



**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. 05/08

Date to Members: 01/02/08

Member's Deadline: 08/02/08

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE

DATE:01/02/08

SCHEDULE NO. 05/08

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

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

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

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

Please note: - Reason for Referral

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

SIGNATURE

DATE

Circulated Schedule 01 February 2008

ITEM NO.	APPLICATION NO	RECOMMENDATIO	LOCATION	WARD	PARISH
1	PK07/3346/F	Refusal	Land at 26 Orchard Road Kingswood South Gloucestershire BS15 9TH	Woodstock	
2	PK07/3590/F	Approve with conditions	38 Amberley Way Wickwar South Gloucestershire GL12 8LP	Ladden Brook	Wickwar Parish Council
3	PK07/3695/F	Approve with conditions	36 Forest Road, Kingswood, South Gloucestershire, BS15 8EQ	Woodstock	
4	PK07/3696/F	Approve with conditions	2 Derrick Road, Kingswood, South Gloucestershire, BS15 8DS	Woodstock	
5	PK08/0026/RM	Approve with conditions	33 Broad Lane, Yate, South Gloucestershire, BS37 7LA	Yate North	Yate Town Council
6	PK08/0027/TRE	Approve with conditions	Former Rodway Caravan Site, Penny Lane, Off Jubilee Road, Kingswood, South Gloucestershire, BS15 4FL	Rodway	
7	PT07/2593/F	Approve with conditions	Harnhill Quarry Aust Road Olveston South Gloucestershire BS35 4DE	Severn	Aust Parish Council
8	PT07/3130/F	Approve with conditions	50 The Causeway Coalpit Heath South Gloucestershire BS36 2PF	Frampton Cotterell	Frampton Cotterell Parish Council
9	PT07/3422/F	Approve with conditions	Hill House Farm Station Road Charfield South Gloucestershire GL12 8SY	Charfield	Charfield Parish Council
10	PT07/3555/F	Approve with conditions	Land off Lysander Road/Merlin Road Cribbs Causeway South Gloucestershire	Patchway	Almondsbury Parish Council
11	PT07/3668/F	Approve with conditions	King William IV, Severn Road, Hallen, South Gloucestershire, BS10 7RZ	Almondsbury	Almondsbury Parish Council
12	PT07/3706/F	Approve with conditions	60 Bourne Villa, Dragon Road, Winterbourne, South Gloucestershire, BS36 1BJ	Winterbourne	Winterbourne Parish Council
13	PT07/3735/F	Approve with conditions	Harry Ramsdens Catbrain Lane Cribbs Causeway South Gloucestershire	Patchway	Almondsbury Parish Council
14	PT08/0005/F	Approve with conditions	53 Braemar Avenue, Filton, South Gloucestershire, BS7 0TF	Filton	Filton Town Council
15	PT08/0008/F	Approve with conditions	44 Medway Drive, Frampton Cotterell, South Gloucestershire, BS36 2HQ	Frampton Cotterell	Frampton Cotterell Parish Council
16	PT08/0012/F	Approve with conditions	Marks & Spencer The Mall Cribbs Causeway South Gloucestershire	Patchway	Almondsbury Parish Council

ITEM NO.	APPLICATION NO	RECOMMENDATIO	LOCATION	WARD	PARISH
17	PT08/0019/F	Approve with conditions	Charfield Tennis Club Little Bristol Lane Charfield South Gloucestershire GL12 8SZ	Charfield	Charfield Parish Council
18	PT08/0044/RM	Approve with conditions	Land off Wainbridge Crescent, Pilning, South Gloucestershire, BS35 4LJ	Pilning and Severn Beach	Pilning and Severn Beach
19	PT08/0055/CLE	Approve	52 Wotton Road, Charfield, South Gloucestershire, GL12 8TG	Charfield	Charfield Parish Council

CIRCULATED SCHEDULE NO. 05/08 – 1 FEBRUARY 2008

App No.: PK07/3346/F

Applicant: Sarsen Housing
AssociationSite: Land at 26 Orchard Road Kingswood
BRISTOL South Gloucestershire BS15
9THDate Reg: 12th November
2007Proposal: Conversion of existing lower ground floor
voids to form 4 affordable housing flats.

Parish:

Map Ref: 65172 73411

Ward: Woodstock



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100023410, 2008.

N.T.S

PK07/3346/F

1. **THE PROPOSAL**

1.1 The application concerns an existing three storey block of 15 flats located on a hillside on the southern side of Orchard Road. At present there are four vacant lower ground floor units – voids – currently partly used as bin and cycle storage. It is proposed to convert these to four affordable flats.

Applicant's supporting information

- *The proposal will meet local housing needs by providing Shared Ownership Affordable housing Units supported by the Council's Housing Enabling team.*
- *No impact on existing car parking arrangements as 19 off street spaces will be provided.*
- *The site is within walking distance of Kingswood town centre.*
- *On site cycle parking and refuse is provided in existing voids and a separately constructed block.*
- *The existing 'blocked up windows' will be opened up, which will be an enhancement.*
- *Landscaping will be unaffected.*

2. **POLICY CONTEXT**

2.1 National Guidance

PPS1 Delivering Sustainable Development
PPS3 Housing
PPG13 Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
T7 Parking Standards
T12 Transportation
H4 Residential Development
H6 Affordable Housing
H5 Residential Conversions

2.3 Supplementary Planning Guidance SGC Design Checklist – adopted.

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK02/2427/F Demolition of existing dwelling. Erection of 15 flats. Alterations to existing vehicular access. Permission granted including Section 106 Agreement 25/3/04 (The original proposal was for 19 units)
- 3.2 PK04/2302/F: Erection of 20 flats. Withdrawn 4/1/05.
- 3.3 PK04/4110/F: Erection of 15 flats – (amendment to previously approved scheme – Pk02/ 2427/F) Approved 4/2/05

4. CONSULTATION RESPONSES

4.1 Parish/Town Council
Unparished area.

4.2 Other Consultees

South Gloucestershire Council Housing Enabling Team
Support the scheme for 4 affordable housing units.

SGC Environmental Protection
No objections.

Other Representations

4.3 Local Residents

Five letters have been received from local residents, objecting to the proposal on the following grounds:

- There is a long history of the site developer striving to achieve 19 or 20 units on this site rather than 15.
- Refuse vehicles currently cannot turn on the site and need to reverse onto Orchard Road on a busy bend to exit the site. This is due to the number of cars parked on the site
- 27 cars sometimes park on the site.
- Currently bin storage very tight, this would be exacerbated.
- The site is at maximum capacity in relation to cars, people, and waste.
- Increased noise from cars.
- We have 3 cars, someone has two cars and a van. It is very difficult to park.
- Difficulty fitting all the bins into the storage area.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H5 deals with the conversion of existing residential properties into smaller units of self contained accommodation, or conversion of non – residential properties for residential use. Such development is acceptable in principle provided it would not prejudice the character of the area, nor the amenities of nearby occupiers. Further it is required to identify an acceptable level of off street car parking, provide adequate amenity space and be located within the existing urban area.

Before considering this however it is necessary to look in some detail at the convoluted planning history of the site and an existing planning condition attached to the existing consent – PK04/4110/F:

21 “ The open voids as indicated on the lower ground floor of the plans hereby approved shall be used for storage only associated with the development. They shall not be used for residential accommodation, whether self contained or associated with the residential units hereby approved.

Reason: Additional residential accommodation would need further consideration by the LPA, particularly in respect of highway safety, and would

have implications on the Section 106 Agreement contributions, in accordance with Policies H4, T12, T7 and LC9 of the SGLP(RDD).”

- 5.2 In 2002 (PK02/2427/F) an application for 19 units on this site was reduced through negotiation to 15 units, following concerns by Officers and Members (SISC visited the site on 6/12/02) regarding the height and massing of the blocks in terms of visual and residential amenity, the density of the scheme, badgers and access issues.
- 5.3 Following the grant of planning permission, the applicants came forward with a proposal (PK04/2302/F) to amend the already partially constructed scheme to 20 units. As built, the finished floor level at lower ground level was some 2.5 metres lower than previously approved. Further, the north elevation (facing Orchard Road), and part of the west elevation now had the appearance of a 3 storey development. The applicant’s justification for carrying out the unauthorised works was that the gradient of the proposed access road was too steep to be the required 1 in 10 to be adoptable.

This application however was withdrawn by the applicants when they realised, irrespective of the Officers views on the merits of the scheme, that it would trigger the requirement for affordable housing within the proposal.(Since the previous application, the Local Plan Inspector’s Report has been published recommending that the threshold for affordable housing in Policy H6 be lowered from 25 to 15 units.)

- 5.4 A further application was therefore submitted which aimed to regularise the built development without increasing the number of units. Hence PK04/ 4110/F granted permission for 15 flats. Although three stories, the proposal did not increase the ridge height over and above the previously approved scheme.

Condition 21 however (see above) restricted the use of the lower ground floor voids so that additional residential units could not be formed. The minutes of the resolution to grant consent at DC East on 3rd February 2005 state that Planning Officer advised that revised plans had been received indicating the provision of enlarged bin and cycle storage in the void areas. In addition Officers advised members that Condition 21 prevented that voids/storage areas from being used for residential accommodation.

Affordable Housing

One of the aims of Condition 21 is to ensure that any incremental increase in the number of units on the site is caught by the Council’s affordable housing threshold requirement. As the current proposal is for affordable housing – shared ownership affordable housing units, which is supported by the Council’s Housing Enabling Team, there is no issues here provided the applicant’s were in agreement to the required Section 106 Agreement.

Transportation

As noted above, Condition 21 of the existing consent for this site states that the reason for limiting the number of residential units to 15 and prohibiting the habitation of the voids is that it “ *would need further consideration by the LPA, particularly in respect of highway safety...*”

The access to the development would remain unchanged by the current proposal. With regard to parking, there are no additional off street parking spaces proposed, however the existing unallocated spaces – i.e. visitor spaces would be allocated to the new flats. Hence there would be 19 spaces – at a ratio of 1 per dwelling. The Council’s parking standards in T8 state that the maximum required for a one –bed flat is one car parking space per dwelling. The proposal complies with this maximum standard. Officers consider, however that there is a significant parking issue on this site, as confirmed by a number of evening site visits. It has been observed that a large number of vehicles park on Greenbank View itself, as well as in the parking spaces provided. On street parking in this instance it results in the restriction of the access in this small cul- de- sac. As such, the existing hammerhead , which was created to enable larger vehicles, such as service and refuse vehicles to turn, becomes obstructed. This results in service vehicles needing to reverse long distances to or from the main road – Orchard Road, at a point on the bend with limited forward visibility. This is considered to be a significant danger to highway users and contrary to Policy T12 of the SGLP.

Cycle Spaces

The amount of cycle storage space would be significantly reduced as a result of moving it from the voids to a separate bespoke building on the other side of the access road. The number of spaces is not given, however it is considered that as a specific indoor area for the provision of cycle parking it is adequate to comply with Policy T7 of the SGLP.

Bin Storage

The proposed plans are notably ambiguous with regard to bin storage. However, in view of the proposed new windows and internal wall details it must be taken that bin storage would be confined to the freestanding bespoke storage building on the other side of the access road. This is considered to be much too small to accommodate the required space for two bins and a recycling box for each flat.

Visual Amenity

The proposal would involve the insertion of matching windows in the void areas, and the retention of all the existing landscaping. There is therefore no issue of a degradation of visual amenity as a result of the proposed flats. The bin storage issue, as noted above however would have a negative impact on the visual amenity of the area, contrary to Policy D1 of the SGLP.

Ecology

The proposal has no impact on the adjacent badger sett.

Residential Amenity

Due to their low level and position adjacent to existing flat windows, the proposed new windows at lower ground floor level would not have a significant effect on the residential amenity of adjacent occupants by way of loss of privacy. Further it is not considered that the increase in number of units would have any significant effects on residential amenity in terms of noise and disturbance. The bin storage issue as noted above however would have an impact on the amenity of existing and future residents.

Other Section 106 Issues.

In order to mitigate against the impact of the development, the approved scheme for 15 flats includes a Section 106 Agreement that required the following contributions:

- £900 towards improvement of library facilities
- £35,000 towards off site public open space enhancements.
- £14,000 towards traffic management measures on Orchard Road.

The current proposal to increase the number of units on the site by 27% should therefore incur a 27% increase in these contributions. The applicant has not however provided any details of this. The proposal is therefore contrary to Policies LC9 and T12 in this regard.

5.5 Design and Access Statement

The Design and Access Statement submitted with the application is not considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 That planning permission be REFUSED.

Background Papers **PK07/3346/F**

Contact Officer: **Helen Ainsley**
Tel. No. **01454 863788**

CONDITIONS

None

REFUSAL REASONS

1. The proposal would result in the loss of parking on the site which would lead to increased on street parking on the public highway. The proposed development would lead to increased vehicular standing and manoeuvring on the public highway and in close proximity to the hammerhead, thereby causing congestion and obstruction and forcing vehicles to reverse to or from the public highway thereby adding the highway hazards, to the detriment of highway safety. The proposal would therefore be contrary to Policy T12 of the adopted South Gloucestershire Local Plan.

2. The proposal results in the loss of existing bin storage areas and the provision of insufficient bin storage to meet the needs of all 19 flats. This would result in a cramped form of development with inadequate levels of residential amenity for existing and future occupants. It would also detrimentally impact on the visual amenity of the area. The proposal would therefore be contrary to Policies D1, H4 and H5 of the adopted South Gloucestershire Local Plan.
3. In the absence of a Section 106 Agreement to secure the necessary uplift in contributions made in relation to matters contained in the existing Section 106 Agreement pertaining to the site, in proportion to the existing and proposed number of units, the application is contrary to Policies T12 and LC9 of the South Gloucestershire Local Plan.
4. In the absence of a Section 106 Agreement to secure the provision and retention of the proposed units as affordable housing units the proposal is contrary to Policy H6 of the South Gloucestershire local Plan.

