Transport
- 2.2 Draft Regional Spatial Strategy for the South West of England Policy G.
- 2.3 Adopted Joint Replacement Structure Plan

Policy 1	Sustainable development objectives
Policy 2	Location of development
Policy 16	Green Belts
Policy 33	Housing provision and distribution
Policy 34	Re-use of previously developed land
Policy 35	Housing density (20-25 per ha)

- 2.4 South Gloucestershire Local Plan (Adopted) January 2006
- |         |  |
|---------|--|
| D1      | Design   |
| L1      | Landscaping  |
| L4      | Forest of Avon   |
| L17&L18 | The Water Environment  |
| EP1     | Environmental Pollution  |
| EP2     | Flood Risk and Development   |
| GB1     | Development within the Green Belt  |
| H2      | Proposals for Residential Development, including Residential Institutions and Special Needs Accommodation, and Applications to Renew Permission for Residential Development, within the Existing Urban Areas and Defined Settlement Boundaries |
| H4      | Development within Existing Residential Curtilages, Including Extensions and New Dwellings   |
| T8      | Parking Standards  |
| T12     | Transportation Development Control Policy for New Development  |
- 2.5 Supplementary Planning Guidance  
 Supplementary Planning Document Green Belt (adopted)  
 Supplementary Planning Document Design Checklist (adopted)

### 3. RELEVANT PLANNING HISTORY

- 3.1 PT07/1446/F Erection of 3no. dwellings and associated works to include conversion of outbuildings to garages/workshop. Part demolition and extension of existing dwelling to form additional accommodation. Formation of vehicular and pedestrian accesses. Refused due to impact on the neighbour in Logan Cottage and design.
- 3.2 PT05/2387/F Erection of new dwelling and formation of vehicular access (in accordance with amended plans received by the Council on 26 September 2005). Approved 18/10/2005. This has not been built but was proposed to stand alongside the cottage with an overall ridge height of 7.2m and eaves of a similar height to the cottage. Vehicular access was to be gained on the southern corner onto Strode Common.
- 3.3 N.6022 Erection of detached dwelling house and garage. Construction of new vehicular and pedestrian access (rear part of the site). Refused 25 October 1979 on the grounds of cramped form of development and detriment to residential/visual amenity.
- 3.4 N.6022/1 Erection of detached dwelling and garage. Construction of new vehicular and pedestrian access (rear part of site). Refused 28 July 1983 on the same grounds as above as well as inadequate off-street parking provision and poor access (access off Vattungstone Lane). Appeal dismissed 30 March 1984.
- 3.5 P89/3358 Erection of detached dwelling and garage. Construction of vehicular and pedestrian access (rear part of site). Refused 16 February 1990 on the same grounds as above. Appeal dismissed 13 November 1990.

## 4. CONSULTATION RESPONSES

### 4.1 Alveston Parish Council

#### Objection

- a) The mass of the plot is too great.
- b) The character of that area of the village will be detrimentally affected with buildings in such close proximity.
- c) The creation of a new vehicular access in Strode common. Strode common is a very busy road forming a main access route to Olveston and an alternative route to Bristol. Junction with Vatingstone lane is also very close and traffic movements at rush hour would be further increased by the number of vehicles on site.
- d) The council is in agreement with the reasons for refusal of the previous application.

### 4.2 Transportation

**This site has been the subject of pre application discussion and a resubmission of a previous scheme that was acceptable in transportation terms but refused on design issues.**

The site is located to the south west of Thornbury and is adjacent to a classified highway network. It is currently occupied by a single dwelling and has permission for a second.

There are currently two sub standard points of access onto Vatingstone Lane. This road provides the main route to the nearby Marlwood Secondary school, a residential area and to Severnside. As a consequence the road is often busy during the school run, at other times it is quiet. The crossroads junction adjacent to the site is not considered to have a safety or capacity issue, there have been no recorded personal injury accidents their within the last 6 years even though it acts as a main conduit route to the secondary school for pupils walking, cycling and going by car.

The proposal features a net increase of two dwellings over that currently possible, deletes the sub standard vehicular access points and replaces them with a single pedestrian gate for the two dwellings onto Vatingstone lane.

The main vehicular access to the site will be via Strode Common. This access is located as far from the adjacent junction as possible, features adequate visibility and is capable of two way traffic. The footway into the site should be flush with the internal running surface to accommodate the occasional outside vehicle. The Pedestrian right of way is maintained at the junction and the bell mouth formed with dropped kerbs. A 0.6 metre east flank wall is provide to afford some child pedestrian visibility at the access.

There is adequate on site parking and turning provided within the site. The garages are of adequate size to also store a cycle and there are bin storage facilities.

In light of the above and subject to the following conditions there is no transportation objection to this proposal.

- 4.3 Drainage comments  
No objection in principle. SUDS principle would be expected to be used at this site and there should be no surface water run off.
- 4.4 Environmental Health  
No objection but recommend site working informatives.
- 4.5 Local Residents  
Six letters of objection have been received in respect of the following comments:
- a) Changes only minor
  - b) Development not in keeping.
  - c) Site too congested
  - d) Concern about additional vehicles close to very busy junction and close vicinity to Marlwood School. There is currently a Lib-dem petition in place regarding the need for a safe crossing at the junction.
  - e) Tendency for visitors to park externally, on the roadside. The current yellow lines indicate that road officers consider this to be a hazard.
  - f) Roof windows in plots one, three and four will have direct views into the lounge and bedroom areas of 1 Vattingsstone Lane.
  - g) Neighbour at Logan Cottage considers plot four to be a three storey building which will restrict light and completely change the character of the area.

## 5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development  
The application site lies within the defined settlement boundary of Alveston and is also within the Bristol Green Belt. Advice contained within PPG2 and PPS3 allows for new residential development within the Green Belt provided it constitutes infilling and is within defined village development boundaries. This advice is reflected in the Adopted Joint Replacement Structure Plan.
- 5.2 Green Belt  
Policy GB1 of the Local Plan allows for limited infilling within the boundaries of settlements provided such development also satisfies policy H2. This policy sets out the criteria in which residential development within defined settlement boundaries is assessed.
- 5.3 In the supporting text to policy GB1, infilling is defined as follows:- *“acceptable ‘infilling’ is unlikely to be more than the filling of small gaps within built development, where it does not significantly impinge upon the openness of the Green Belt”.*
- 5.4 The proposed dwellings are to be erected on garden land directly adjacent to the property of 2 Strode Common and at its rear. All properties would have a road frontage. The site is surrounded by residential development with the properties of Strode Common, Down Road and Vattingsstone Lane to the north, south, east and west. The site would be regarded as a site suitable for infilling under the adopted local plan as it has a road frontage. The proposal also constitutes infilling as it is within built development and any impact upon the openness of the Green Belt would be minimised by reason of the site being enveloped by existing residential development and well screened. As such the

principle of the proposal complies with current national planning policy advice and the Local Plan in Green Belt terms.

## 5.5 Housing Policy

Policy H2 of the emerging Local Plan allows for residential development within the boundaries of settlements provided the following criteria are complied with:-

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

In transportation terms, the proposal is considered acceptable. As can be seen from the planning history, the site has been the subject of various applications and appeals that have been dismissed partially on highway grounds. The current application (and the previous application PT07/1446/F) however proposes a new access off Strode Common and not Vattingstone Lane. The scheme has satisfactory off-street parking with two parking spaces being provided for each house and turning facilities to ensure that vehicles entering and leaving the site will be in forward gear. With regards to the concern by local people the applicant has agreed to a condition to remove the laurel hedge from the front of the property. In light of the above the proposal accords with Policy D1 and T12 of the emerging local plan in terms of transportation.

With regard to residential amenity, the enlarged original house and the houses at plots two and three have no impact on the residential amenity of either of the two houses which directly adjoin the site. It was the relationship between plot four and the house immediately north-west of the site, Logan Cottage, which was subject of the refusal reason on the previous application. It appears that the main entrance to Logan Cottage fronts onto the rear of the site along with a dining room. These are located only around a metre from the joint boundary with the site which is currently a metre high stone wall. The closest part of the previous development was only 5m from the onward looking ground floor windows and as such it was considered that this would be an unacceptable relationship. The current proposal is that a distance of 8.6m will be achieved between the centre of the dining room window of Logan Cottage and the corner of plot four and this is offset from the direct line of view by 35 degrees. Given that the existing house has permitted development rights within its garden and that a substantial building up to four metres high could be constructed close to the boundary with Logan Cottage this is considered to be a reasonable relationship which complies with this criteria of policy H2.

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

The site has an area of 0.1 hectares and would accommodate four dwellings (including 2 Strode Common). This equates to 40 dwellings per hectare which is comfortably above the 30 dwellings per hectare advocated in PPS3. Whilst this appears to be achievable in parking layout formation it is considered that the design (scale and built form) of the proposal raises conflicting issues which are considered separately.

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

The site is not adversely affected by any of the above.

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

The proposal is for only three additional dwellings. As such it will not impinge significantly in terms of service provision.

**E. Within the boundaries of settlements washed over by the Green Belt, such proposal will be restricted to infilling.**

Having regard to paragraphs 5.2, 5.3 and 5.4 above, the proposal is considered to comply with this criterion.

5.6 Design and local impact

Good design of development is promoted by policy D1 of the Local Plan. Policy H4 of the local plan is also relevant as it specifically relates to development within existing residential curtilages. Such development, including new dwellings, is only permitted where the design is acceptable and in keeping with the street scene, would not prejudice residential amenity or highway safety and allows for the retention of adequate garden area for both the existing and proposed dwellings.