CIRCULATED SCHEDULE NO. 05/08 – 1 FEBRUARY 2008

App No.: PK07/3590/F
Site: 38 Amberley Way Wickwar WOTTON
 UNDER EDGE South Gloucestershire
 GL12 8LP

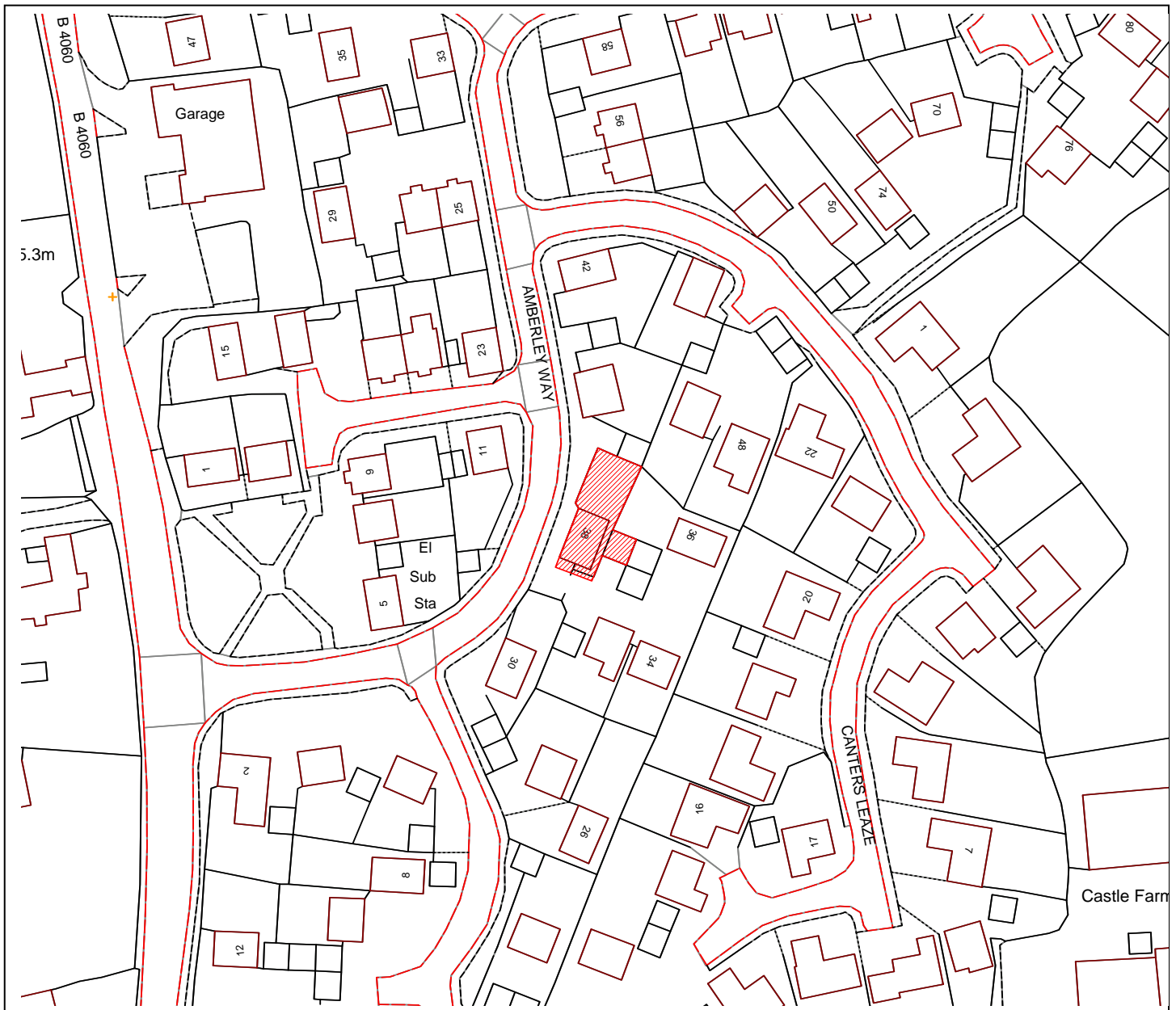
Applicant: Mr & Mrs T Morris
Date Reg: 6th December 2007

Proposal: Erection of side conservatory.

Parish: Wickwar Parish
 Council

Map Ref: 72597 87915

Ward: Ladden Brook



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N.T.S

PK07/3590/F

INTRODUCTION

This application appears on the circulated schedule following receipt of one objection which is contrary to the officer recommendation.

1. THE PROPOSAL

1.1 Full planning permission is sought for the erection of a side conservatory.

1.2 The detached property is set within a modern residential area of Wickwar.

2. POLICY CONTEXT

2.1 National Guidance

PPS 1 Delivering Sustainable Development

PPS 3 Housing

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design

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

L1 Landscape Protection and Enhancement

T8 Car Parking Standards

T12 Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance / Documents

South Gloucestershire Advice Note 2: House Extensions

The South Gloucestershire Design Checklist (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

3.1 None.

4. CONSULTATION RESPONSES

4.1 Wickwar Parish Council

Object: with the removal of the existing screening hedge, the glass wall of the proposed conservatory would be highly visible from the road and would be out of keeping with the neighbourhood. Also, doubts as to the ownership of the land beyond the existing boundary.

Other Representations

4.2 Local Residents

None.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policies D1, H4 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 are relevant to this planning application. The policies indicate that the proposed development is acceptable subject to the following consideration.

5.2 Design / Visual Amenity

Concern has been raised as to the impact of the extension on the visual amenity of the area as the glass wall will be highly viewable owing to the loss of hedge screening.

- 5.3 When viewed from the south and east it is considered that the wall of the conservatory would not have a materially greater impact than the existing brick boundary wall. Conversely, it is acknowledged that, when viewed from the west (the highway), if the existing hedge is removed the development would appear prominent. The hedge is also considered to contribute to the character of the streetscene creating a soft buffer between the built form of the houses and the highway. However, it is considered that these issues could be overcome by the imposition of a condition to ensure that the existing hedge is retained; this would include the section of hedge running parallel with the highway and a southern 3 metre section running back into the conservatory wall. Subject to this condition, the proposal is considered acceptable in design terms.

5.4 Residential Amenity

Owing to the single form of the conservatory, and the fact that the east opening would face directly into the perimeter wall of the site whilst the west would face onto the hedge and road beyond, there would not be a detrimental impact on the residential amenities of surrounding occupiers.

5.5 Transportation

Officers considered it necessary to assess the highway impact of the proposal. To the east of the application site are three houses that are served by a private access. The proposal will involve the partial loss of an area of land adjacent to this access, which could be considered to act as a visibility splay for vehicles exiting the garages situated to the rear of the property. The Council's Transportation Officer has assessed the scheme and considers that because the access road serves just three properties and the garages immediately to the rear of the site are owned by the applicants – thus, only the applicants will be immediately affected by the visibility splay alterations – a refusal reason based on the detrimental harm to highway safety could not be substantiated.

5.6 Other matters arising

With regards to the ownership query, as stated in the Council's brochure 'Commenting on a Planning Application', disputes over land ownership should be settled privately between the parties concerned. According to the Council's records (Property Services Division) the land is not owned or maintained by the Council. Notwithstanding the above, the onus is on the applicant to seek prior written consent of the owner and occupier of any land upon which it is necessary for works to be carried out: an informative to this effect will be included on the Decision Notice.

5.7 Section 106 Requirements

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

6. CONCLUSION

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

7. RECOMMENDATION

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

Background Papers **PK07/3590/F**

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

CONDITIONS

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

Reason:

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

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

Reason:

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

3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the south elevation of the extension.

Reason:

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

4. The existing hedge where immediately adjoining Amberley Way and the three metre section on the southern boundary, as shown on the proposed south elevation plan (drawing No.T.C.W.C-1-07), shall be retained and thereafter maintained; 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 H4, D1, L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 05/08 – 1 FEBRUARY 2008

App No.: PK07/3695/F

Applicant: Kendrick Property Management

Site: 36 Forest Road, Kingswood, South Gloucestershire, BS15 8EQ

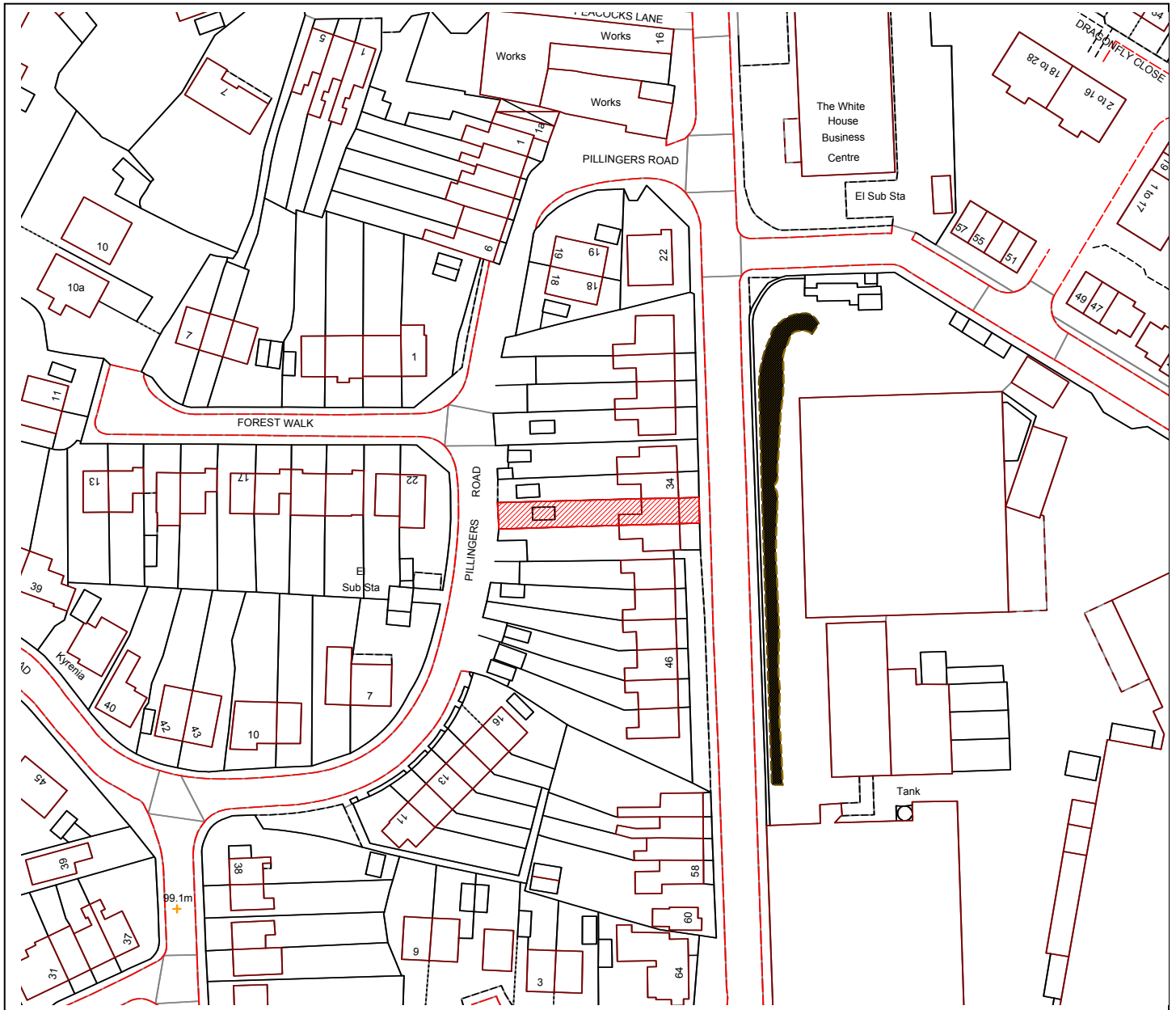
Date Reg: 20th December 2007

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

Parish:

Map Ref: 64506 73370

Ward: Woodstock



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N.T.S

PK07/3695/F

INTRODUCTION

This application appears on the circulated schedule following receipt of four objection letters which are contrary to the officer recommendation.

1. THE PROPOSAL

1.1 The application seeks full planning permission for the conversion of a dwelling into 2No. self contained flats. Both flats would contain two bedrooms.

1.2 The application site relates to a two storey mid terraced dwelling located within a residential area of Kingswood close to the town centre. The property is surrounded by dwellings of a similar design and scale.

2. POLICY CONTEXT

2.1 National Guidance

PPS 1 Delivering Sustainable Development
PPS 3 Housing

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design
H5 Residential Conversions
T8 Car Parking Standards
T12 Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance / Documents

South Gloucestershire Advice Note 2: House Extensions
The South Gloucestershire Design Checklist (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

3.1 None.

4. CONSULTATION RESPONSES

4.1 Parish/Town Council

The area is un-parished.

4.2 Other Consultees

Environmental Services

No objection.

Other Representations

4.3 Local Residents

Four letters / emails have been received during the consultation period associated with this planning application. The comments can be summarised as follows:

Object

- noise pollution into neighbouring dwellings
- foul drainage concerns (particularly on the Party Wall)
- concern over chimney breast
- parking and highway safety concerns
- occupiers of top floor flat would not have direct access to the cycle storage facilities in the rear garden.
- is there a requirement for this type of accommodation (loss of family home to flats)

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

PPS 1, paragraph 23 states that Local Planning Authorities should 'ensure an appropriate mix of housing...whether through new development or the conversion of existing buildings'. PPS 3, paragraph 31 states 'conversions of existing housing can provide an important source of new housing'.

The guidance contained within National Planning Guidance is reaffirmed in the Local Plan through Policy H5, and the supporting text for this policy in paragraph 8.179.

Paragraph 8.179 emphasises

The conversion, where appropriate, of larger residential properties and other buildings into smaller units of accommodation can make a valuable contribution to the supply and range of housing provision throughout South Gloucestershire, suitable for the growing numbers of single person and small households, many of which may not wish or cannot afford to live in larger properties.

Therefore the conversion of existing residential properties into smaller units of self contained residential accommodation is acceptable in national and local planning policy terms subject to the

- 5.2 In response to the concern that there is no need for flats in the vicinity, paragraph 8.179 of the supporting text for Policy H5 states

The conversion, where appropriate, of larger residential properties and other buildings into smaller units of accommodation can make a valuable contribution to the supply and range of housing in South Gloucestershire, suitable for the growing numbers of single person and small households, many of which may not wish or cannot afford to live in larger properties.

Accordingly the principle of converting the dwelling to flats is acceptable.

5.3 Design / Visual Amenity

No external changes to the dwelling are proposed. The proposed parking spaces in the rear garden would not appear out of character given that numerous surrounding rear gardens contain garages and parking spaces. Officers have also considered the visual amenity impact of a bin storage facility at the front of the site. It is considered that the existing dwarf wall at the front of the site will soften / alleviate the visual intrusion of such a feature. Accordingly, in visual amenity terms, the proposal is considered acceptable.

- 5.4 Residential Amenity
Concern has been raised as to the impact of the development upon residential amenity through noise pollution.
- 5.5 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.
- 5.6 Transportation
Concern has been raised as to the impact of the development on the level of parking in the vicinity and the fact that occupiers of the top floor flat will have to walk 40 metres to gain access to the cycle storage facilities as the internal layout does not allow direct access into the rear garden.
- 5.7 Two off street vehicular parking spaces are proposed to the rear, one for each dwelling. The existing garage will be used as a cycle storage facility. The Council's Transportation Development Control Officer has assessed the proposal and not raised an objection in transportation terms. In specific reference to first floor flat, it is considered that the requirement for occupiers to walk to the rear of the site, via two streets, in order to gain access to the cycle stores is not sufficient to warrant refusal. It should also be noted that the site is located within 350 metres of Kingswood Town Centre; the Council considers that a walk of less than 400metres can normally be considered convenient in order to gain access to services. Therefore occupiers of both flats will be able to access numerous services without the need to travel by car. In light of this it is considered that a transportation refusal reason could not be substantiated.
- 5.8 In terms of refuse storage, space for only two bins, at the front of the site, has been proposed. The Council's Transportation Officer has pointed out that the Council operates a twin bin system. Accordingly, officers consider it necessary to impose a condition requiring extra bin storage details be submitted and agreed in writing prior to the commencement of development.
- 5.9 Amenity space
The proposal is for two bedroom flats. In these circumstances the Council adopts a flexible approach when assessing the amount of amenity space that should be provided. The design and access statement confirms that the ground floor flat will be allocated the rear garden; this measures in excess of 65 square metres in area. The first floor flat however will not benefit from an amenity space. In spite of this arrangement, given that the flat is to have two bedrooms only, it is considered highly unlikely that it will be occupied by family with children. It is therefore not considered necessary to provide amenity space for the first floor flat.
- 5.10 Other matters arising
Concerns raised in respect of the party wall, chimney breast and drainage facilities for the top floor flat fall under the remit of the Building Regulations and The Party Wall Act.

5.11 Design and Access Statement

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

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

Background Papers **PK07/3695/F**

Contact Officer: **Edward Purnell**

Tel. No. **01454 863056**

CONDITIONS

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

Reason:

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

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

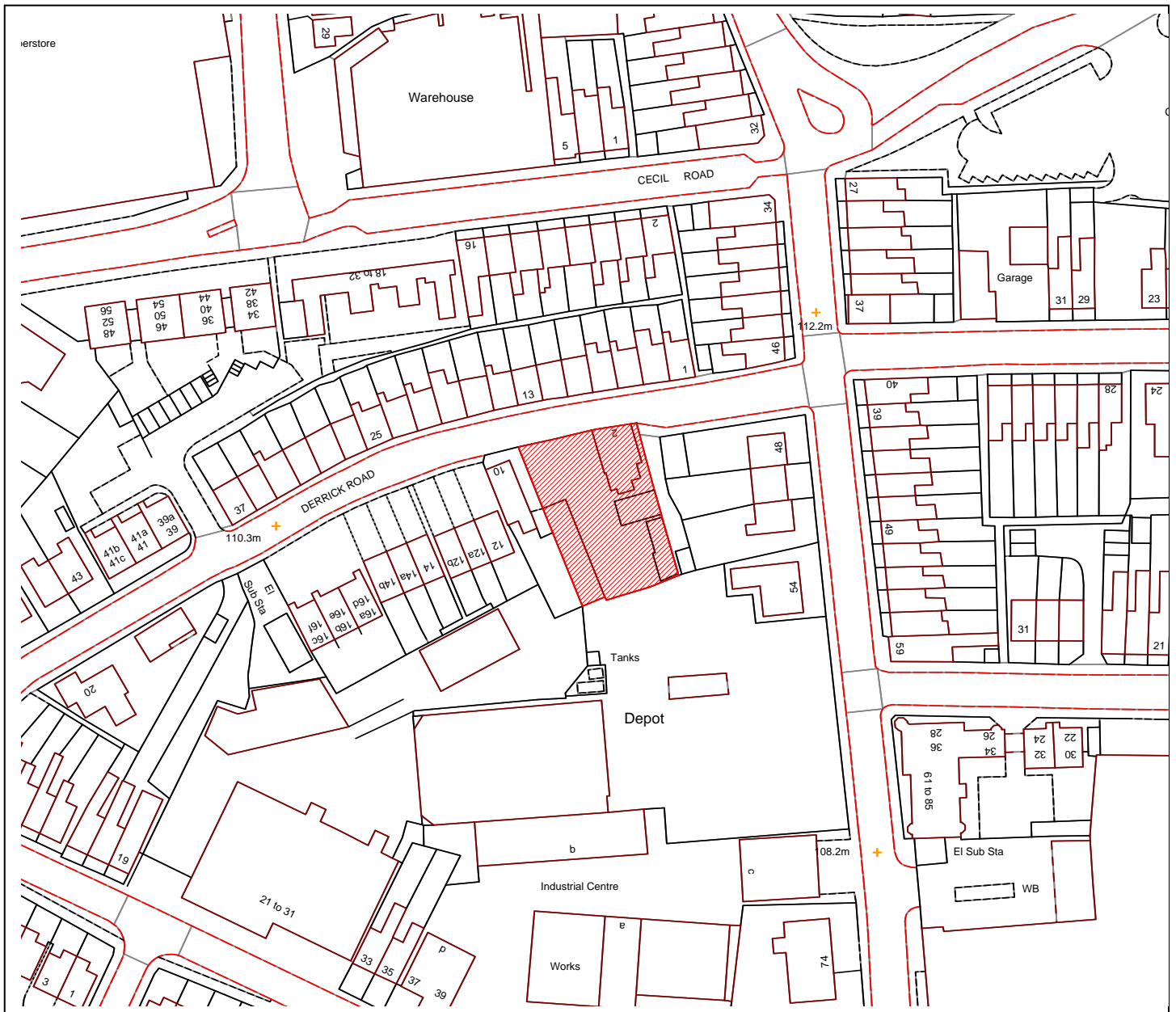
Reason:

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

CIRCULATED SCHEDULE NO. 05/08 – 1 FEBRUARY 2008

App No.: PK07/3696/F
Site: 2 Derrick Road, Kingswood, South Gloucestershire, BS15 8DS
Proposal: Demolition of 1 no. dwelling and outbuildings to facilitate the erection of 8 no. self contained flats, 8 no. car parking spaces, construction of new vehicular access from Derrick Road and associated works. (Resubmission of PK07/1130/F)
Map Ref: 64783 73634

Applicant: Mr D Smithes
Date Reg: 20th December 2007
Parish:
Ward: Woodstock



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 100023410, 2008.

INTRODUCTION

This application appears on the Circulated Schedule following objections received from local residents, the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to a 0.0715 ha site located on the southern side of Derrick Road, just to the south of Kingswood Town Centre. Within the site is a single residential property and a number of outbuildings, all of which have been redundant for some time and are now in a state of dereliction. Terraced houses lie to the north, east and west of the site, with a commercial depot to the south. The location is predominantly residential in character.
- 1.2 It is proposed to demolish all of the existing buildings and replace them with a single three/two storey building containing 8 no. self-contained flats i.e. 5 no. one bedroom and 3 no. two bedroom. The scheme would also include 8 no. off-street parking spaces, a covered bin store and a lockable bike store. The existing vehicular access from Derrick Road would be enhanced.
- 1.3 This application follows a previous application for 12 flats, which was withdrawn on officer advice due to concerns about over-development.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1 - Delivering Sustainable Development
- PPS3 - Housing
- PPG13 - Transport

2.2 Development Plans

Joint Replacement Structure Plan

- Policy 1 - Principles
- Policy 2 - Location of Development
- Policy 17 - Landscape
- Policy 33 - Housing Provision and Distribution
- Policy 34 - Re-use of Previously Developed Land (support for infill)
- Policy 54 - Car Parking Provision

South Gloucestershire Local Plan (Adopted) 6th January 2006

- D1 - Design
- L1 - Landscape Protection and Enhancement
- L5 - Open areas
- L17 & L18 - The Water Environment
- EP1 - Environmental Pollution
- EP2 - Flood Risk and Development
- EP7 - Unstable Land
- H2 - Residential Development within the existing Urban Area
- H4 - Development within Existing Residential Curtilages
- H6 - Affordable Housing
- LC2 - Provision of Education Facilities

- T7 - Cycle Parking Provision
- T8 - Parking Standards
- T12 - Transportation Development Control Policy for New Development
- LC4 - Proposals for Educational and Community Facilities Within the Existing Urban Area.

Supplementary Planning Guidance

The South Gloucestershire Design Check List (Adopted) SPD 23rd August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK07/1130/F - Demolition of 1no. dwelling and outbuildings to facilitate the erection of 12no. self-contained flats, 8 no. car parking spaces, construction of new vehicular access from Derrick Road and associated works.
Withdrawn December 2007

4. CONSULTATION RESPONSES

- 4.1 Parish Council
Not a Parished area.

- 4.2 Other Consultees
None

Other Representations

- 4.3 Local Residents
4 no. letters of objection were received from local residents. The concerns raised are summarised as follows:
- Loss of light to nos. 2, 9, 11 & 13 Derrick Road.
 - Insufficient parking provision will result in increased on-street parking.
 - Bin store too close to neighbouring property.
 - Increased traffic in busy road.
 - Loss of wildlife habitat.
 - Disruption during construction phase.
 - Loss of on-street parking opposite proposed access.
 - Loss of house values.
 - 2 storeys would be more suitable.
 - Loss of view.

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 dwelling and outbuildings 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 buildings 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 dwelling house and outbuildings. The flats would be sold on the open market and would provide a valuable contribution to the low cost open market housing stock.

- 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 Government advice contained in PPS3 – ‘Housing’ supports a more efficient and sustainable use of land in the urban area, with a provision for more intensive housing development in and around existing centres and close to public transport nodes. The South Gloucestershire Local Plan (Adopted) 6th January 2006 (para.8.26) seeks to “*..increase the proportion of smaller dwellings, reflecting the projected growth in one-person households and the existing disproportionate provision of smaller dwellings in South Gloucestershire.*”
- 5.4 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.

5.5 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. The proposal equates to 111.8 dwellings per hectare but this higher figure merely reflects the fact that the development would comprise of 8 small flats as opposed to individual dwelling houses.
- 5.6 The South Gloucestershire Local Plan (Adopted) 6th January 2006 also seeks to ensure, in achieving higher densities for new development, that *“local planning authorities and developers think imaginatively about designs and layouts which make more efficient use of land without compromising the quality of the environment”*.
- 5.7 Officers are satisfied that having regard to the site’s constraints relating to its location, pattern of development, landscape characteristics, access, and impact on residential amenity, a larger building could not realistically be accommodated on the site and in this respect the proposal represents the most efficient use of the land in what is a sustainable location, close to the centre of Kingswood, within walking distance of the shopping and community facilities and main bus routes. The proposal therefore accords with Government guidelines and in terms of its density the development is not considered to be an overdevelopment of the site.
- 5.8 Scale and Design
Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 requires a good standard of design, in particular the siting, layout, form, scale, height, detailing, colour and materials should be informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.
- 5.9 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.”*
- 5.10 The proposed building would be located on the eastern half of the site with a north-south orientation, which is the generally same as the existing two-storey house and single-storey outbuildings. In this respect the proposal follows the existing grain of built development. The parking spaces, bin and bike store, would be located on the western half of the site with amenity areas and a turning area located at the southern end.
- 5.11 In order to reduce its massing, the main building would have a two-storey element at the front, rising to a three-storey element behind. The impact of the building in the street scene is to some extent compensated for by the slight fall in ground levels from Derrick Road to the back of the site. The height of the three-storey element would in fact be 0.238m lower than the ridge heights of the terraced properties located on the northern side of Derrick Road.
- 5.12 The proposed building would have a contemporary design with a mono-pitch roof. This approach has been taken in order to make the most efficient use of the site, (as required by PPS3), whilst at the same time keeping the profile and mass of the building to an acceptable level.
- 5.13 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.”

- 5.14 Officers have considered the proposal in the context of the local architectural vernacular. The locality is urban in character but does not exhibit a strong local distinctiveness supported by any supplementary planning documents. Many of the buildings are 19thC/early 20th C two-storey terraces but these are interspersed with other buildings of varying age and style. Officers consider that the contemporary approach is preferable to an attempt to replicate older styles in a pastiche form.
- 5.15 The end elevation of the building would be most prominent within the street scene. Whilst the absence of windows creates a rather stark appearance to this elevation, this would be compensated for by the mix of materials i.e. brick or render with wooden cladding above. Furthermore the appearance of the elevation would be softened by a scheme of planting to include trellising on the elevation. Given the derelict and overgrown state of the site the proposal does provide the opportunity to enhance the street scene.
- 5.16 Furthermore it is proposed to construct the building to Code Level 3 under sustainable development guidelines. On balance therefore the proposed scale and design of the building would be acceptable in this location.
- 5.17 Landscape
The application site has become overgrown but the ‘trees’ are not afforded any protection by Tree Preservation Order and have minimal amenity value, although they do provide some habitat for birds. As an open area the site is not considered to make a significant contribution to the quality, character, amenity or distinctiveness of the locality and having regard to the extent of built development already on the site, officers are satisfied that in terms of Policy L5 and L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 the proposal is acceptable and would not represent a significant loss of open space or have a detrimental impact on the character of the landscape.
- 5.18 The site is relatively well enclosed by a variety of boundary walls, all of which are shown as retained. Various planting is proposed in the form of new trees, hedging, planting beds and trailing plants upon the trellises. All of this planting would help to compensate for the loss of wildlife habitat and would be the subject of a planting scheme to be secured by condition. There are therefore no landscape objections.
- 5.19 Transportation
The proposal would provide 8no. off-street car parking spaces for the 8no. flats proposed and these spaces would be allocated on the basis of one per flat. Given the sites’ sustainable location close to the centre of Kingswood, this level of parking provision would accord with the Council’s adopted maximum parking standards as listed in Policy T8 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