- 5.7 Residential amenity and transportation issues have already been assessed under policy H2. In terms of the design, the proposal is to considerably alter the roof form and extend to the rear of the cottage whilst also removing a significant amount of unsympathetic extension work. The existing property of 2 Strode Common has been unsympathetically extended in the past and the rear and side elevations of the property are of no architectural merit. However, when viewed from the front and north side the dwelling has retained its traditional and modest appearance and its development is legible. The hayloft structure abutting Vattlingstone Lane is to be retained and extended in order to form garaging and this element of the design is welcomed for its input to local distinctiveness. That said the previous application sought that the existing rooftiles of the hayloft to be reclaimed and re-used and in this application the proposal has changed in order to use Breckland Brown rooftiles. This would detract from the character and distinctiveness of the Hayloft and accordingly a condition is proposed which requires reclaimed clay tiles to be used.

The proposal to extend the cottage involves the raising of the eaves level from 4.2m to 5.1m. In addition the form, location and style of the windows is proposed to be changed such that the modest cottage appearance is lost and a much grander building results with a ridge 8.6m above the ground. The unusual relationship of the house being directly located adjacent to the public pathway is retained and this coupled with the retained hayloft preserves the character and distinctiveness of the area. It is correct in design terms that this building is the focal point of the site and as a result the other three houses have been reduced in scale since the previous application in order to overcome the design refusal. The new houses are now subservient to The Laurels in that their ridge heights are below that of the amended original cottage and their form is smaller overall. Further The Laurels has two modest dormers on its front elevation whilst the other houses have no dormers in their front elevations.

With regards to materials the use of Breckland Brown clay tiles over through colour render with reconstructed bathstone are considered acceptable with the

exception of The Laurels where the retention of clay pantiles would better reflect the character of the site. The addition of details such as chimneys have enhanced the overall appearance of the houses.

The scheme has been amended sufficiently to provide a scheme which complies with Policy D1 of the local plan.

#### 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 . This includes acceptance of a condition to achieve high standards of resource and energy efficiency which will be assessed through the Code of Sustainable Homes. As such a condition is proposed to ensure that this occurs.

#### 5.9 Section 106 Requirements

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

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

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

#### Background Papers      **PT07/2488/F**

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

#### CONDITIONS

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

Reason(s):

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

2. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason(s):

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

3. No development shall take place with regards to the houses and garages at plots two, three and four 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(s):

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

4. No development shall take place until samples of the roofing and external facing materials proposed to be used on plot one and the hayloft 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 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 details of the proposed finished floor levels of each dwelling house relative to existing ground levels shall be 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 the satisfactory external appearance of the development in the interests of visual amenity and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

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

7. Notwithstanding the Highway conditions below the existing stone wall enclosing the site shall be retained.



Reason(s):

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

8. The stone work to be used externally in the boundary walling of the development hereby permitted shall match that of the existing boundary walling in type, colour, texture, size, coursing and jointing.

Reason(s):

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

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

Reason(s):

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

10. No gates shall be fitted at any time to the vehicular parking area or driveway.

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.

11. The access road, internal footway and parking areas and garaging (for all vehicles, including cycles) shown on the plan hereby approved shall be provided, and have a bound surface, before the first building is first occupied, and thereafter retained for that purpose.

Reason(s):

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

12. A visibility splay from the new junction shall be created measuring 43 metres by 2 metres. Within this splay the walling around the south and west of the front garden for plot two and any vegetation or other structure shall be no higher than 0.6m above the height of the new junction and shall thereafter be maintained 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.

13. The laurel hedge which runs along the southern boundary of the site from the junction of Vattlingstone Lane with Strode Common shall be removed prior to works commencing on site. Thereafter all vegetation or other structures shall be maintained at a height below the height of the existing boundary wall.

Reason(s):

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

- 14.No development shall take place until the Local Planning Authority has been provided, and approved in writing, an initial design stage assessment by an accredited assessor for the Code for Sustainable Buildings and an accompanying interim certificate stating that each residential building has been designed to achieve Level 3 of the Code (or such national measure of sustainability for house design that replaces that scheme). Each residential building shall then be subject to a post-completion check by the assessors and issue of a final Code certificate of compliance prior to the first occupation.

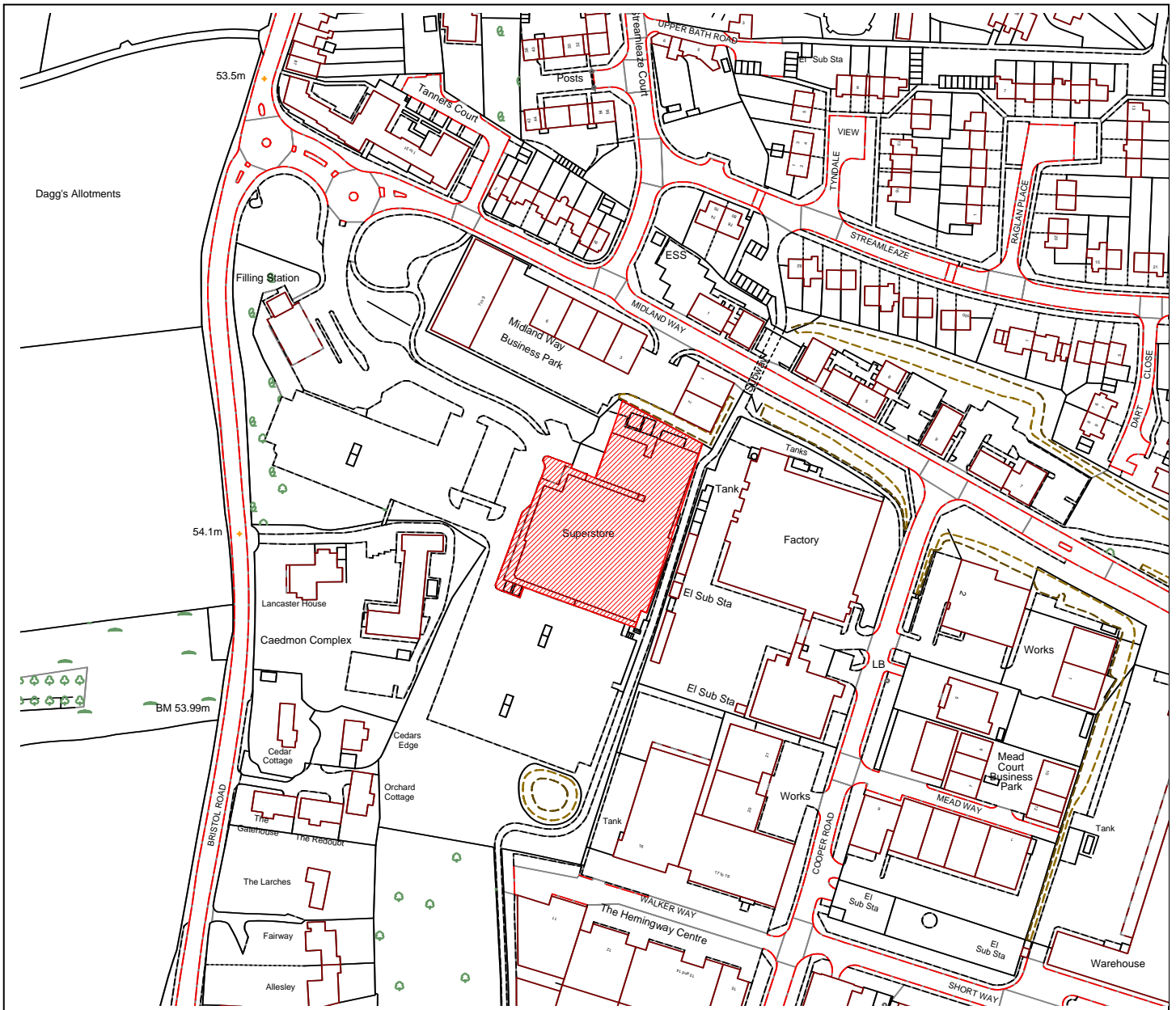
Reason(s):

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

**CIRCULATED SCHEDULE NO. 39/07 – 28 SEPTEMBER 2007**

**App No.:** PT07/2518/F  
**Site:** Tesco Stores Ltd  
 Midland Way Thornbury  
 South Gloucestershire BS35 2BS  
**Proposal:** Erection of single storey side extension to existing store. Erection of ATM Pod to include 3 no. ATM machines.  
**Map Ref:** 63764 89601

**Applicant:** Tesco Stores Ltd  
**Date Reg:** 16th August 2007  
**Parish:** Thornbury Town Council  
**Ward:** Thornbury South and Alveston



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**N.T.S**

**PT07/2518/F**

## **INTRODUCTION:**

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

### **1. THE PROPOSAL**

- 1.1 The applicant seeks planning permission for the erection of a single storey side extension. The extension would be approximately 7.9 metres in width and 4.1 metres in depth. The application also seeks consent for the erection of an ATM pod adjacent to the stores main entrance.
- 1.2 The applications site relates to a supermarket and petrol station with a gross floor area of approximately 3619m<sup>2</sup>. The site is situated on the edge of the settlement of Thornbury and is located within a predominately industrial area.