- 5.20 The existing vehicular access off Derrick Road would be improved to provide adequate set-back and visibility splay. A 2m wide footway would be introduced to the entire site frontage, with dropped kerbs and tactile paving, where it links into the existing footway network.
- 5.21 Derrick Road is now a one-way street and has a 20mph speed restriction, nevertheless a turning area would be provided on-site thus allowing vehicles to enter and exit in forward gear. The turning area would be surfaced with grasscrete. The proposed bin store would be located close to the access to allow for easy collection of waste and prevent further storage of bins on the footway. An enclosed and lockable cycle store is also provided with additional cycle storage within the main building. Having regard to all of the above there are no highway objections to this proposal.
- 5.22 Impact upon Residential Amenity
The proposed building has been designed to reduce loss of privacy to neighbouring property. At ground floor level the boundary walls provide adequate screening. There would be no windows in the end elevation facing the terraced houses on the opposite side of Derrick Road and a condition could ensure that no windows are inserted in this elevation in the future. All habitable room windows to lounges and bedrooms would face west, into the site. The western elevation would be set well back (31m – 33m) from neighbouring no.10 Derrick Road and whilst there would be some overlooking of this property from the proposed upper floors, this is considered to be a common situation in a densely populated urban area such as this. Given the latest Government advice to make the most efficient use of land within the urban area, some degree of overlooking cannot be avoided and should not therefore be justification for refusal of planning permission.
- 5.23 To the rear (east) most of the upper floor windows serve bathrooms and kitchens and these windows can be obscurely glazed. There would be some overlooking of the properties in Moravian Road from the proposed dining room windows but again, this would be from a reasonable distance, there being fully 21m to the facing windows to the rear of these properties. For apartments 3,6 and 8 no windows face east, these having been inserted in the southern elevation where they only overlook the lawn and depot beyond.
- 5.24 Given the sites highly sustainable location, adequate amenity space would be provided on the lawned area and in the communal seating area. In this respect the proposal is not considered to be an overdevelopment of the site. Concern has been raised about loss of view and overshadowing of the terraced properties to the north of Derrick Road. There is in fact no right to a view and loss of view is not a material consideration in the determination of planning applications. Only half of the site would be occupied by the main building thus retaining a good degree of openness. The height of the proposed building is less than the terrace opposite, the relationship of the properties to each other would not therefore result in an overbearing impact for neighbouring occupiers.
- 5.25 The proposed bin store needs to be located close to the vehicular access and whilst it would be close to the boundary with no.10, there is a substantial wall on this boundary. Two bins would be provided for each flat but these would be stored in a covered bin store with timber cladding screen facing no.10 and a hedge to the road frontage; two elevations would be left open to provide ventilation. Having regard to all of the above there would be no significant adverse impact on residential amenity.

5.26 Environmental and Drainage Issues

Whilst there will inevitably be some disturbance for neighbouring occupiers during the construction phase, this can be adequately mitigated for by imposing a condition to limit the hours of construction. The Environmental Health Officer has raised no objection to the position of the proposed bin store. There are therefore no objections on environmental grounds. In terms of drainage the Council's Drainage Engineer has raised no objection to the proposal. If it is intended to connect to a private sewer then this is a civil matter. Any connection to the public sewer system would first have to be agreed with Wessex Water. Due to past mining activities within the area, a mining report would be required prior to the commencement of any development.

5.27 Affordable Housing

The proposal is for 8no. flats only, which is below the Council's threshold (15) for affordable housing provision.

5.28 Education Service

There is a projected surplus capacity at both primary and secondary schools within the area. Contributions towards Education facilities are not therefore required.

5.29 Community Services

The proposal is for 8no. flats only, which is below the Council's threshold (10) for contributions to Community Services.

5.30 Other Concerns Raised

The impact of development on house values is not a material consideration in the determination of planning applications.

5.31 Design and Access Statement

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

5.32 Section 106 Requirements

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

6. CONCLUSION

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

- 6.2 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) 6th January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Background Papers PK07/3696/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. Building operations shall not be commenced until samples of the roofing and external facing materials proposed to be used have been submitted to and approved by the Local Planning Authority and all such materials used in construction of the building hereby authorised shall conform to the details so approved.

Reason:

To ensure a satisfactory standard of external appearance and to accord with Policies D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Sample panels of render, demonstrating the colour and texture 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 rendering is complete.

Reason:

To ensure a satisfactory standard of external appearance and to accord with Policies D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The hours of working on site during the period of construction shall be restricted to 7.30am to 6.00pm Mondays to Fridays inclusive, 7.30am to 1.00pm 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: deliveries of construction materials, 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) Jan 6th 2006.

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

Reason:

To ensure that a satisfactory means of drainage is provided and prevent an increased risk of flooding, and to accord with Policy EP1, EP2, L17 and L18 of the South Gloucestershire Local Plan (Adopted) Jan 6th 2006.

6. 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 prevent an increased risk of flooding, and to accord with Policy EP1, EP2, L17 and L18 of the South Gloucestershire Local Plan (Adopted) Jan 6th 2006.

7. Prior to the commencement of the development hereby approved a Coal Mining Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the development can be safely implemented having regard to past coal mining in the area and to identify the possible presence of shafts, adits, drainage levels and culverts, in accordance with Policies EP2 and EP7 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

8. The off-street parking facilities (one vehicles per flat) including manoeuvring areas and cycle parking as shown on the approved plan nos 02 Rev B shall be provided before the building is first occupied, and thereafter the parking facilities shall be retained and used only in conjunction with the occupation of the buildings purpose.

Reason:

To ensure the satisfactory provision of parking and turning facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy T8, T7 and T12 of the South Gloucestershire Local Plan (Adopted) Jan 6th 2006.

9. The eight car parking spaces shown on approved plan no.02 Rev B shall be allocated on the basis of 1 parking space per flat, whichever they may be, and maintained as such thereafter.

Reason:

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy T8 and T12 of the South Gloucestershire Local Plan (Adopted) Jan 6th 2006.

10. Prior to the first occupation of any of the flats hereby approved, a plan indicating the positions, design, materials and type of boundary treatment to be erected or retained, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the boundary treatment shall be completed before the building is first occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To protect the privacy and amenity of neighbouring occupiers and in the interests of the visual amenity of the street scene, and to accord with Policies H2 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

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

12. No windows shall be inserted at any time in the northern elevation of the property.

Reason:

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

13. The glazing for the kitchen and bathroom windows on the east elevation of the building hereby approved shall at all times be of obscured glass and be permanently fixed in a closed position. "The obscure glazing to be used shall be at least level 3 obscure glazing."

Reason:

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

CIRCULATED SCHEDULE NO. 05/08 – 1 FEBRUARY 2008

App No.: PK08/0026/RM

Applicant: Sjp Construction Ltd

Site: 33 Broad Lane, Yate, South Gloucestershire, BS37 7LA

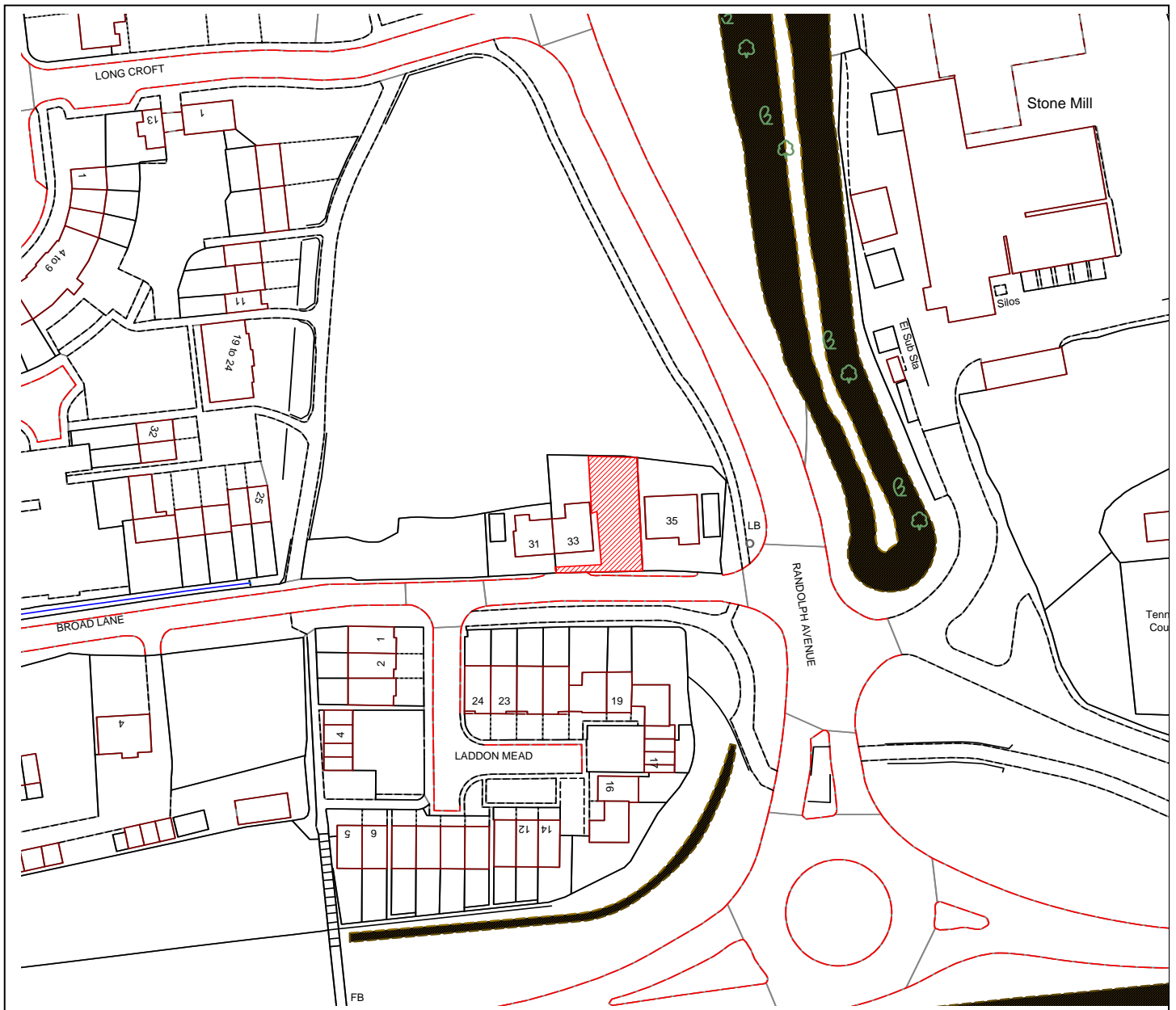
Date Reg: 3rd January 2008

Proposal: Erection of 1no.detached dwelling (Approval of reserved matters to be read in conjunction with outline permission PK07/1761/O).

Parish: Yate Town Council

Map Ref: 70962 83793

Ward: Yate North



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N.T.S

PK08/0026/RM

INTRODUCTION

This application is referred to the Circulated Schedule to Members in accordance with procedure given that an objection has been raised.

1 PROPOSAL

- 1.1 The applicant seeks approval of the reserved matters in conjunction with the outline consent for the erection of a single dwelling, (PK07/1761/O – 27th July 2007), situated on land to the side (within the ownership of No.33 Broad Lane).
- 1.2 The outline consent reserved all matters for future consideration, however as required the applicant had given details of the scale that will be 2-storey and the footprint area. A maximum height of 7.5 metres was indicated. Although not a formal material consideration, as part of the submission an indicative layout plan indicated the position of the access and parking availability. The access and parking arrangements now shown are in accord with those previously agreed and will provide a footway to the front of the property, and 2 no. parking spaces for both the proposed dwelling and the existing building.
- 1.3 The proposed dwelling would have a height of 6.5 metres, width of 6.4 metres across the front elevation, (approximately 7.8 metres to the rear), and a depth of 8.6 metres. A conservatory is also to be included to the rear with a depth of 2.5 metres, height of 3.6 metres set approximately 1.8 metres from the boundary. Details of materials have not been supplied.
- 1.4 The application site lies on the northern side of Broad Lane, with in the curtilage of a traditional style semi-detached cottage. Residential properties are situated on either side.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering sustainable Development
PPS3	Housing
PPG13	Transport - Guide to Better Practice

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
H2	Residential Development in Urban Areas
H4	Development within Existing Residential Curtilages
T8	Parking Standards
T12	Transportation Development Control Policy

3. RELEVANT PLANNING HISTORY

- 3.1 PK07/1761/O Erection of 1 no. detached dwelling (Outline) All matters reserved (Approved).

4. **CONSULTATION RESPONSES**

4.1 Yate Town Council

No objection raised

4.2 Sustainable Transport

A new footway and four vehicular parking spaces have been proposed as per the revised proposals submitted as part of the outline planning permission. Detail of bin and cycle storage for the new dwelling have not been submitted. At least one cycle parking space and bin storage for the Council's current twin bin system need to be provided within the site boundary. Revised plan showing the location of the bin and cycle storage needs to be submitted for approval by the Council. Subject to a revised plan showing the bin and cycle storage being submitted and approved by the Council, there is no transportation objection to this proposal.

Other Representations

4.3 Local Residents

There has been one letter of objection received. The grounds of objection can be summarised as follows:

- The proposed development is too large for the site
- The proposal will result in loss of light to neighbouring properties
- The proposal will result in loss of privacy from overlooking
- There is a restrictive covenant that restricts building within 6 metres of the rear boundary

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The principle of the erection of a dwelling has previously been accepted via the Outline Consent previously approved (PK07/1761/O). This application considers the reserved matters, the means of access, design/appearance, scale, siting/layout and landscaping.

Policy H4 of the South Gloucestershire Local Plan (Adopted) allows for development within existing residential curtilages, including new dwellings, subject to there being no adverse impact on the existing visual and residential amenities within the immediate area. Policy H2 also considers the environmental impact of such proposals and transportation implications as well as having regard for the residential amenity of neighbouring occupiers and the future occupiers of the development. Policy D1 has regard to the massing, scale, proportions, materials and overall design and existing property and the character of the street scene and surrounding area. Policy T12 considers in more detail the transportation implications for the proposed development with the retention and enhancement of highway safety the paramount consideration.

Scale/Design/External Appearance

Policy D1 has regard to the massing, scale, proportions, materials and overall design and existing property and the character of the street scene and surrounding area.

The scale is within the scale parameters set in the outline consent. It is considered that the scale of the proposed dwelling is in keeping with the scale of the development in the area. The height of 6.5 metres in particular will ensure that the dwelling adopts a modest scale and this is also reflected in the simple design which is considered entirely in keeping with that of neighbouring properties and the surrounding area.

Details of materials have not been given and a condition will be attached to the decision notice requiring the submission of a full schedule of materials for approval prior to the commencement of any works.

It is considered that the design of the proposed development is in accord with Policy H2, H4 and D1 of the South Gloucestershire Local Plan (Adopted January 2006).

Residential Amenity

Residential Amenity is assessed in terms of the physical impact of a proposal ie whether it would appear oppressive or overbearing when viewed from that property. In addition the impact upon the privacy of neighbouring occupiers will be assessed. The amenity of future occupiers is also considered both in terms of the impact from adjoining properties and the level of amenity space that is provided for the dwelling. Given the location of the proposed dwelling, it is considered that any impact must be assessed against No.35, the immediate neighbour and the original property. The relationship between the new dwelling and the properties on the opposite side of Broad Lane is considered to represent a normal residential relationship.

Concern has been raised that the proposed development would result in loss of light and privacy. The Case Officer has visited the adjoining property. It was not considered that a projection (of the main house) of 2 metres beyond the rear elevation of the adjoining properties would result in a significant loss of amenity. Given the concerns raised however, the Case Officer has negotiated changes ensuring that the building would extend by 0.7 metres beyond the rear elevation (this does not impact upon the parking provision to the front).

With respect to privacy, it is not considered given the position relative to properties on either side that there would be any loss of privacy as a result of overlooking. There are no windows proposed on the east or west elevation (towards No.35 and 33), for the avoidance of doubt and in order to allow an assessment to be made of any such future proposal, a condition will be attached to the decision notice to remove the usual permitted development rights in this respect. Concern has been raised regarding the provision of a door on the side (east) elevation, however it is not considered that significant loss of amenity from overlooking would result from a ground floor doorway.

The position of the proposed Conservatory set away from the boundary (behind the boundary treatment) and also set back from the side of the proposed house is considered to ensure that no significant loss of amenity to No.35 would

result. Given that the new dwelling projects only marginally beyond the neighbouring properties (by 0.7 metres) it is not considered that the proposal would appear oppressive or overbearing when viewed from either property. Given its height, materials and position relative to the boundary it is not considered that the conservatory would have any significant impact in terms of residential amenity.

The amenity of the future occupiers is considered acceptable and the level of amenity space provided is considered adequate. A condition will be attached to the decision notice to require the submission of full details of new boundary treatments and to ensure that these are erected prior to the first occupation of the dwelling. Given the close proximity of adjoining properties, a condition will be attached to the decision notice to restrict construction hours.

Subject to the above conditions it is considered that the proposed development is acceptable in amenity terms.

Landscaping

No details of landscaping have been submitted, although given the nature of the proposal, a domestic garden would result. As indicated above a condition will be attached to the decision notice to require/ensure acceptable boundary treatments.

Transportation

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

Although all matters were reserved at the Outline Planning stage, agreement was reached on the access, parking arrangements and provision of a footway (the footway along the front of the site is secured by a condition attached to the outline consent PK07/1761/O). Further conditions will be attached to the decision notice to secure details of bin storage and to ensure that the parking spaces provided, both for the original property and the proposed dwelling are in place prior to first occupation.

Subject to these conditions the proposal is considered acceptable in transportation terms and in accord with Policy T12 of the South Gloucestershire Local Plan (Adopted January 2006).

Other Issues

Concern has been raised that there is a restrictive covenant that restricts development upon the site. It should be noted that this is a legal matter and not a material planning consideration.

5.5 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has not adopted a design approach consistent with the South Gloucestershire Council Design Checklist (Adopted August 2007)

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.

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 That the application be granted subject to the following conditions:

Background Papers PK08/0026/RM

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. Prior to the commencement of development full details of the proposed boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be erected prior to the first occupation of the dwelling.

Reason:

To ensure a satisfactory standard of external appearance to accord with Policy D1 and to protect the amenity of neighbouring (and future) occupiers to accord with Policy H4 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the first floor side [east and west] elevation of the property.

Reason:

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

4. Prior to the commencement of any works, a full schedule of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

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

5. The off-street parking facilities (for all vehicles including the original property No.33 Broad Lane) shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason:

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

6. Prior to the first occupation of the dwelling hereby approved, full details of refuse storage, (to accord with the South Gloucestershire Twin Bin Scheme), shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be retained thereafter.

Reason:

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

7. The hours of working on site during the period of construction shall be restricted to 0800 to 1800 hours Monday to Friday and 0800 hours to 1300 hours Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason:

To minimise disturbance to occupiers of [specify nearby buildings] and to accord with Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 05/08 – 1 FEBRUARY 2008

App No.: PK08/0027/TRE

Applicant: David Wilson
Homes (South
West)

Site: Former Rodway Caravan Site, Penny Lane, Off Jubilee Road, Kingswood, South Gloucestershire, BS15 4FL

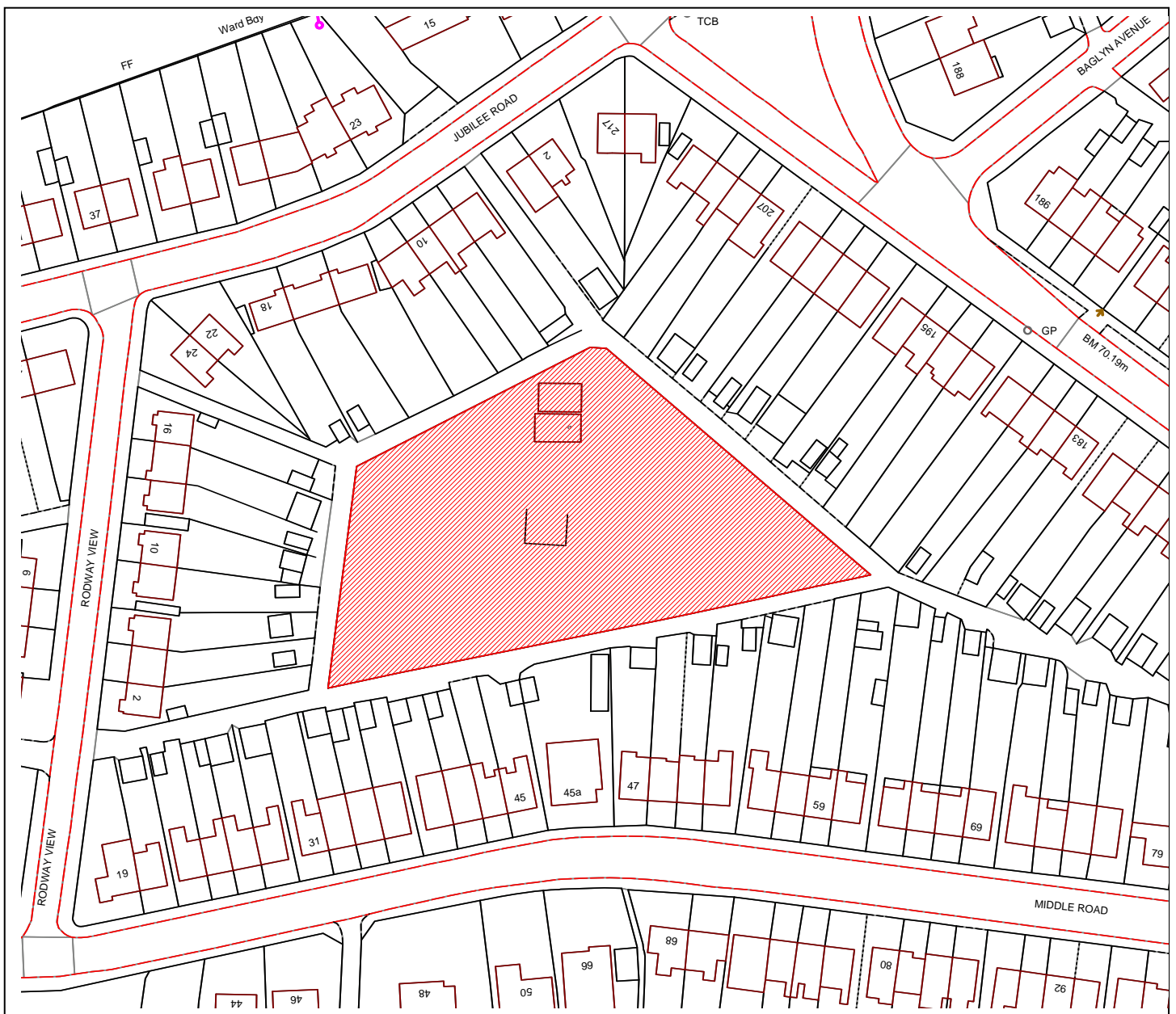
Date Reg: 3rd January 2008

Proposal: Works to fell tree nos. 358-362 (G1) as indicated on Tree Protection Plan within Arboricultural Report covered by Tree Preservation Order KTPO4/85 dated 19th January 1987.

Parish:

Map Ref: 65612 75375

Ward: Rodway



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100023410, 2008.

DC0901MW

INTRODUCTION

This application appears on the Circulated Schedule due to the receipt of neighbour objections.

1. THE PROPOSAL

1.1 This application seeks permission to fell a row of trees covered by the above Tree Preservation Order. The trees, which are all deciduous stand at the edge of a development site which has planning permission for the erection of 24 dwellings. Their root systems would be undermined, due to a difference in levels of around 1.5 metres inside and outside the site, by the creation of parking spaces as part of the approved scheme.

1.2 The trees are currently on the boundary of the site, which is also demarcated by a fence. On the other side of this is a private access road which serves the rear of the dwellings in Rodway View. All the housing in the vicinity is regular two storey in either semis or terraces and backs onto the development site, which is bounded in all directions by the access lane.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development

2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
L1 Trees and landscape

2.3 Supplementary Planning Guidance
Trees on development sites

3. RELEVANT PLANNING HISTORY

3.1 PK04/2527/F Demolition of No. 4 Jubilee Road and erection of 24 dwellings and construction of new access from Jubilee Road. Construction of car parking and associated works. Approved subject to Section 106 agreement

4. CONSULTATION RESPONSES

4.1 Parish/Town Council
Unparished area

4.2 Other Consultees
Tree Officer

The trees in question are a row of mature Sycamore and some younger Elm growing on the eastern boundary of the site. These are the most prominent trees on the site and provide an important buffer between the development and the properties in Rodway View. Whilst as individuals the trees are not of great merit, collectively they form a significant landscape feature in an area that is relatively under-planted.

The excavations required, however, to facilitate the new parking bays on the site, will mean the loss of a substantial proportion of these trees' root systems. The excavations extend to within 1 metre of the trees' trunks and are to a depth of approximately 1.5 metres. Given that 90% of tree roots are in the top 600mm of a soil, the disturbance described will remove half of the trees' anchoring roots. This will render them unsafe and impossible to retain.

The Planning Permission given to this development overrides the Tree Preservation Order so that the loss of the trees in this position cannot be prevented. There is, however, some scope for replanting and substantial replacements should be planted as soon as the construction works are completed and certainly before March to give them the best opportunity to establish.

I cannot object to this proposal but would ask that a condition for substantial replanting, to be agreed with the Tree Officer, is made.

Other Representations

4.3 Local Residents

Seven letters of objection were received in response to consultation. They cited the following concerns:

- * The trees provide a refuge for wildlife
- * They contribute to the reduction of noise and air pollution
- * The trees ensure privacy for existing residents and those who will live on the site
- * The trees are not in the way of any buildings or roads
- * Trees are well-established in the landscape and the areas has few such specimens
- * The arboricultural report implies that the developer already knew about the trees and was under the impression that they would not be a problem
- * The report does not identify any of these trees as being in need of felling

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

It should be noted that a planning permission overrides any TPO which may have been in force on the site. Since planning permission has been approved for the development which is being undertaken at the moment and these works would undermine the root system of the trees in question, there is considered to be no realistic opportunity to retain the trees. The felling of the trees is therefore considered to be acceptable in principle, subject to the following analysis.

5.2 Tree Issues

The comments of the Council's Tree Officer appear above. Planning permission, which has been granted, overrides the requirements of a Tree Preservation Order. There is therefore considered to be no reason why the planning permission, which includes the car park, works could not be undertaken. This would result in the loss of the trees in question due to the significant difference in levels of the land inside and outside the site. The outcome of this application will ensure that replacement trees are planted to go some way toward the loss of the trees. In the longer term, it is considered that replacement trees would, once mature, provide the same level of amenity as enjoyed at present. This issue is considered below.

5.3 Visual Amenity

The group of trees forms a landscape feature which is significant in the local context. It is therefore considered to be important to ensure that the trees are replaced with others which would have a similar effect in the landscape. The available ground would need to be of a suitable extent to support these replacement trees. This limits the choice of trees which would be appropriate and any replacement species have to be selected with this in mind. The

condition below will safeguard the replacement of the existing trees, which could realistically be achieved in the current planting season, that is to the end of March 2008, during which time replacement trees can become established.

5.4 Section 106 Requirements

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

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 consent is granted to fell the trees, but with a condition that replacement numbers and species are to be agreed with the Council.

Background Papers **PK08/0027/TRE**

Contact Officer: Chris Gosling

Tel. No. 01454 863787

CONDITIONS

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

Reason:

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

2. Replacement trees, the species, size and location of which are to be approved in writing by the Local Planning Authority, shall be planted in the first planting season following the felling hereby authorised.