### **2. POLICY CONTEXT**

- 2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS6	Planning for Town Centres
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
RT5	Proposal for Out of Centre and Edge of Centre Retail Development
T12	Transportation Development Control Policy for New Development

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

- 3.1 PT02/3635/F Erection of extension to form frozen storage and alteration including main entrance area and car park facilities - **Approved**
- 3.2 PT03/0082/F Erection of bulk store extension to existing supermarket - **Refused**
- 3.3 PT03/1540/F Erection of bulk store extension to existing supermarket (Resubmission) - **Approved**

### **4. CONSULTATION RESPONSES**

- 4.1 Thornbury Town Council  
No objection
- 4.2 Sustainable Transport  
No objection
- 4.3 Local Residents  
On letter of objection has been received from a local resident who has raised comments regarding the existing narrow road to the delivery bay. It has been stated that highway safety issue arise when LGV's park up when gates are shut. The objector has stated that this should be resolved before granting permission for the extension proposed.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The policy most relevant to the determination of this application would be Policy D1. This assesses the proposal in regard to general design principles to ensure good quality design.

5.2 Policy RT5 refers to larger out and edge of centre retail developments however, it does carry some merit, especially criteria B, C, F and G. These refer to; the scale of the proposal in relation to the need, the proportion of the proposal to the role and function of the location, the accessibility of the proposal and the impacts to the environment, transport and residential amenity.

5.3 It should be noted that the sequential approach mentioned in this policy is not necessary in this application. The reason for this is that PPS6 states “...*The sequential approach is only a relevant consideration in relation to extensions where the gross floor space of the proposed extension exceeds 200 square metres*”. As such this proposal falls well below this threshold and therefore would not adversely prejudice the vitality or viability of the town centre. Need, role and function therefore do not need to be considered under this application.

### 5.4 Design and Visual Amenity

The proposal comprises a new small side extension to the western elevation. This is a prominent elevation which is clearly visible from the public realm as you enter and leave the site. The applicant initially proposed a flat roof extension. It was considered that the design of the proposed flat roof element would be unacceptable given its prominent position. As such, it was considered that form of the flat roof would detract from appearance and character of the existing building.

5.6 As a result, an amended design was negotiated with the applicant. This design incorporated a pitched roof which would match the form and materials of the existing building. Overall, it is considered that the amended design solution and the proposed mass and scale of the extension would respect the character and appearance of the existing building and the surrounding area.

5.7 It is proposed to erect a pod for three ATM machines adjacent to the main entrance to the store and infill the existing ATM machines on the western elevation. The pod would have a flat roof and a canopy to shelter the users. It is considered that the massing, scale and external finishes of the proposal would respect the character of the existing building and surrounding area.

### 5.8 Scale and Proportion

Criteria B and C of Policy RT5 states that the development should be no greater in scale than required to meet the need identified and that the development should in proportion to the role and function of the location. It is considered that the proposal fully accords to these criteria. This is because the proposal is only required to afford better circulation of the store and this is achieved through only a small increase to gross floor space.

### 5.9 Accessibility

Due to the proposals minor scale it would not significant impact the surrounding transport network or the accessibility to the store.

5.10 Residential Amenity

The proposed extension would not prejudice the amenities of any nearby neighbouring occupiers given its scale and location.

5.11 Transport Issues

The Council Transport Officer stated that the proposed extension to the store is insignificant, and would only entail the creation of extra space for customers exiting the checkouts. As such, the proposal by virtue of its siting and use would not result in any adverse transportation effect.

5.12 Other Issues

A local resident has objected to the proposal due to highway safety issues caused by LGV's parking on the access road whilst waiting for the gates to warehouse to be opened. Notwithstanding these comments, it is considered that the proposed extension would not adversely affect this issue. However, it should be noted that this transportation issue would have been assessed under the previously approved application for the warehouse (PT03/1540/F).

5.13 Design and Access Statement

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

5.14 Section 106 Requirements

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

**Background Papers**      **PT07/2518/F**

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

**CONDITIONS**

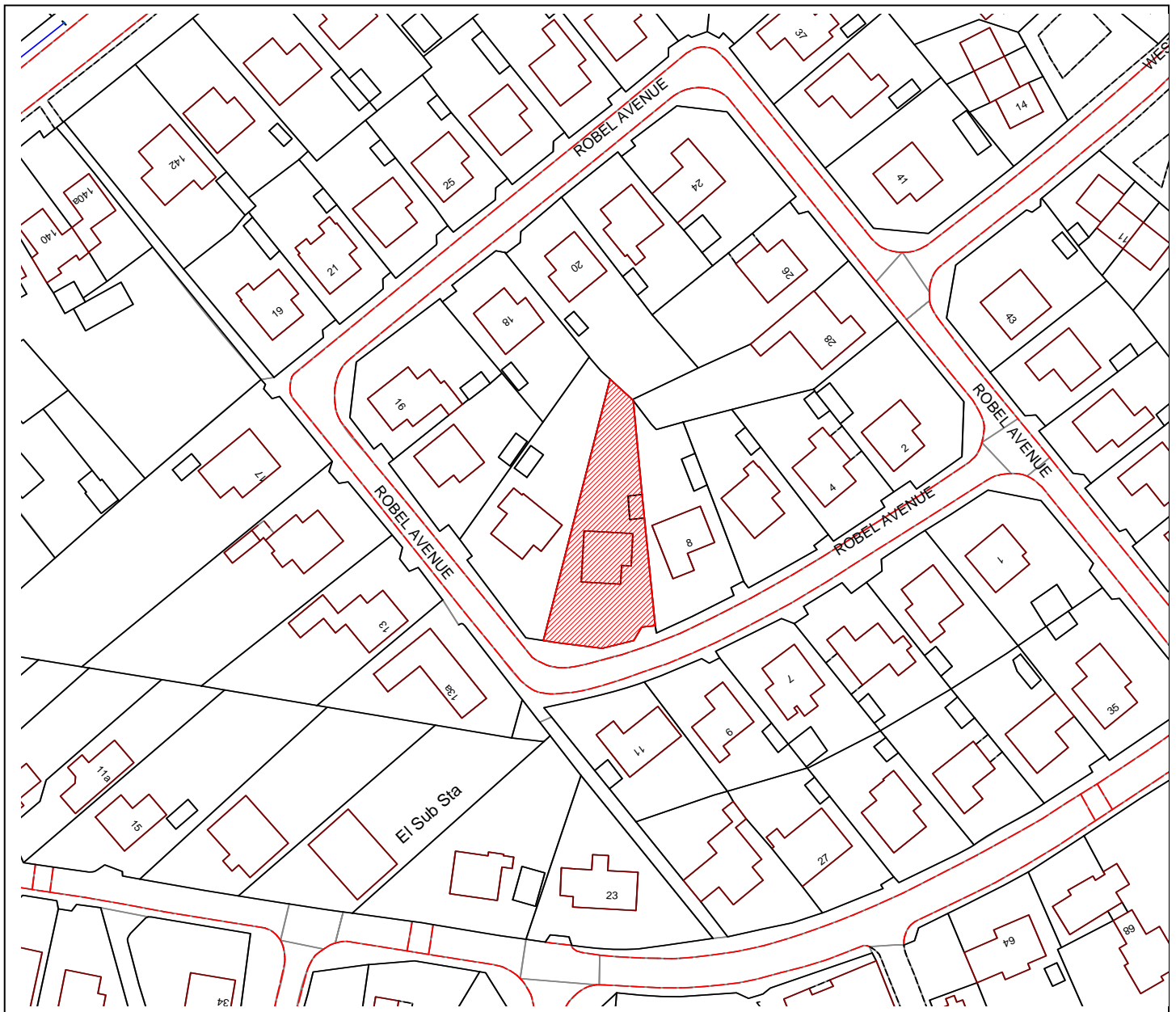
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason(s):

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

**CIRCULATED SCHEDULE NO. 39/07 – 28 SEPTEMBER 2007**

<b>App No.:</b> PT07/2591/F	<b>Applicant:</b> Mrs M Hill
<b>Site:</b> 10 Robel Avenue Frampton Cotterell South Gloucestershire BS36 2BZ	<b>Date Reg:</b> 22nd August 2007
<b>Proposal:</b> Erection of single storey rear extension to provide additional bedroom.	<b>Parish:</b> Frampton Cotterell Parish Council
<b>Map Ref:</b> 65968 81937	<b>Ward:</b> Frampton Cotterell



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**N.T.S**

**PT07/2591/F**



## **1. THE PROPOSAL**

- 1.1 The site consists of a modern detached bungalow and garage with access directly onto Robel Avenue.
- 1.2 The proposed development consists of the construction of a single storey extension to the rear of the dwelling.

## **2. POLICY CONTEXT**

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

## **3. RELEVANT PLANNING HISTORY**

- 3.1 None

## **4. CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Parish Council  
No Objection
- 4.2 Sustainable Transport  
No Objection
- 4.3 Local Residents  
One letter has been received. The comments can be summarised as follows;
  - a) The proposed development details that the boundary fence will be raised to 2 metres although it does not show what part of the boundary this relates to.
  - b) The proposed development would allow the insertion of a new window that would allow views into the kitchen of the adjacent dwelling.

## **5. ANALYSIS OF PROPOSAL**

- 5.1 The proposed development consists of a single storey domestic extension to the rear of the dwelling.
- 5.2 Principle of Development  
Policy H4 is relevant to this planning application. The policy indicates that the proposed development is acceptable subject to the following considerations.
- 5.3 Design and Residential Amenity  
Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development achieves a high standard of design. Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 carries this principle forward and also seeks to ensure that domestic extensions

do not have a detrimental impact upon the privacy and residential amenity of the occupants of nearby dwellings.

5.4 In this instance it is considered that the design of the extension reflects the character of the existing building and is acceptable. The position of the extension is such that it would not directly impact upon the privacy and residential amenity of the occupants of nearby dwellings.

5.5 The occupier of the adjacent dwelling at 12 Robel Avenue has raised concern that the new window to be inserted into the West elevation of the subject dwelling would allow views into the kitchen of the dwelling at no. 12. The proposed window is required as a replacement for the existing window which currently looks North into the garden of the subject dwelling. The proposed window would allow views across the boundary to the kitchen of the adjacent dwelling. Nonetheless it should be noted that a window can be inserted into the West Elevation (as shown) without the benefit of planning consent, and it is not considered that the introduction of the window could warrant refusal of this application in its own right. Given that the dwellings are single storey it is considered that the introduction of a solid, 2 metre high fence between the dwellings would be sufficient to remove any direct intervisibility between the dwellings and so overcoming this issue. The applicant has indicated that such a fence would be implemented and this would not need planning permission in its own right. However, in order to ensure that such a fence is implemented and so protect the privacy and amenity of the occupants of both dwellings, a suitably worded condition, should permission be granted, is considered appropriate.

5.6 Subject to the use of, and compliance with this condition the proposed development is considered acceptable in residential amenity terms.

5.7 Transportation

Given the nature of the proposed development it is considered that it is acceptable in transportation terms.

5.8 Design and Access Statement

A Design and Access Statement is not required with this planning application.

5.9 Section 106 Requirements

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

## 6. CONCLUSION

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

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted)

January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

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

### **Background Papers**      **PT07/2591/F**

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

## **CONDITIONS**

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

Reason(s):

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

2. The 2 metre high timber fence (as referred to upon the approved proposal drawings) shall be provided along the property boundary between the subject dwelling and the adjacent dwelling at 12 Robel Avenue no later than 1 month after the completion of the development hereby approved; and thereafter shall be retained as such unless the Local Planning Authority agree to any variation in writing.

Reason(s):

To protect the residential amenity of the occupants of the subject dwelling and the neighbouring occupiers and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 39/07 – 28 SEPTEMBER 2007**

**App No.:** PT07/2600/F  
**Site:** 14 Camberley Drive Frampton Cotterell  
South Gloucestershire BS36 2DF  
**Proposal:** Erection of single storey rear extension  
to provide additional living  
accommodation  
**Map Ref:** 65696 81716

**Applicant:** Mr K Watson  
**Date Reg:** 22nd August 2007  
**Parish:** Winterbourne Parish  
Council  
**Ward:** Winterbourne



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**N.T.S**

**PT07/2600/F**

## 1. **THE PROPOSAL**

- 1.1 The site consists of a modern semi-detached dwelling and garage.
- 1.2 The proposed development details the construction of a single storey extension to the rear of the dwelling.

## 2. **POLICY CONTEXT**

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

## 3. **RELEVANT PLANNING HISTORY**

- 3.1 None

## 4. **CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
No Objection
- 4.2 Sustainable Transport  
No Objection
- 4.3 Local Residents  
One letter has been received during the consultation period associated with this application. The comment raises concern that the extension will preclude access to the drain running to the rear of the subject dwelling and the adjoining dwellings also connected to the drain; and will not allow essential maintenance if required so affecting the adjacent property at 14 Camberly Drive.

## 5. **ANALYSIS OF PROPOSAL**

- 5.1 The proposed development consists of the erection of a domestic extension to the rear of the dwelling.
- 5.2 Principle of Development  
Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 is relevant to this planning application. The policy indicates that the development is acceptable subject to the following considerations.
- 5.3 Design and Residential Amenity  
Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development achieves a high standard of design. Policy H4 carries this principle forward and also seeks to ensure that new domestic development would not have a detrimental impact upon the privacy and residential amenity of the occupants of nearby dwellings.

5.4 The proposed extension is very modest in scale and would effectively continue the existing lean-to extension to the full width of the dwelling. It is considered that the design of the extension is acceptable and that the relationship of the extension with the surrounding dwelling is such that there would be no material impact in residential amenity terms.

5.5 Transportation

Given the nature of the proposed development, it is considered that it would not result in any material impact in highway safety terms.

5.6 Other Matters

Concern has been raised over the loss of access to the existing drain for maintenance and repair purposes as a result of the proposed development. Essentially, this drain is private. Access to it is a private civil matter between the owner of this site and those with rights to connect to it. Any maintenance and repair matters are also private civil matters. As such, this matter cannot be addressed as part of this planning application. Nonetheless, this matter will be addressed as part of the Building Regulation requirements which is covered by separate legislation.

5.7 Design and Access Statement

A Design and Access Statement is not required with this application.

5.8 Section 106 Requirements

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

**6. CONCLUSION**

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

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

**7. RECOMMENDATION**

7.1 That Planning Permission be granted subject to the following condition

**Background Papers      PT07/2600/F**

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

**CONDITIONS**

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

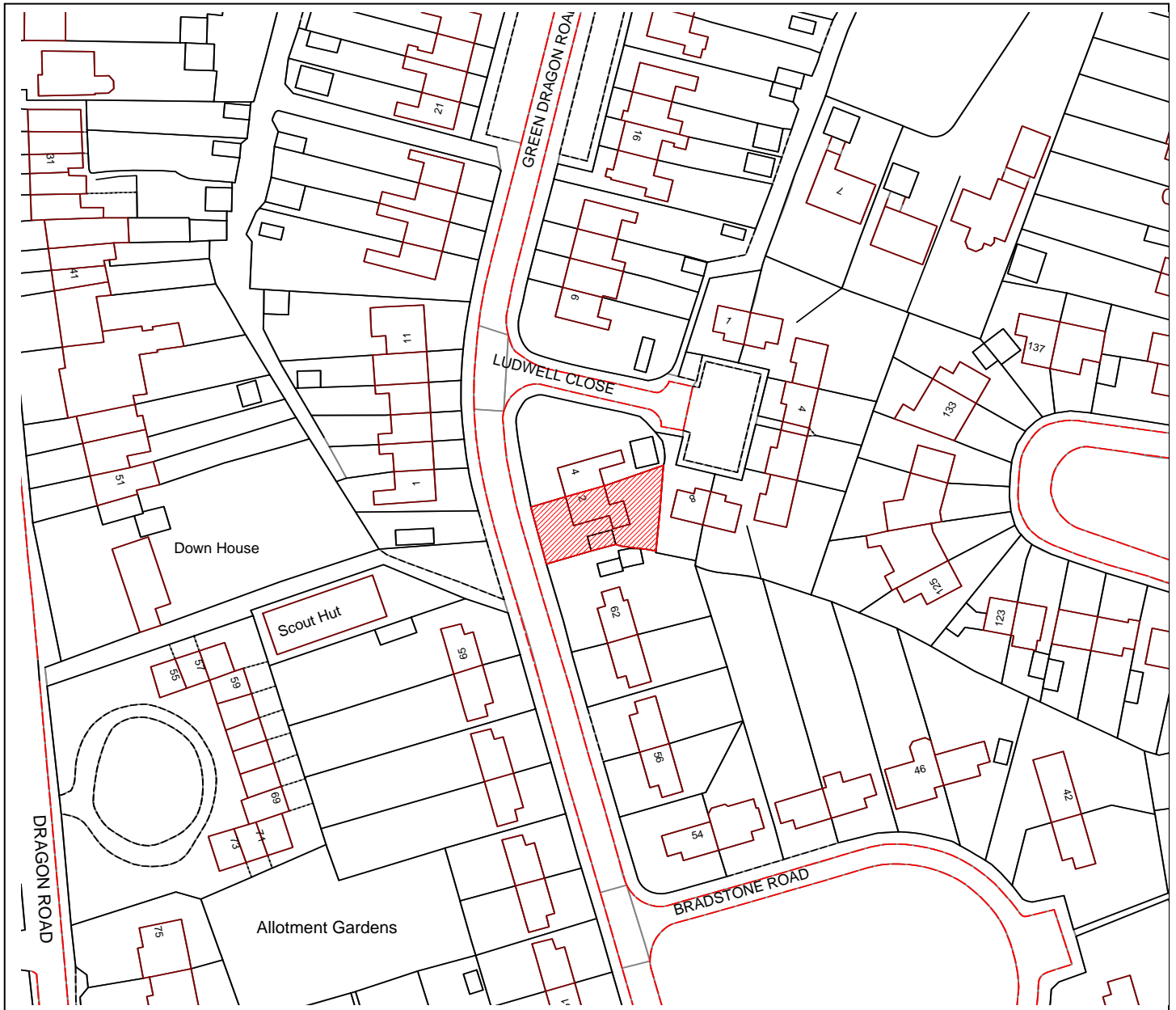
Reason(s):

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

**CIRCULATED SCHEDULE NO. 39/07 – 28 SEPTEMBER 2007**

**App No.:** PT07/2603/F  
**Site:** 2 Green Dragon Road Winterbourne  
 South Gloucestershire BS36 1HF  
**Proposal:** Erection of two storey side extension to  
 provide garage and additional living  
 accommodation. (Resubmission of  
 PT07/1743/F).  
**Map Ref:** 64923 80332

**Applicant:** Mr J Rae  
**Date Reg:** 22nd August 2007  
**Parish:** Winterbourne Parish  
 Council  
**Ward:** Winterbourne



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**N.T.S**

**PT07/2603/F**



## **INTRODUCTION:**

This application appears on the Circulated Schedule after the receipt of an objection from Winterbourne Parish Council.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks planning consent for the erection of a two-storey side extension to provide a garage and additional living accommodation.
- 1.2 The application site relates to a semi-detached dwelling within a well established residential area of Winterbourne.
- 1.3 This application is a resubmission of the previously refused planning application PT07/1743/F.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1: Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1: Achieving Good Quality Design in New Development  
H4: Development within Existing Residential Curtilages