Reason:

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

CIRCULATED SCHEDULE NO. 05/08 – 01 FEBRUARY 2008

App No.: PT07/2593/F
Site: Harnhill Quarry Aust Road Olveston
 BRISTOL South Gloucestershire BS35
 4DE

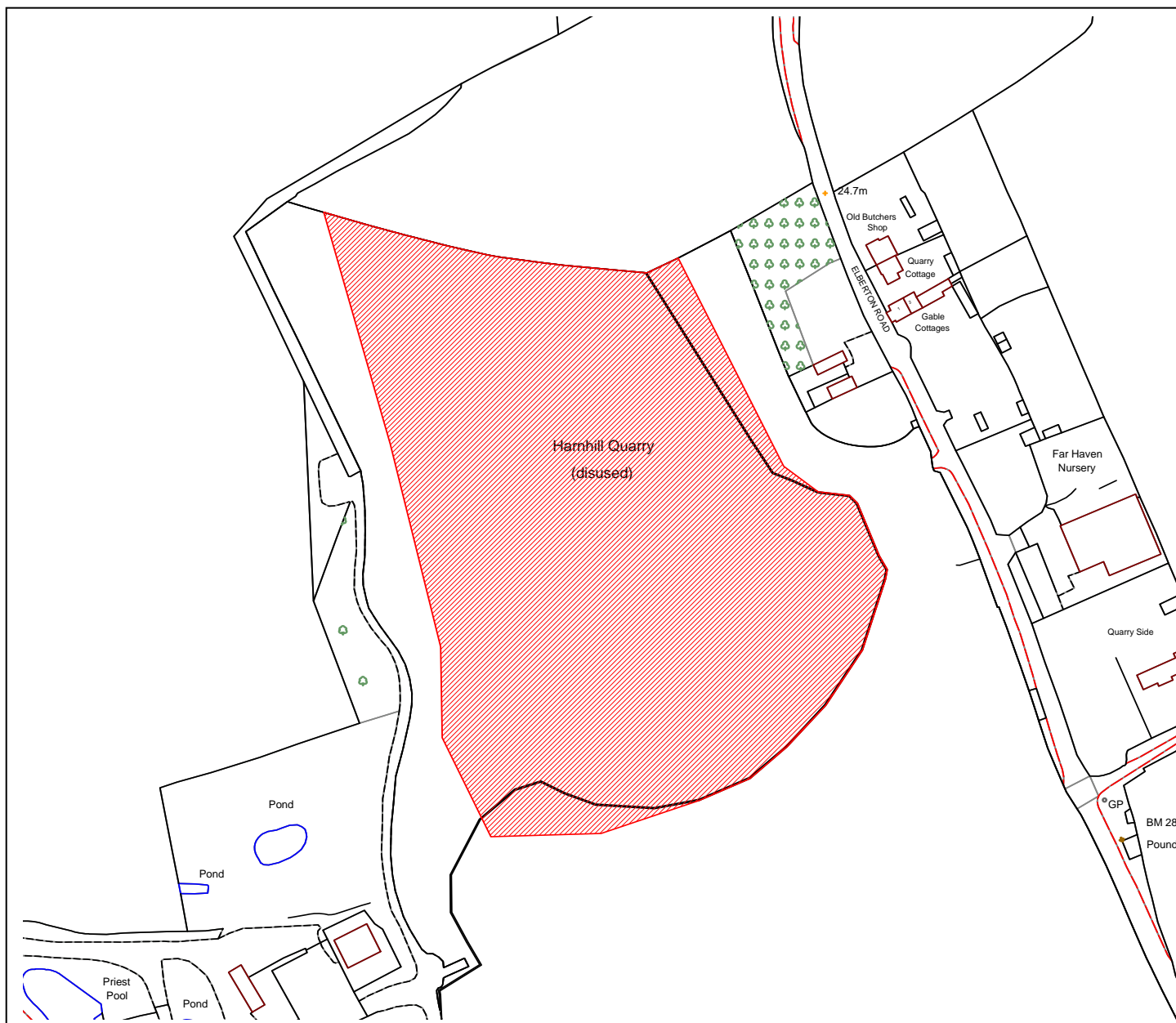
Applicant: Mr M Garrett
Date Reg: 22nd August 2007

Proposal: Engineering works to replace landfill
 capping liner and raise low areas to
 surrounding levels with associated works

Parish: Aust Parish Council

Map Ref: 59831 88290

Ward: Severn



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100023410, 2008.

N.T.S

PT07/2593/F

INTRODUCTION

This application appears on the Circulated Schedule as it has been classed as a 'Major Application'.

1. THE PROPOSAL

- 1.1 The application seeks permission to import clean inert soils in order to raise areas of the former landfill site that have settled more than surrounding areas, creating low spots that detract from the visual amenity of the finished and previously approved landform, and interfere with the access across the site and the satisfactory drainage patterns of the site. Waste within a landfill decomposes and compresses over time, resulting in the settlement of the ground surface. The rate at which this occurs depends on many factors, primarily both the type of waste and the compaction it received when placed. Differences in the rate produce undulations in the surface of the site. These undulations strain the plastic capping liner and also make access and drainage of the surface difficult. In this instance it is proposed that in order to address this issue, a total of 7,300 cubic metres of soil would be required to be imported and placed at the identified problem areas. This would equate to approximately 600 loads of material. The estimated timescale for completion of the works is between 7 and 10 weeks. This would equate to in the region of 10 to 15 loads per day.
- 1.2 The site itself is a former landfill. The landfill ceased accepting waste several years ago. The site has subsequently been in restoration and aftercare periods. The particular area in question is the most recently landfilled area, referred to as phase 4, covering 3.6 hectares of the overall 15 hectare site. The nearest residential properties are located in Elberton, to the north and east of the site. Vegetation exists around the borders providing an element of visual screening from closer views, the main remaining views are from further a field and show the site in context with its surrounding landscape. The access to the site would be through the existing front gates that were also used during period of landfill, it is also proposed that no road access would be used via the villages of Olveston or Elberton.

2. POLICY CONTEXT

- 2.1 National Guidance
- | | |
|-------|---|
| PPS1 | Delivering Sustainable Development |
| PPG2 | Green Belts |
| PPS10 | Planning for Sustainable Waste Management |
| PPS23 | Planning and Pollution Control |
- 2.2 South Gloucestershire Minerals and Waste Local Plan
- | | |
|-----------|--|
| Policy 6 | Landscape Protection |
| Policy 9 | Green Belt |
| Policy 20 | Water Resources |
| Policy 21 | Drainage |
| Policy 22 | Residential/Local Amenity |
| Policy 24 | Traffic Impact |
| Policy 29 | Restoration |
| Policy 43 | Inert, Construction and Demolition Waste |

3. RELEVANT PLANNING HISTORY

- 3.1 N6390 – Establishment of site for deposit of controlled waste. Approved 6 March 1980.
- 3.2 P85/2052 - Extension of existing mineral working for extraction of limestone on approximately 5.26 ha. Approved 11 September 1995.
- 3.3 P91/502/5 – Continued use of the site for the deposit of controlled waste. Approved April 1992.
- 3.3 Variation to approved restoration scheme submitted under condition (2) of planning permission P91/502/5 to increase settlement surcharge by 3 metres. Refused 2 January 2003.

4. CONSULTATION RESPONSES

- 4.1 Aust Parish Council
No objections received.
- 4.2 Olveston Parish Council
No objections
- 4.3 The Environment Agency
No objections subject to inclusion of a condition and informatives relating to drainage and landfill gas awareness.
- 4.4 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The principle of the site for the purposes of landfill has been established for a considerable period. The landfill use of the site has now however ceased, the site has been restored and the aftercare period for subsequent management has been undertaken. The purpose of this application is purely for remediation of parts of the site where settlement has occurred and potential problems with this settlement identified in terms of visual amenity, drainage and access. The principle of the proposal to address these concerns and impacts and remediate and re-instate the site to reflect the final landform previously approved is considered to be acceptable in this instance, subject to the satisfaction of detailed development control criteria.
- 5.2 Green Belt
Taking into account the scale, nature and duration of the proposal it is not considered that the application would impact upon the openness of the site's Green Belt location. Furthermore it would not impact upon the purpose of including the land within the Green Belt and the use of the site would not change.
- 5.3 Landscape
The proposed project is relatively small scale in comparison with the former landfill status of the site. The site itself is still in post landfill management mode with monitoring equipment and pipework apparent around the site. The

application seeks to compensate for areas that have settled out of context with the remainder of the site creating areas of subsidence and troughing. The proposals seek to compensate for this and in their own right would not have a significant impact upon the local landscape. The proposal would improve the integration of the site within the surrounding area by addressing the sunken areas whilst allowing for some further settlement in years to come. This would also aid the satisfactory longer term integration of the site in context with the surrounding area as originally approved as part of the restoration plan. This would also aid the drainage of the site and any required access across it both for ongoing management and monitoring.

5.4 Ecology

The site has been previously restored to an agreed scheme. This particular part of the site is earmarked for grazing in the future and the land has been seeded accordingly. Evidently re-seeding would need to take place after the operations are complete and a re-seeding program will be sought. The main areas ecological value and of wild flower planting occur on other phases of the landfill and will remain unaffected. There are water bodies within relative proximity to the proposed re-working areas, whilst no newt colonies are recorded to date, the applicants should be made aware of their lawful responsibilities in this respect if encountered. Informatives outlining these responsibilities would therefore be included on any permission. Existing trees and hedgerows should remain unaffected and would be protected by conditions to any permission.

5.5 Highways

The level of vehicle movements and duration of the proposed remediation works are not considered to be significant, and, subject to adequate vehicle cleansing for HGV's entering the public highway, there are no highway objections to the proposals.

5.6 Flood Risk

A Flood Risk Assessment has been provided with the application, no objections are raised to the application on the basis of flood risk.

5.7 Environmental Pollution

The materials to be imported to the site would be limited to clean, uncontaminated soils, a condition would also be applied to prevent pollution to the local water environment. Evidently the site is a former landfill site and any works on this site would need to be compliant with the ongoing waste management license requirements and monitoring procedure in respect of landfill gas and leachate issues, however the proposal itself should not cause harm to the local environment.

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

7. RECOMMENDATION

- 7.1 That planning permission is granted.

Background Papers **PT07/2593/F**

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

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 development hereby permitted shall be completed within 6 months from the date of commencement, unless otherwise agreed in writing by the Local Planning Authority.

Reason(s):

To enable the satisfactory restoration of the site within a reasonable timescale and in the interests of local amenity, in accordance with Policies 6, 9, 22 and 29 of the South Gloucestershire Minerals and Waste Local Plan.

- 3 Nothing other than clean, uncontaminated top-soils and subsoils shall be imported to the site for the purposes of the works hereby permitted.

Reason(s):

To protect the local water environment and to accord with with Policy 20 of the South Gloucestershire Minerals and Waste Local Plan

- 4 There shall be no increase in the surface water run-off from the site after the engineering works have taken place.

Reason(s):

In the interests of flood prevention and to accord with Policy 21 of the South Gloucestershire Minerals and Waste Local Plan.

- 5 There shall be no discharge of foul or contaminated drainage from the engineering works hereby approved, into either groundwater or surface waters whether direct or via soak-aways.

Reason(s):

To protect the local water environment and to accord with Policy 20 of the South Gloucestershire Minerals and Waste Local Plan.

- 6 Details of tree and hedgerow protection, compliant with British Standard 5837:2005 (Trees in Relation to Construction), shall be submitted to the Local Planning Authority for written approval prior to the commencement of the development hereby permitted. Such approved scheme shall thereafter be implemented for the duration of the works.

Reason(s):

In the interests of visual amenity and local ecology, and to accord with Policies 6, 9 and 22 of the South Gloucestershire Minerals and Waste Local Plan.

- 7 The existing trees and hedgerows within and around the site shall be retained and shall not be felled, lopped or topped without the prior written consent of the Local Planning Authority. Any lopping or topping approved shall be carried out in accordance with British Standard 3998:1989 (Tree Works). Any trees or hedgerows removed without such consent or dying, or becoming damaged or diseased shall be replaced in the next planting season with trees and hedgerows of such size and species as may be specified by the Local Planning Authority.

Reason(s):

In the interests of visual amenity and local ecology, and to accord with Policies 6, 9 and 22 of the South Gloucestershire Minerals and Waste Local Plan.

- 8 Within two months from the date of the permission details of a re-seeding mix for the worked areas shall be submitted to the Local Planning Authority for written approval. Such approved details shall be implemented in the next available seeding season following completion of the development hereby permitted.

Reason(s):

In the interests of visual amenity and ecology of the area and to provide a satisfactory form of restoration in accordance with Policies 6, 9 and 22 of the South Gloucestershire Minerals and Waste Local Plan.

- 9 Prior to the commencement of the development hereby permitted, details of wheel washing facilities for HGV vehicles leaving the site shall be submitted to the Local Planning Authority for written approval and subsequently implemented for the duration of the development hereby permitted.

Reason(s):

In the interests of highway safety and to accord with Policy 24 of the South Gloucestershire Minerals and Waste Local Plan.

- 10 No mud, dust or other debris shall be deposited on the public highway.

Reason(s):

In the interests of highway safety and prevent materials from being deposited on the highway and to accord with Policy 24 of the South Gloucestershire Minerals and Waste Local Plan.

CIRCULATED SCHEDULE NO. 05/08 – 01 FEBRUARY 2008

App No.: PT07/3130/F
Site: 50 The Causeway Coalpit Heath
 BRISTOL South Gloucestershire BS36
 2PF

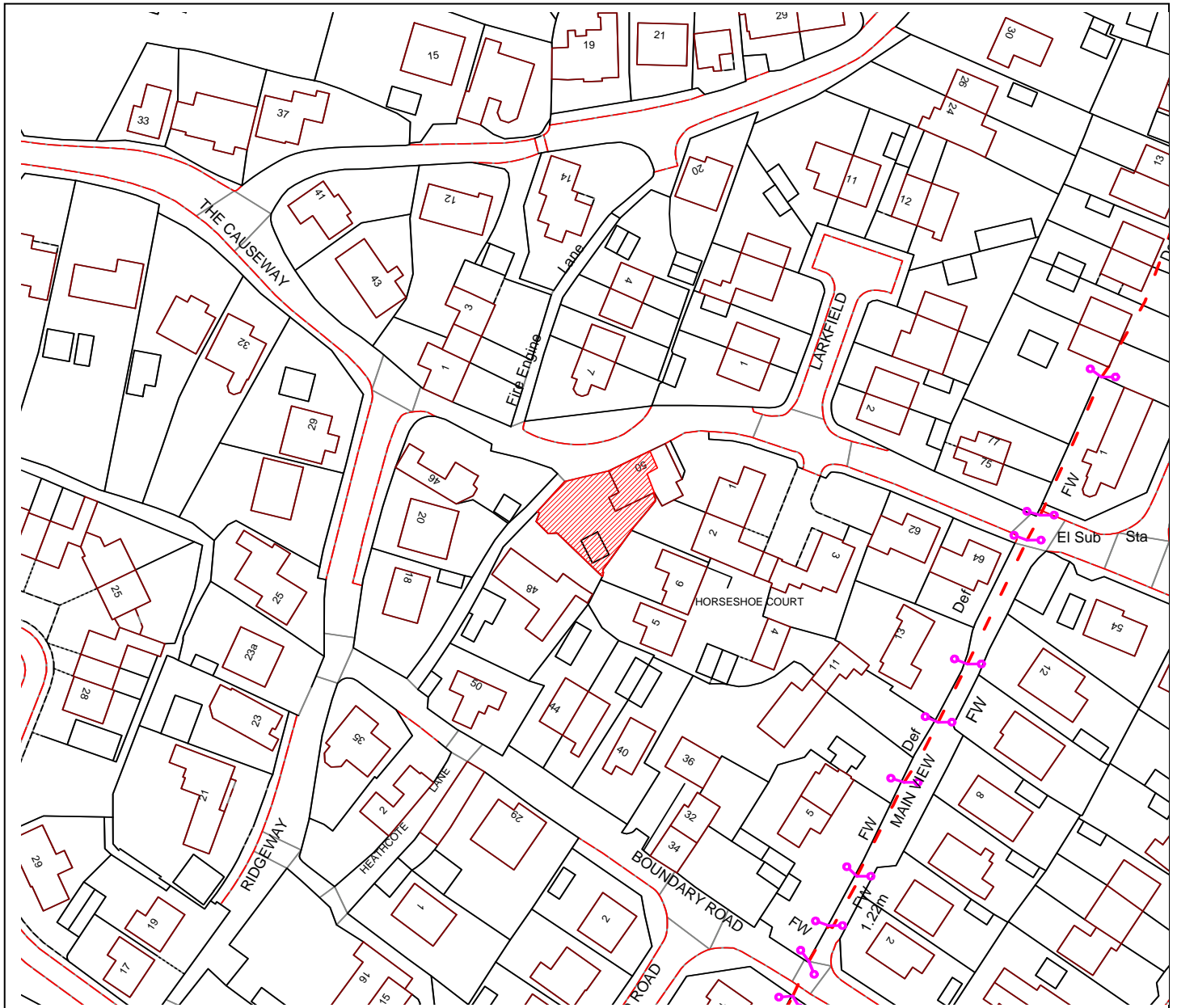
Applicant: Mr P Endicott
Date Reg: 22nd October 2007

Proposal: Erection of single storey side extension
 to facilitate the conversion of existing
 house to 3no. self contained dwellings.