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

- 3.1 PT07/1743/F - Erection of two storey side extension to provide garage and additional living accommodation. **REFUSED**

### **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
Objection, the scale, massing and detailing of the proposed extension would be out of keeping with the character and appearance of the existing dwellinghouse.
- 4.2 Local Residents  
None received

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

- 5.1 Principle of Development  
Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for the extension to residential dwelling subject to there being no adverse impact on the residential amenity.
- 5.2 Policy D1 of the Local Plan considers general design principles and ensures good quality design.
- 5.2 Residential Amenity  
The application site has spacious garden and is sited at least 12 metres from the neighbouring occupiers in No. 8 Ludwell Close and No. 62 Green Dragon Road. Given the spacious nature of the application site and the distance separating the nearby neighbouring dwellings, it is considered that the proposal

- would not present an overbearing impact which would prejudice residential amenity of the nearby occupiers.
- 5.3 The proposal would include one opaque glass window in the side elevation and three additional windows in the rear elevation. Given the positions of the existing windows in the dwelling and the distance separating the proposal from the nearby neighbouring occupiers, it is considered that the proposal would not adversely harm privacy of the nearby occupiers.
- 5.4 Design and Visual Amenity  
This proposal is a resubmission of a previous refused extension which was considered by virtue of its scale, massing and detailing to be out of character with the character and appearance of the existing dwellinghouse. After negotiations with the applicant this amended application has been submitted.
- 5.5 In this application the scale and mass of the extension has remained the same as the previously refused extension. However, the building line has been set back further to 0.5 metres and ridge height has been down further to 0.3m. This would make the extension appear more subservient to existing dwelling. As a result, it is considered that the visual impact of scale and mass of the extension would be lessened significantly. As such the proposal would be less visually dominating and would therefore overcome the previous refusal reason.
- 5.6 The applicant has added additional detailing above the integral garage and has recessed the garage door. This minor detailing has improved the appearance of front elevation in comparison with the previous application. In addition to this the proposal would be finished in materials to match the existing dwelling.
- 5.7 In light of the above it is considered that this extension would respect the character and appearance of the existing dwelling and surrounding area in accordance to Policy D1 of the Local Plan.

## 6. CONCLUSION

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

## 7. RECOMMENDATION

- 7.1 Planning permission to be **APPROVED** for the following condition:

**Background Papers**      **PT07/2603/F**

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

## **CONDITIONS**

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

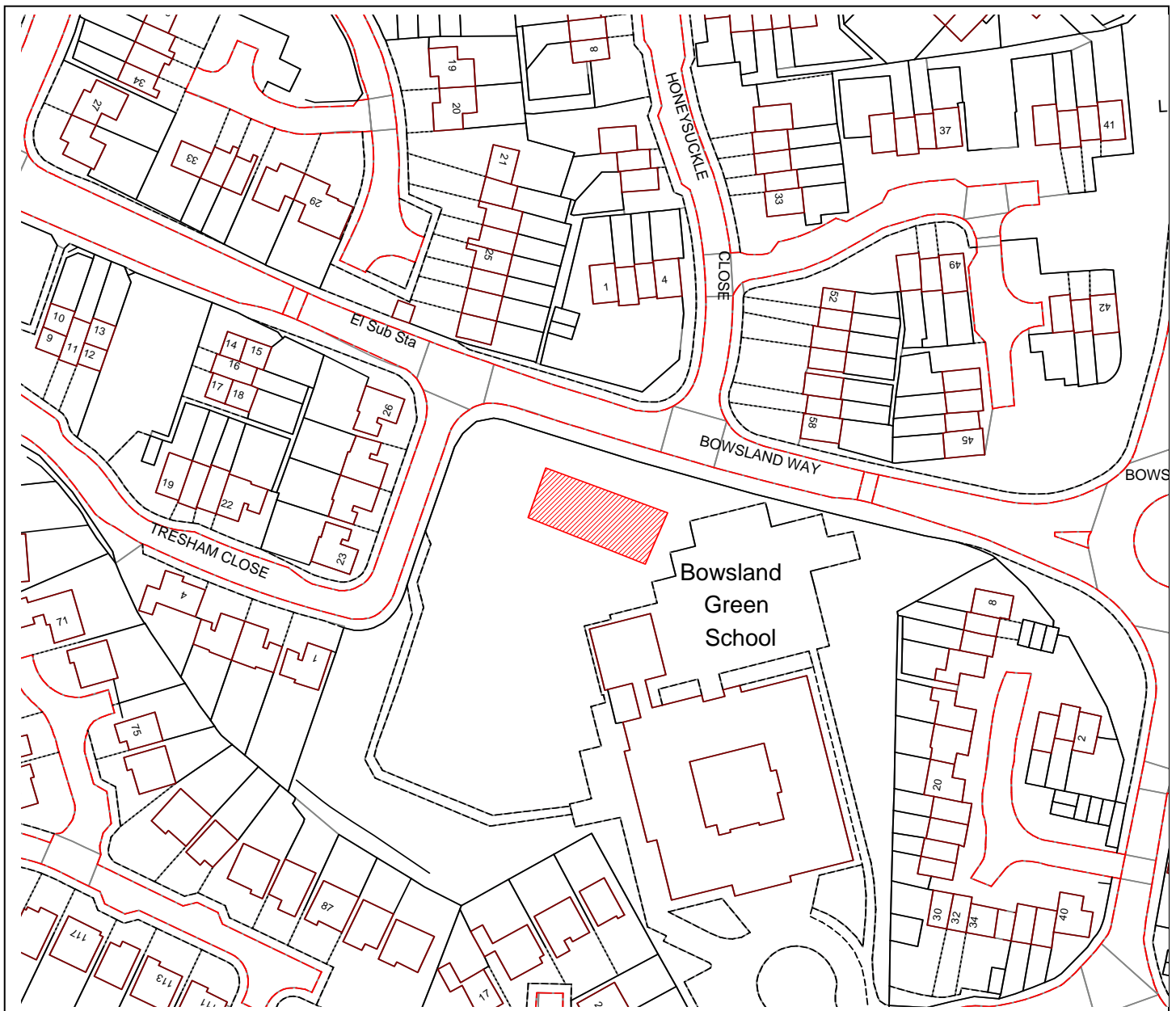
Reason(s):

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

**CIRCULATED SCHEDULE NO. 39/07 – 28 SEPTEMBER 2007**

**App No.:** PT07/2606/F  
**Site:** Bowsland Green Cp School  
 Ellicks Close Bradley Stoke  
 South Gloucestershire BS32 0ES  
**Proposal:** Construction of all weather playing court  
 with 2.5 metre high perimeter fence.  
**Map Ref:** 62027 82679

**Applicant:** Mrs C Whitaker  
**Date Reg:** 22nd August 2007  
**Parish:** Bradley Stoke Town  
 Council  
**Ward:** Bradley Stoke  
 Central and Stoke  
 Lodge



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**N.T.S**

**PT07/2606/F**

## **INTRODUCTION**

This application appears on the Circulated Schedule because it concerns a Council owned Primary School.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the construction of an all weather playing court that would be enclosed by a 2.5m high perimeter fence.
- 1.2 The application site forms Bowsland Green County Primary School, Bradley Stoke. The school is accessed via Kingfisher Close although the proposal would be within the rear playing field which fronts Bowsland Way.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
LC4 Proposals for Education and Community Facilities
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Urban Design Checklist

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

- 3.1 P94/0020/418 Erection of Primary School. Objection to County matter: 9 November 1994
- 3.2 P97/1712 Erection of 2 classroom Elliot unit; retention of pedestrian footpath and entrance from Tresham Close. Permitted: 18 July 1997
- 3.3 P98/2561 Retention of existing Elliott classroom accommodation and existing footpath and pedestrian entrance. Permitted: 19 February 1999

### **4. CONSULTATION RESPONSES**

- 4.1 Bradley Stoke Town Council  
No comments received
- 4.2 Landscape Architect  
no objection
- 4.3 Technical Services (Drainage)  
no objection
- 4.4 Local Residents  
No comments received

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Policy LC4 of the South Gloucestershire Local Plan allows for the development, expansion or improvement of education and community facilities within the built up area and settlement boundaries provided that:

- a) Proposals are located on sites that are highly accessible by foot/ bicycle;
- b) It would not unacceptably prejudice residential amenity;
- c) It would not have an unacceptable environmental/ transportation impact;
- d) Development would not give rise to an unacceptable level of on street parking.

### **5.2 Design/ Visual Amenity**

The application seeks planning permission for an all weather playing court and associated 2.5m high perimeter fence at the Bowsland County Primary School, Bradley Stoke. The proposal would be sited within the existing playing field to the rear of the school adjacent to Bowsland Way which runs along the rear boundary of the application site.

5.3 Despite its relatively prominent positioning, the court would be partly screened by an existing earth bund which runs to the rear of the school playing field and the tree/ hedgerow boundary screening. However, there are some gaps within this screening and thus it is recommended that a condition is attached to any permission requiring additional planning along this aforementioned earth bund.

5.4 In view of the above, the proposal is considered to be acceptable with no objection raised on this basis.

### **5.5 Residential Amenity**

The proposal would be visible from those properties fronting Bowsland Way opposite and those within Tresham Close that adjoins the west flank boundary of the application site. However, given the nature and the proposal and with further screening as detailed, it is not considered that any significant adverse impact in residential amenity would be caused.