Parish: Frampton Cotterell
 Parish Council

Map Ref: 67591 81215

Ward: Frampton Cotterell



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N.T.S

PT07/3130/F

INTRODUCTION

This application appears on the circulated schedule as there is public comment that is contrary to the officer recommendation in this report.

1. THE PROPOSAL

- 1.1 The site consists of a traditional dwelling and associated curtilage. Access is directly onto The Causeway and is shared with the adjacent property at 48 The Causeway.
- 1.2 The proposed development consists of the conversion of the dwelling to provide 3 dwellings comprising 2x2 bed flats and 1x2 bed house; and associated parking, access and utilities.

2. POLICY CONTEXT

- 2.1 National Guidance
 - PPS1 Delivering Sustainable Development
 - PPS3 Housing
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
 - D1 Achieving Good Quality Design in New Development
 - H4 Development within Residential curtilages
 - H5 Residential Conversions, Houses in Multiple Occupation and Re-use of Buildings for Residential Purposes
 - T12 Transportation Development Control Policy for New Development
 - T7 Cycle Parking
 - T8 Off Street Parking Standard
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Frampton Cotterell Parish/Town Council
The parish council is concerned about the inadequacy of the amenity space and lack of parking facilities for three two bedroom properties.
- 4.2 Sustainable Transport
No Objection
- 4.3 Local Residents
Three sets of comments have been received. These raise objection to the proposed development and can be summarised as follows.

5. ANALYSIS OF PROPOSAL

- 5.1 The proposed development consists of the sub-division of the existing dwelling into three independent dwellings.

5.2 Principle of Development

Policy H4 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006 are relevant to this planning application. The policies indicate that the proposed development is acceptable in principle subject to the following considerations.

5.3 Use

PPS3 encourages the most effective use of existing housing stock. It identifies the conversion of existing housing into smaller units as being an important source of new housing. PPS3 also identifies the provision of smaller units, such as flats within existing residential areas as being key characteristics of a mixed community.

5.4 Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006 is consistent with the above. It identifies that the provision of smaller units of accommodation can make a valuable contribution to the supply and range of housing throughout South Gloucestershire that would be suitable for the growing numbers of single persons and small households.

5.5 Having regard to the above, it is considered that the proposed development is in accordance with the broad principles of Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.6 Making the most efficient use of previously developed land.

In line with PPS3, Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 encourages the efficient use of land as part of new housing development. In this locality, which is close to existing public transport, and local facilities a relatively high density of housing would be expected. This could be in the region of 50 dwellings per hectare. In this instance, the proposed development would achieve a net density of 85 dwellings per hectare. This is higher than the density referred to above. However, given the close proximity of bus links into the Bristol City Centre, together with the close proximity of a wide range of services and shopping it is considered that this density is acceptable.

5.7 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 that respects the character and distinctiveness of the site and its surroundings. This principle is supported by Policy H4 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006 which also seek to ensure that new development would not have a detrimental impact upon the privacy and residential amenity of the occupants of nearby dwellings.

5.8 The proposed development would not materially alter the appearance of the existing dwelling in that it details a very modest extension to the side elevation and details additional/replacement access doors and a roof-light window. The proposed development will therefore have no material impact upon the character and visual amenity of the site and its surroundings.

5.9 The proposed development is such that the provision of garden space will benefit only the two storey dwelling. PPS3 suggests that a choice of dwelling types is essential in creating diverse communities. Given that the flats are unlikely to be occupied by a family, it is considered that the availability of such dwellings without garden areas is acceptable.

- 5.11 The proposed development includes the provision of both cycle storage and bin storage that would adequately cater for the needs of the occupants of the development.
- 5.12 Local Residents have commented upon the loss of amenity to them through the increased levels of noise as a result of the intensification of the residential use on this site. In this instance, although there is intensification, the use would remain residential and as such it should not be assumed that there would be unacceptable levels of noise as a result of additional households within the building. However, should adverse noise levels be come apparent as a result of the occupation of the dwellings then this would be covered by the appropriate environmental (noise nuisance) legislation.
- 5.13 Having regard to the above assessment, it is considered that the proposed development is acceptable in design and residential amenity terms.
- 5.14 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 immediate surrounding locality. Policy T8 and T7 of the South Gloucestershire Local Plan (Adopted) January 2006 provides the maximum vehicular parking and cycle parking standards for new development.
- 5.14 It is considered that the provision of three parking spaces (one space per unit) should be provided within the site in order to allow sufficient off street parking in the interests of highway safety. This can be easily provided within the site and would allow sufficient manoeuvring space also, so as to allow drivers of vehicles to access the site in a forward gear
- 5.15 The proposed development would provide secure cycle parking and storage for bicycles that is consistent with the South Gloucestershire Local Plan (Adopted) January 2006.
- 5.16 Having regard to the above, it is considered that the proposed development would allow sufficient parking within the site and suitable safe access. The proposed development is consistent with the requirements of Policy T7 and T8 of the South Gloucestershire Local Plan (Adopted) January 2006 and is considered acceptable in highway safety terms.
- 5.17 Design and Access Statement
The Design and Access Statement submitted with this application is not considered to demonstrate that the applicant has adopted a design approach that is consistent with the Councils Design Checklist Supplementary Planning Document (Adopted)
- 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 That Planning Permission is granted subject to the following conditions.

Background Papers PT07/3130/F

Contact Officer: Simon Penketh
Tel. No. 01454 863433

CONDITIONS

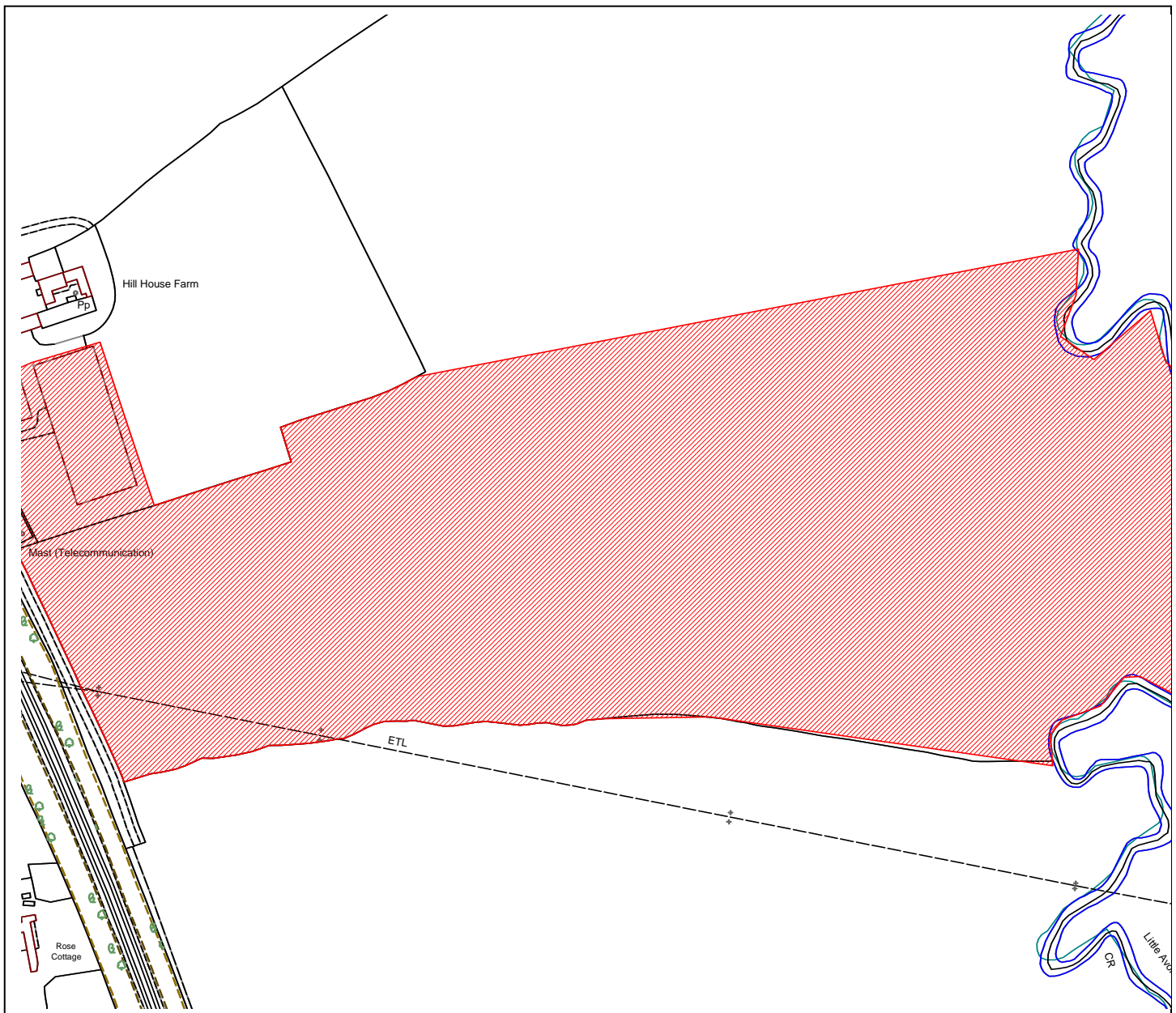
- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason(s):

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

CIRCULATED SCHEDULE NO. 05/08 – 01 FEBRUARY 2008

App No.:	PT07/3422/F	Applicant:	Mr A Baker
Site:	Hill House Farm Station Road Charfield WOTTON UNDER EDGE South Gloucestershire GL12 8SY	Date Reg:	19th November 2007
Proposal:	Conversion of existing barn to form indoor riding arena. Construction of stables to facilitate change of use of land from agriculture to the keeping of horses. (Resubmission of PT07/2546/F).	Parish:	Charfield Parish Council
Map Ref:	72944 91767	Ward:	Charfield



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1. THE PROPOSAL

- 1.1 The application seeks planning permission for the conversion of an existing barn to provide an indoor riding arena, for the construction of a stable building and the change of use of agricultural land to allow the keeping of horses.
- 1.2 The application site comprises land at Hill House Farm, Charfield. The site lies just beyond the settlement boundary within the open countryside.
- 1.3 The application forms a resubmission of application PT07/3422/F that sought permission for the conversion of the existing barn to provide an indoor arena in addition to the construction of a stable building and ménage facility. The proposal also included the change of use of land from agriculture to allow the keeping of horses. This application was withdrawn due to concerns relating to its scale and given a number of inaccuracies on the details submitted.
- 1.4 This application includes amended plans increasing the land area to be made available for the horses; this is to ensure accordance with the requirements of the British Horse Society. Further plans provide additional detail that was lacking from the original plans.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1: Delivering Sustainable Development
PPS7: Sustainable Development in the Countryside
PPG13: Transport
PPG17: Sport and Recreation
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Quality Design in New Development
E10: Horse Related Development
L1: Landscape Protection
LC5: Sport and Recreation outside of the Settlement Boundaries
T12: Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)
Development Involving Horses

3. RELEVANT PLANNING HISTORY

- 3.1 N5647: Erection of general purpose agricultural building measuring 1,300sq.m.
Permitted: 2 August 1979
- 3.2 P97/2675/PT: Erection of telecommunications tower and associated antenna.
Prior Notification Permit: 7 January 1998
- 3.3 PT01/0960/PN1: Erection of 6 dual polar antenna to replace 6 existing antenna on existing lattice tower; replacement equipment cabin. No objection: 26 April 2001

- 3.4 PT03/2054/F: Erection of 5m extension to existing 15m lattice tower to include 6 antenna, 1 transmission dish, 2 equipment cabinets and associated works. Permitted: 15 August 2003
- 3.5 PT04/1026/F: Conversion of outbuildings to form 4 dwellings with workspace. Permitted: 15 August 2003
- 3.6 PT07/2546/F: Conversion of existing barn to provide indoor riding arena and construction of stables and ménage to facilitate change of use of land from agriculture to the keeping of horses. Withdrawn: 2 October

4. **CONSULTATION RESPONSES**

4.1 Charfield Parish Council

Objection:

- a) The size of the barn/ development are not consistent for personal use;
- b) If allowed, further development and not wholly personal use might ensue;
- c) Station Road is a single lane narrow road serving local residences where residents' must park on the pavement to allow emergency vehicles to pass;
- d) When Hill House Farm was still in operation, the seasonal agricultural traffic involved a concerted effort between residents and the farmer;
- e) The proposal (personal or otherwise) would involve a greater number of heavy goods vehicles throughout the year resulting in traffic chaos;
- f) The proposal involves the whole of Station Road, access for larger vehicles is not possible under the railway bridge;
- g) The application is ambiguous with it not clear how it would be run;
- h) Previous restrictions placed on this farm relating to the cottage units have been broken- concerns remain as to the effective future compliance of any such restrictions.