### **5.6 Design and Access Statement**

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

### **5.7 Section 106 Requirements**

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

## **6. CONCLUSION**

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in

accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

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

## **7. RECOMMENDATION**

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

**Background Papers**      **PT07/2606/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. 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 adjacent to the site of the proposal along the site boundaries, together with measures for their protection during the course of the development and details of further planting (and times of planting) to help screen the proposal. 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 LC4, D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The all weather playing court hereby approved shall at no time be flood lit or benefit from any other form of external illumination.

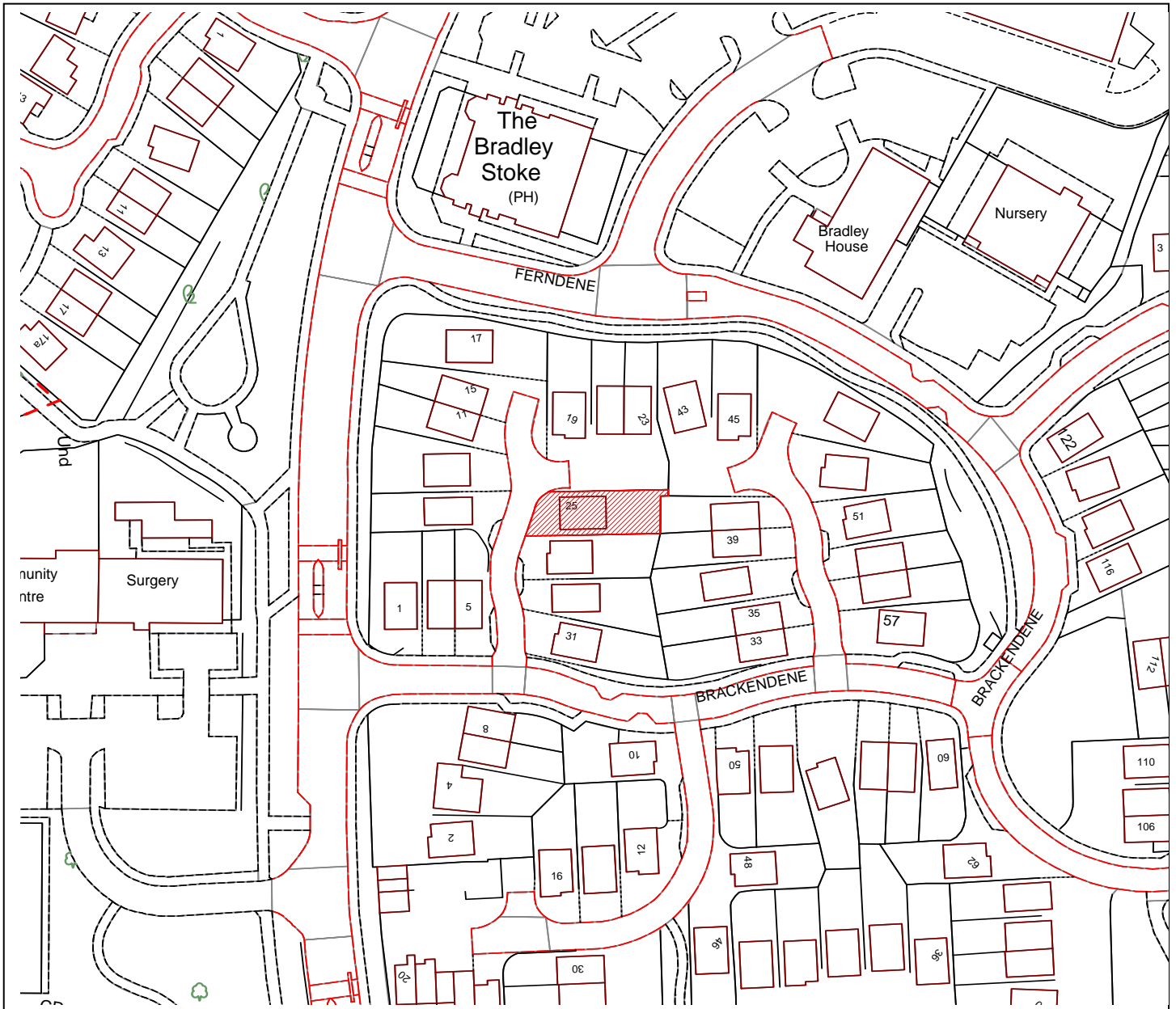
Reason(s):

In the interests of visual amenity and to safeguard the residential amenities of neighbouring occupiers, all to accord with policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 39/07 – 28 SEPTEMBER 2007**

**App No.:** PT07/2609/F  
**Site:** 25 Brackendene Bradley Stoke  
 South Gloucestershire BS32 9DJ  
**Proposal:** Erection of 0.9 metre high boundary  
 fence (Restrospective).  
**Map Ref:** 61307 82528

**Applicant:** Mr & Mrs I Gardiner  
**Date Reg:** 22nd August 2007  
**Parish:** Bradley Stoke Town  
 Council  
**Ward:** Bradley Stoke  
 Central and Stoke  
 Lodge



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**N.T.S**

**PT07/2609/F**



## 1. THE PROPOSAL

- 1.1 The site consists of a modern detached dwelling and garage with driveway access onto Brackendene.
- 1.2 This application seeks retrospective consent for construction of a 0.9 metres high boundary fence.

## 2. POLICY CONTEXT

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

## 3. RELEVANT PLANNING HISTORY

- 3.1 None

## 4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council  
No Objection

- 4.2 Sustainable Transport  
No Objection

- 4.3 Local Residents  
8 sets of comments have been received during the consultation process associated with this planning application. 3 sets of comments raise objection to the proposed fence whilst 5 sets of comments are supportive. The comments are summarised below;

### Object

- a) The fence goes against the 'open-plan' principle of the estate and such fences are not permitted under the planning consent for the development.
- b) The fence impairs the view of children playing in the cul-de-sac to the detriment of their safety
- c) The fence has a pointed top which could cause serious injury
- d) The fence obscures the view of the cul-de-sac from vehicles entering the area where there can be approximately 12 children playing at any one time
- e) The fence is detrimental to the visual appearance of the cul-de-sac and there are no other fences. The fence could set a precedent for similar fences.

### Support

- a) The fence is small and is to the side of the property
- b) Comments from visiting members of the public point out that the fence does not obscure the view of the cul-de-sac whilst driving

- c) The fence is of good quality and has enhance the look of the land concerned
- d) The fence does not detract from the character of the area
- e) The fence is see through and does not act as a barrier.
- f) The tops of the fence are rounded and are not jagged.
- g) The fence will not create significant health and safety issues
- h) The fence is preferable to look at than refuse bins

## 5. **ANALYSIS OF PROPOSAL**

- 5.1 Under normal circumstances the provision of a 0.9 metre high boundary fence in this location would not require planning consent as it is normally permitted under the provisions of the Town and Country Planning (General Permitted Development) Order 1995. However, in this instance these permitted development rights have been removed as part of the original planning consent for the development generally. It should be noted that the purpose of removing permitted development rights is to bring such development into the control of the Local Planning Authority to allow further consideration in matters such as design. It is not intended to preclude the introduction of such development. As such, planning permission is now required, and such an application should be assessed having regard to the merits of the case and the relevant planning policies contained in the South Gloucestershire Local Plan (Adopted) January 2006
- 5.2 Principle of Development  
Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 is relevant to this planning application. The policy indicates that the development is acceptable subject to the following considerations.
- 5.3 Design and Visual Appearance  
The site is located in a modern residential development. The design of the public and private space to the fronts of the dwellings was originally design to an open-plan principle. Generally, this principle has survived. However, as the development has matured there has been hedging introduced along the boundaries of the properties within the context of the application site.
- 5.4 The subject fence is low (at 0.9 metres in height) and is constructed as a picket fence (see through open slats). It is erected along the boundary between 25 and 27 Brackendene and does not continue across the front boundary adjacent to the highway. In this instance there is a young, but established tree just inside the boundary of 25 Brackendene along side the subject fence. The applicant has also provided new planting within the site and adjacent to the fence. The driveways to 25 and 27 Brackendene are positioned in parallel to the fence and a generally have a private car parked upon them and act to obscure the view of the fence.
- 5.5 Having regard to the above, it is considered that the visual impact of the fence is very minimal and does not have a material impact upon the 'open-plan' design principle of the development as a whole. Indeed, its impact is no greater than the introduction of hedging along other boundaries in the general context; and the impact of the fence would be further softened given the passage of time and the maturing to the planting provided along side the fence. The development is therefore considered acceptable and is consistent with the requirements of Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 5.6 Residential Amenity  
Given the scale and nature of the fence it is not considered that there would be any material impact upon the privacy and residential amenity of the occupants of nearby dwellings.
- 5.7 Transportation  
Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development would not have a detrimental impact upon highway safety and amenity.
- 5.8 Concern has been raised on the basis that the fence obscures the view of the cul-de-sac from the dwellings and for drivers of vehicles entering the cul-de-sac. This point has been made with reference to the fact that children play in the cul-de-sac.
- 5.9 The height and nature of the fence is such that it does not block views through it or over it. The site visit has been carried out and was done so using a motor vehicle. The forward visibility into the cul-de-sac was not obstructed by the fence during that visit. On this basis, it is not considered that the fence itself results in an obstruction that is detrimental to pedestrian and/or highway safety.
- 5.10 Other Matters  
Further concern has been expressed regarding the pointed nature of the open slats on the fence and the potential for this to cause injury. In this instance, it is considered that the nature of the fence would not add unduly to the hazards associated with normal domestic situations such as this. Further, the onus would be upon the owner of the fence to ensure that it is safe within this context.
- 5.11 Design and Access Statement  
A Design and Access Statement is not required with this planning application.
- 5.12 Section 106 Requirements  
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

## **6. CONCLUSION**

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

**Background Papers      PT07/2609/F**

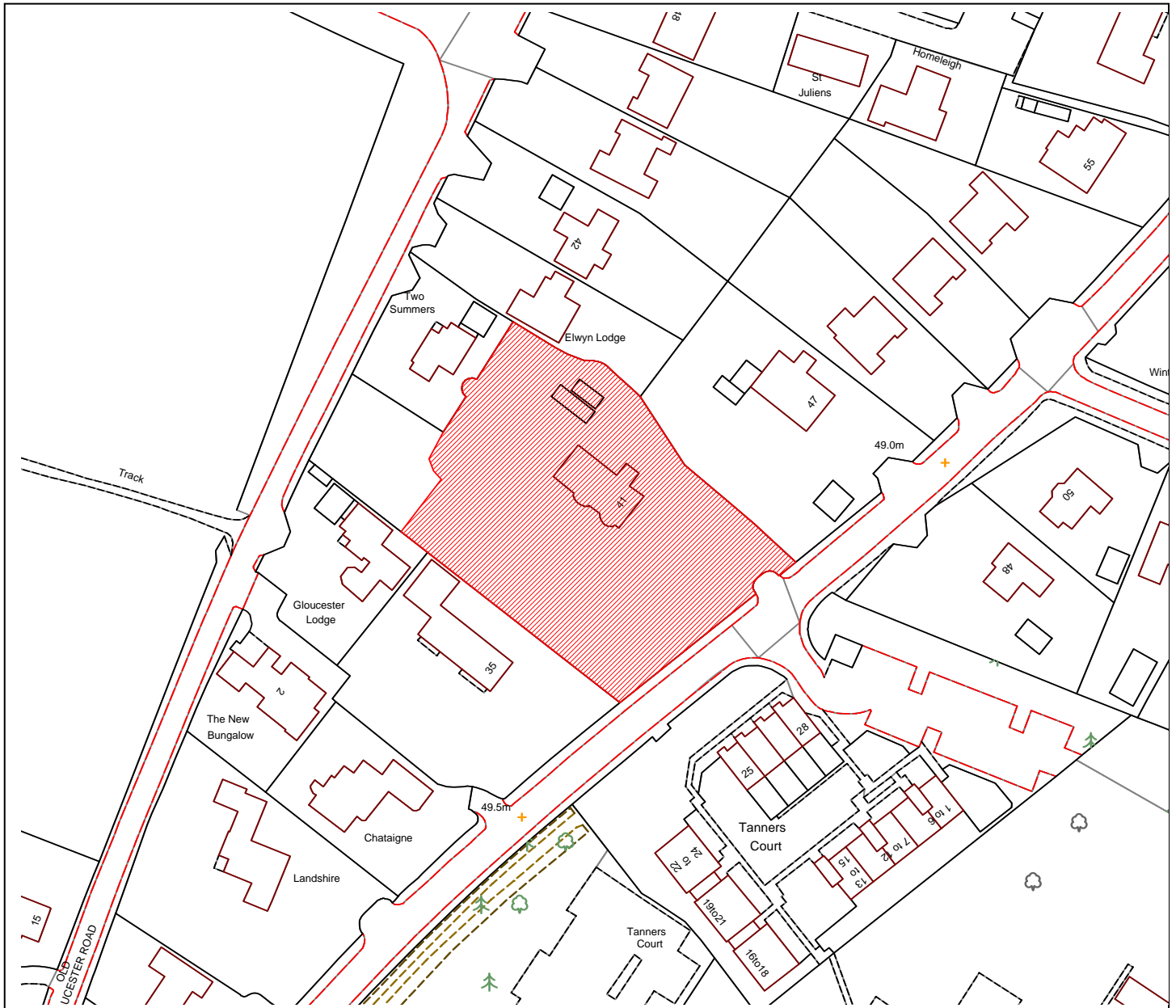
**Contact Officer:      Simon Penketh**

**Tel. No.                      01454 863433**

**CIRCULATED SCHEDULE NO. 39/07 – 28 SEPTEMBER 2007**

**App No.:** PT07/2631/F  
**Site:** Lluestowen 41 Bristol Road Frenchay  
 South Gloucestershire BS16 1LQ  
**Proposal:** Single storey extension to existing  
 detached garage to provide annexed  
 residential accommodation (Carer's Flat)  
**Map Ref:** 63614 78080

**Applicant:** Mrs B M Wiltshire  
**Date Reg:** 24th August 2007  
**Parish:** Winterbourne Parish  
 Council  
**Ward:** Frenchay and Stoke  
 Park



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**N.T.S**

**PT07/2631/F**

## 1. **THE PROPOSAL**

- 1.1 The site consists of a modern detached dwelling and garage standing within generous grounds.
- 1.2 The proposed development consists of the extension of the existing garage to provide a carer's annex associated with the main dwelling.

## 2. **POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
H4 Development within Residential curtilages
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) SPD

## 3. **RELEVANT PLANNING HISTORY**

- 3.1 None

## 4. **CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
Object on the basis that the proposed extension is right on the boundary; and that the building will be developed into a separate dwelling with the introduction of a bathroom.
- 4.2 Sustainable Transport  
No Objection
- 4.3 Local Residents  
No Comments received.

## 5. **ANALYSIS OF PROPOSAL**

- 5.1 The proposed development consists of the extension of an extension to the existing garage/store associated with the dwelling on this property. The applicant has indicated that the purpose of the extension is to provide a carer's flat to be used in conjunction with the existing dwelling on the site.
- 5.2 Principle of Development  
Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 is relevant to this planning application. The policy indicates that the proposed development is acceptable subject to the following considerations.
- 5.3 Design and Residential Amenity  
Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development achieves a high standard of design. Policy H4 carries this principle forward and also seeks to ensure that new domestic development would not have a detrimental impact upon the privacy and residential amenity of the occupants of nearby dwellings.

- 5.4 Winterbourne Parish Council have expressed concern that the proposed extension is too close to the boundary with the adjacent property (Elwyn Lodge). The closest point of the proposed extension to the boundary is approximately 1 metres. However, the alignment of the subject building is such that this distance increases significantly towards the front of the building. The proximity of a building or extension to a boundary is not in itself grounds for refusing a planning application; rather this distance needs to be assessed having regard to the merits of the case in hand. In this instance the proposed extension is single storey and modest in scale. The boundary with the adjacent property consists of a high stone wall (up to 2 metres in height). The adjacent dwelling is a further 1 metre from this wall and is arranged with no principle windows in the elevation (South Western) facing the subject building. As such it is considered that the proposed extension would have no material impact upon the privacy and residential amenity of the occupants of Elwyn Lodge.
- 5.5 In design terms it is considered that the proposed extension acceptable.
- 5.6 Use  
The proposed development is intended to provide a carer's flat, which would effectively be annexed residential accommodation associated with the dwelling on this property. Winterbourne Parish Council have expressed concern that the building may become an independent dwelling in the future. However, the relationship of this building with the main dwelling is such that a reasonable level of privacy and amenity could be achieved for the purpose of a separate dwelling; and as such would fail policy H4. However, given that the purpose of the accommodation is to provide a carer's flat, the need to provide for a reasonable level of privacy is not essential as the accommodation would form part of the overall dwelling on this site, and should be seen as an extension to that dwelling rather than the introduction of a new dwelling. A suitably worded occupancy condition can be introduced to any approval in order to ensure that the building is retained as part of the main dwelling. Subject to such a condition the proposed development is considered acceptable.
- 5.7 Transportation  
Given the purpose of the proposed development it is considered that there would be no material impact in transportation terms, provided that the occupancy condition is introduced to any approval.
- 5.8 Design and Access Statement  
A Design and Access Statement is not required with this planning application.
- 5.9 Section 106 Requirements  
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

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

### **Background Papers      PT07/2631/F**

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

## **CONDITIONS**

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

Reason(s):

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

2. The combined building including the extension hereby permitted and the existing garage/store shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Llestowen, at 41 Bristol Road, Frenchay.

Reason(s):

The use of the subject building as an independent dwelling would have a poor relationship with Talbots End Farm House to the extent that the levels of privacy and residential amenity would be unacceptably compromised and such development would be contrary to Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.



**CIRCULATED SCHEDULE NO.39/07 - 28 SEPTEMBER 2007**

**App No.:** PT07/2635/RVC

**Applicant:** Mr & Mrs Severinsen

**Site:** Severinsen & Son Knapp Farm Knapp Road East Thornbury BRISTOL South Gloucestershire BS35 3UE

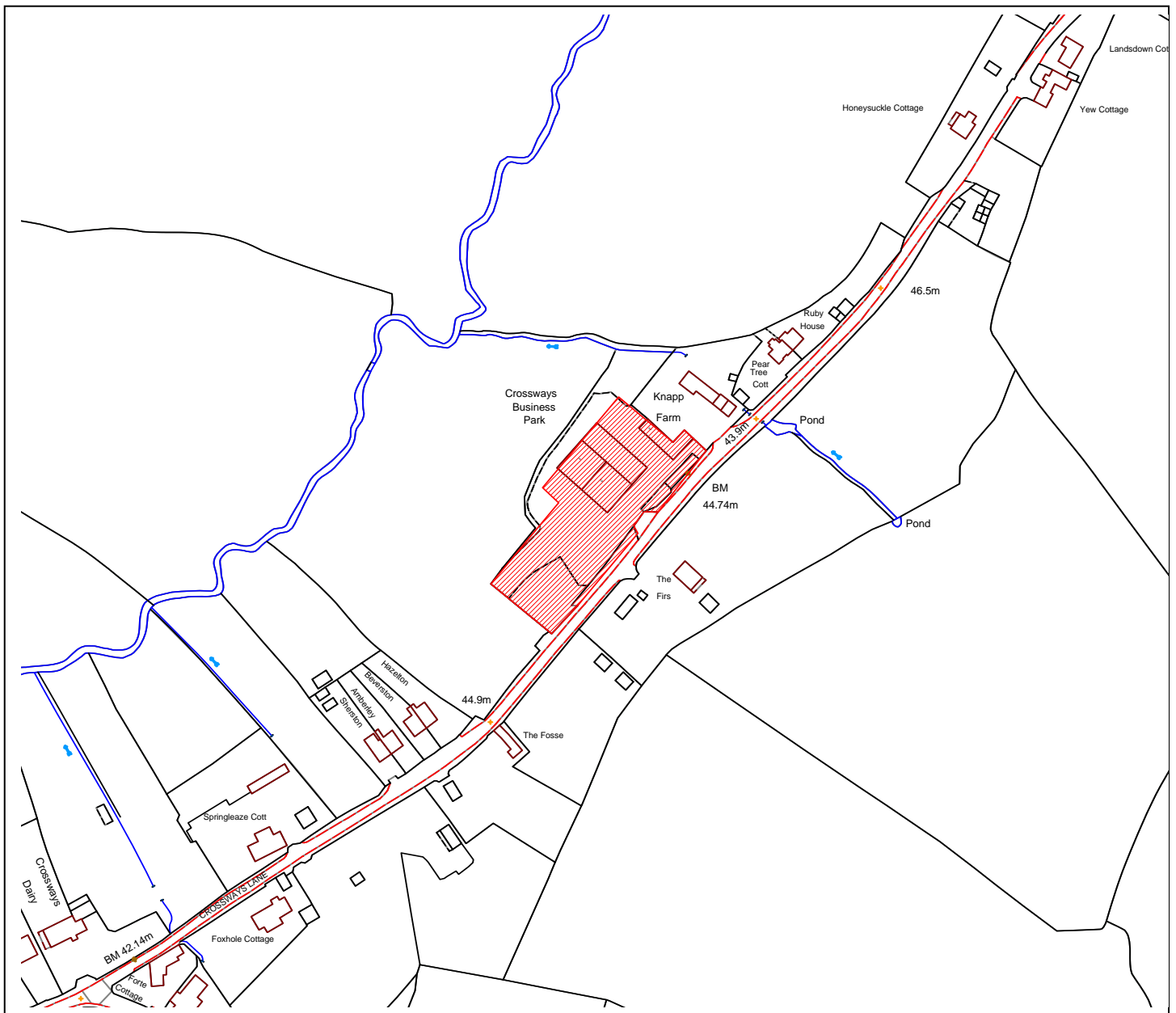
**Date Reg:** 28th August 2007

**Proposal:** Removal of condition 4 attached to Planning Permission PT02/1310/F dated 10 March 2004, to allow the siting of a proposed skip and screen.

**Parish:** Thornbury Town Council

**Map Ref:** 65534 90912

**Ward:** Thornbury North



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**N.T.S**

**PT07/2635/RVC**

## **INTRODUCTION**

The application appears on the Circulated Schedule following one letter received in support of the proposal.

### **1. THE PROPOSAL**

- 1.1 The application seeks the removal of condition 4 attached to PT02/1310/F to allow the siting of a skip and the erection of a screen. This condition read as follows:

‘There shall be no outdoor storage of materials or equipment unless specifically agreed by the local planning authority’.

- 1.2 The application site forms the Crossways Business Park, adjacent to Knapp Farm on the east side of Knapp Road East. The application site is positioned beyond the Thornbury settlement boundary and within the open countryside.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPS7	Sustainable Development in Rural Areas
PPG13	Transportation

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

D1	Achieving Good Quality Design in New Development
E6	Employment Development in the Countryside
T12	Transportation Development Control Policy for New Development

#### **2.3 Supplementary Planning Guidance**

South Gloucestershire Urban Design Checklist

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

- 3.1 PT01/2376/F Change of use and conversion of agricultural buildings to form Class B1. Refused: 23 October 2001
- 3.2 PT02/0392/CLE Use of land and buildings as agricultural contractor's workshop, store and garage. Approved: 28 October 2002
- 3.3 PT02/1310/F Change of use and conversion of existing agricultural buildings to for B1 industrial units. Refused: 24 January 2003; appeal allowed
- 3.4 PT05/1515/F Conversion of two farm buildings to business use (Class B1). Refused: 1 July 2005
- 3.5 PT06/1056/F Change of use of one agricultural building to business use (B1). Approved: 26 June 2006

### **4. CONSULTATION RESPONSES**

#### **4.1 Thornbury Town Council**

Objection- the applicant does not appear to be complying with the condition imposed by the original planning permission so removal of condition 4 should be opposed

#### 4.2 Concern for Thornbury

##### Objection:

- a) The conditions imposed were part of the steps taken by the Council to help maintain the visual quality of the environment & protect residential amenity;
- b) The quality of the highway has already deteriorated due to use by lorries etc;
- c) If a skip is needed for 'business use', the screening proposed should be to the satisfaction of the Planning Officer.

#### 4.3 Other Consultees

Environmental Services: no adverse comments

#### 4.4 Highways DC

No objection: the likely traffic generated could not be considered as material; therefore, there is no transportation objection to the proposal.

#### 4.5 Summary of Local Residents Concerns:

22 letters received expressing the following concerns:

- a) The underlying cause is due to the use of the building by a tenant who has a business that is not compatible with the site and conditions imposed;
- b) This outside area resembles a builders yard;
- c) The waste brought to the site has ensured a breach of the hours condition;
- d) What controls can be placed on the skip's potentially hazardous contents?
- e) The proposal would be contrary to planning policy D1;
- f) Crossways Lane is unsuitable for the large lorries that bring the skips;
- g) The screen does not obscure the skip from the neighbouring property;
- h) The contents of the skip regularly blow across to the adjoining garden/ lane;
- i) The condition shouldn't be removed because it is easier than enforcement;
- j) It would increase noise levels from the site;
- k) The site will become a much larger builders storage yard;
- l) The conditions attached were reasonable & enforceable thus should remain;
- m) The application for a permanent skip is a feeble attempt to circumvent the Inspectors intention that this would be a quiet business park;
- n) Planners have failed to ensure that the existing conditions are complied with;
- o) Approval would send out the wrong message in regularising this breach;
- p) The occupiers of the premises should relocate to a more suitable site;
- q) Crossways Lane is narrow and without pavements;
- r) The conditions are no less necessary now than when they were imposed;
- s) The application is of poor quality and lacks detail;
- t) Other building companies might be dumping waste at this site;
- u) The skip occupies an area designated as a vehicle parking/ turning area.

4.6 Additionally, one letter has been received in support of the proposal.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy E6 cites that proposals for employment development in the countryside will not be permitted unless in accordance with the exceptions listed; one such exception provides for the conversion and re-use of existing rural buildings. It

was partly on this basis that planning permission was originally granted in 2003 for the conversion of these buildings to provide a B1 business use.

- 5.2 Further, this policy also seeks to ensure that development would not have an unacceptable impact on the environment, residential amenity or in terms of traffic generation.
- 5.3 Planning policy D1 details that development will only be permitted where good standards of site planning and design are achieved.
- 5.4 The Proposal  
The application seeks the removal of condition 4 attached to PT02/1310/F that prevents the outdoor storage of any material and equipment. Such would allow the retention of an existing skip located at the southern end of the application site and which is understood to provide for waste building materials. To help mitigate the visual impact of the skip, the application includes a length of 1.8m high close-boarded fence to help screen the skip from public view.
- 5.5 In response, it is noted that much of this development was allowed on appeal at which time the Inspector described the character of the area as rural and concluded that whilst the buildings were not attractive, the visual appearance of the site could be enhanced by means of a landscaping plan. The restriction on outdoor storage would also ensure an acceptable visual appearance to the site.
- 5.6 In view of the above, it is not considered that there has been any significant changes in circumstance to justify the removal of this condition with the existing skip and stored materials prominent from public view (despite its recessed position) and with the screening not considered to sufficiently offset its visual impact. Further, it is noted that there appears minimal additional landscaping to help offset the visual impact of the proposal.
- 5.7 Residential Amenity  
Having regard to the nature of the proposal, it is not considered that permission could be reasonably withheld in view of any impact caused.
- 5.8 Highway Safety  
The likely traffic generated could not be considered as material whilst there is sufficient vehicle parking and turning space. Accordingly, there is no highway objection to this current proposal.
- 5.9 Design and Access Statement  
The Design and Access Statement submitted with the application is not considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

## 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 refuse permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted)

January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

7.1 Planning Permission is **REFUSED** for the following reason:

**Background Papers**      **PT07/2635/RVC**

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

### **REFUSAL REASON**

1. The skip occupies a visually prominent position at the far end of the application site and would allow for the deposit of waste materials in this remote position. The screening proposed would fail to help mitigate the impact of such and would instead appear an irregular feature within the existing car park. The proposal would therefore detract from the visual amenities of this rural area and would be contrary to Policies D1 and E6 of the South Gloucestershire Local Plan (Adopted) January 2006.