4.2 Environmental Services

No objections in principle

4.3 Highways DC

No objection

4.4 Technical Services (Drainage)

No objection in principle.

4.5 Landscape Officer

No objection

4.6 Summary of Local Residents Comments

Ten letters received expressing the following concerns:

Highway Safety:

- a) Station Road cannot accommodate any more vehicles;
- b) The proposal is unacceptable unless an alternative access can be found;
- c) Vehicles already have to park on the pavement to allow cars to pass;
- d) Occasional/ seasonal agricultural traffic are a 'significant inconvenience' but to propose daily use by heavy traffic is untenable;
- e) The subway beneath the railway is unable to accommodate horse boxes;
- f) A similar restriction should be placed as on application as per PT07/3239/F;

- g) The new residential units at Hill House Farm has already increased traffic;
- h) Since the opening of Woodlands Road, Station Road is used as a rat run;
- i) The road is already uneven and crumbling;
- j) The statement that agricultural vehicles can pass without incident is untrue.

Design/ Scale:

- a) 'The development is now more in keeping with the surrounding area...'
- b) Private use should be limited to the applicants family;
- c) The original application for 30 stables was 'clearly intended as a business operation'. Might the applicant revert to his original intentions?
- d) The size of the stable block is far larger than needed for 10 horses;
- e) The applicant only has four horses;
- f) Further applications for more stabling might follow;
- g) There are no bridleways within proximity of the application site.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy E10 cites that proposals for horse related development, field shelters and riding schools outside of the urban areas will be permitted provided that :

- a) Development would not have an unacceptable environmental effect; and
- b) The proposal would not prejudice neighbouring residential amenity; and
- c) Adequate provision is made for vehicular access, parking and manoeuvring and would not give rise to traffic conditions to the detriment of highway safety; and
- d) Safe and convenient access to bridleways and riding ways is available; and
- e) There is no existing underused building available for conversion; and
- f) The number of buildings, the size of the site and the number of horses to be accommodated has proper regard to the safety and comfort of horses.

5.2 Further, policy T12 stipulates that new development will be permitted in terms of transportation provided that the proposal: (considered relevant in this case)

- a) Provides safe access capable of accommodating the traffic generated by the proposal; and
- b) Would not create or unacceptably exacerbate traffic congestion, or have an unacceptable effect on road, pedestrian or cyclist safety; and
- c) Would not generate traffic that would unacceptably affect residential amenity or other environmentally sensitive areas in terms of noise, vibration or air quality; and
- d) Provides for or does not obstruct existing emergency vehicle access.

5.3 The Proposal

The application focuses on land forming part of Hill House Farm which lies east of the Charfield settlement boundary. The application site adjoins the railway along its west boundary whilst due to the topography of the site sloping gently eastwards towards the Little Avon River; it is open to distant views including those from the Cotswold Scarp and the Cotswold Way.

5.4 The application seeks full planning permission for the conversion of an existing agricultural building (currently empty) to provide for an indoor riding arena. The

application would also allow the construction of a new stable building and the change of use of the adjoining land for the keeping of horses.

5.5 Design/ Visual Amenity

The application focuses on an existing agricultural building immediately south of Hill House Farm and the adjoining field. It forms some 8ha of land with the associated field running perpendicular to the railway extending to the Little Avon River. It is noted that the agricultural building dates to 1979 (N5647) and forms a metal framed open sided structure with a corrugated pitched roof. It is substantial in size measuring 60m in length, 25m in depth and with a ridge of some 13.4m.

5.6 The application would allow the repair and conversion of this building to provide an indoor riding arena. The building would remain open sided with the majority of the works limited to the formation of the riding surface. As per all elements of the scheme, this arena would be for the private use of the applicants only.

5.7 The proposal would also allow the construction of a new stable building which would be positioned immediately behind the riding arena. This would provide accommodation for 10 horses measuring 16m in width and 28m in length. This building would remain significantly smaller than the structure behind which it would stand.

5.8 Finally, the application includes the change of use of the adjoining field from agriculture to allow the keeping of horses. In so doing, the scheme would allow the change of use of the whole field thus avoiding the need for new boundaries.

5.9 In considering this amended proposal, it is noted that the scale of the works has been considerably reduced with the first application seeking to provide for 30 horses. This would have required a stable of similar size to the existing agricultural structure that would have been prominently sited to the south of this existing build within the neighbouring field (now subject solely to a change of use). Further, an outdoor ménage was also proposed within this adjoining field.

5.10 In view of the above, this previous scheme was considered to be unacceptable from a design/ landscape viewpoint with the scale of the proposals excessive and their siting prominent. The landscaping proposed was not considered to provide sufficient mitigation measures to overcome these concerns.

5.11 In contrast, the reduced number of horses would now require a far smaller build that could be positioned behind the existing structure helping to offset its visual impact. As such, it would occupy a visually contained part of the application site sandwiched between this existing building and the tree screening that adjoins the railway cutting behind. The ménage facility is no longer proposed.

5.12 In response, the down sizing of the proposal and the subsequent repositioning of the stable follows pre-application discussions that focused on reducing the scale of the proposal and mitigating its landscape impact; the applicant has however resisted subsequent requests for a further reduction in the size of the stables. Nonetheless, it is not now considered that planning permission could be reasonably withheld given that the stables would now largely be obscured from view. The timber cladding shown would also be sympathetic to the rural character of the surrounding area.

5.13 Highway Safety

Hill House Farm is served by Station Road which is narrow with limited vehicle passing opportunities. This problem is compounded by on street parking that takes place in connection with the significant number of properties that front Station Road. A Public Right of Way also passes along Station Road although the lack of street lights and footways at its southern end ensures a poor walking environment.

5.14 In view of the above, Station Road would be sensitive to a significant increase in HGV's in view of its restricted width. Nonetheless, the applicant states that the proposal would be for the sole use of the applicant whilst the scale of the development has been significantly reduced. Further, the proposal would also be largely self-contained given that it incorporates an indoor riding arena and paddock. As such, it is not now considered that the proposal would generate a significant number of vehicle movements along Station Road and thus it is not considered that planning approval could be reasonably withheld on this basis.

5.15 Notwithstanding the above, any planning permission should include conditions restricting the number of horses on site to ten whilst at no time should the stables and associated land be used for livery, as a riding school or for any other business purpose whatsoever.

5.16 Residential Amenity

Given the location of site, it is largely devoid of neighbouring dwellings with the exception of those in front of the Hill House Farm within the former agricultural buildings (converted 2004). However, these remain at an appreciable distance from proposed stables (the agricultural building extends closer) thus given the rural location of the site and the nature of the scheme, it is not considered that any significant adverse impact in residential amenity would be caused.

5.17 All other dwellings stand north of Hill House Farm fronting Station Road. As such, and in view of the design/ highway issues previously addressed, it is not considered that any significant adverse impact in residential amenity would be caused.

5.18 Horse Welfare

Proposed equestrian facilities should allow for the proper care of horses and to this extent, the British Horse Society have issued recommendations concerning the size of stabling facilities and the area of land that should be available for summer grazing/ exercise.

5.19 With regards to the stabling facilities, guidelines suggest that a stable should be large enough for a horse to stand up in and turn around without difficulty; this dictates a size between 3 x 3.7m and 3.7 x 3.7m with a height of between 2.7-3.4m. The proposal would allow 4m x 4m per horse whilst its height is well in excess of this requirement. As such, there is no objection on this basis.

5.20 Further, it is recommended that at least 0.4Ha to 0.6Ha of land is provided per horse for grazing and exercise. To this extent, the application would allow the change of use of the adjoining field which measures some 7½ hectares in size; accordingly there is again no objection on this basis. In this regard, it is noted that a reduction in this land area would necessitate new boundaries within this existing field which might have a landscape impact.

5.21 Finally, policy E10 seeks to ensure that safe and convenient access to riding ways and bridleways is available. In this regard, the applicant has indicated that it is not the intention to exercise horses off site with the riding arena and perimeter track around Hill House Farm giving opportunities for exercise. As such, and given the nature of the application site and the local surroundings, it is not therefore considered that permission could be reasonably withheld on this basis despite the lack of riding ways/ bridleways.

5.22 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.

5.23 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 **PT07/3422/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 At no time shall the stables and the associated land be used for livery, riding school or other business purposes whatsoever.

Reason(s):

To protect the amenities of the occupiers of the nearby dwellings, and in the interests of highway safety, to accord with Policies E10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 3 The number of horses kept on the site edged in red shall not exceed 10.

Reason(s):

In the interests of the welfare of horses, to accord with the guidance of the British Horse Society and in the interests of highway safety, all to accord with Policies E10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

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

CIRCULATED SCHEDULE NO. 05/08 – 01 FEBURARY 2008

App No.: PT07/3555/F

Applicant: J T Baylis Land
Dev:Partnership
Prudential
Assurance Co.CSC
& Volkswagen

Site: Land off Lysander Road/Merlin Road
Cribbs Causeway BRISTOL South
Gloucestershire

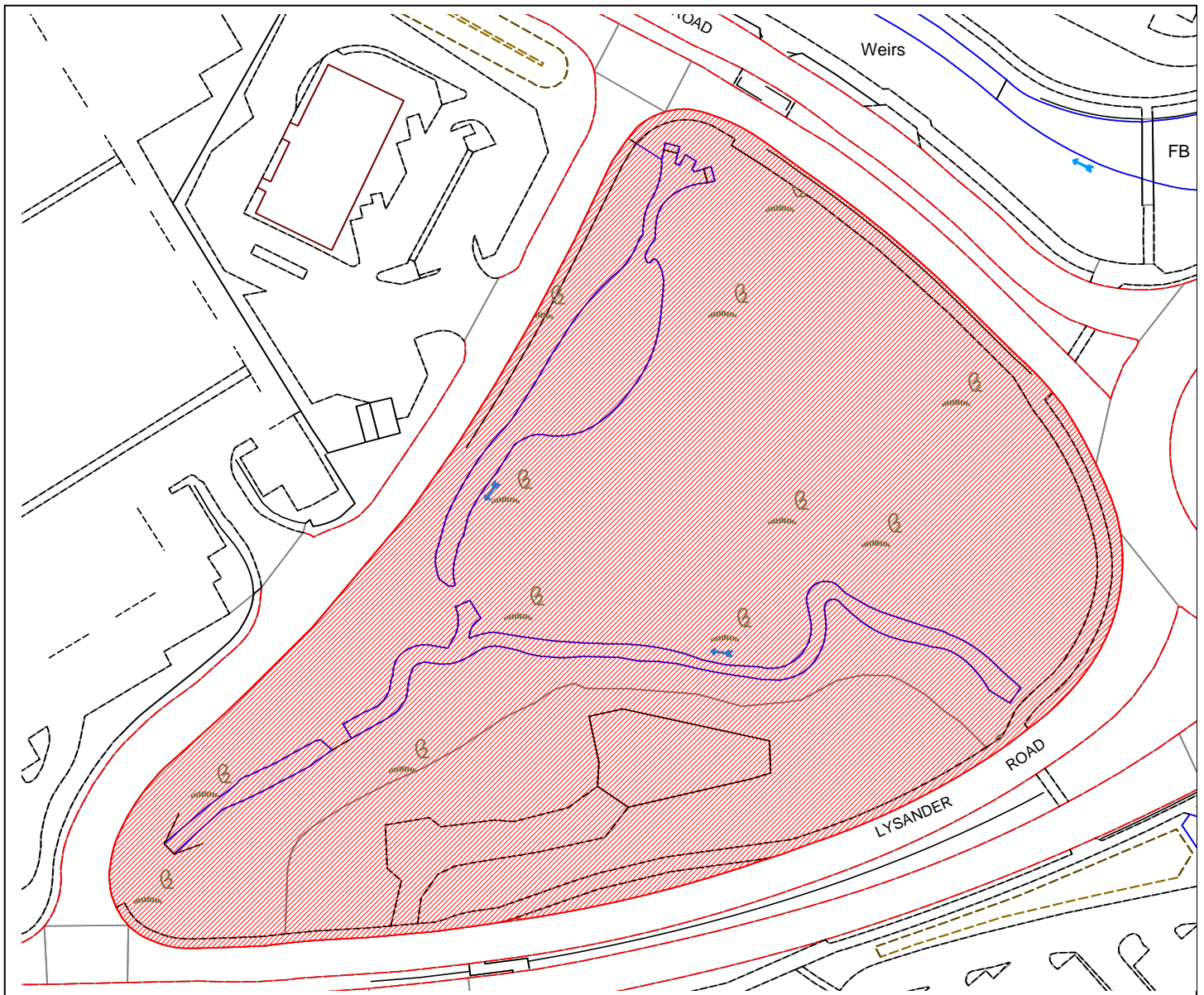
Date Reg: 4th December 2007

Proposal: Repositioning of access bridge to
accommodate erection of car showroom
with associated car parking, access and
landscaping. (Amendment to previously
approved scheme PT07/0263/RM).

Parish: Almondsbury Parish
Council

Map Ref: 58061 80852

Ward: Patchway



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DC0901MW

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The site consists of an open area of land accessed via the link road between Lysander Road and Merlin Road at Cribbs Causeway. The land contains trees and scrub and also contains part of the Henbury Trym and the associated Wildlife Corridor.
- 1.2 The proposed development consists of the construction of a new car sales centre and associated workshop/office accommodation. Access is from Lysander Road via the above mentioned link road.
- 1.3 This application is submitted in order to allow the Local Planning Authority to consider the variation of the approved development (PT00//0832/O and PT07/0263/RM) to relocate the access and bridge by approximately 8 metres to the Northeast. The report relating to the approved development (which also appeared elsewhere on this schedule) is appended to this report for information.

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
L1 Landscape Protection and Enhancement
L5 Open Areas within the Existing Urban Areas and Defined Settlements
L9 Species Protection
L17 The Water Environment
EP1 Environmental Pollution
EP2 Flood Risk and New Development
T3 Public Transport Route and Park and Ride
T4 Bus Priority Measure
T8 Parking Standards
T12 Transportation Development Control Policy for New Development
E4 Safeguarded Employment Areas
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist, (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT00/0832/O Car showroom (including maintenance and service depts.), ancillary car parking, access and landscaping. (Outline) Approved February 2004
- 3.2 PT07/0263/RM Erection of Car showroom with ancillary car parking, access and landscaping (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PT00/0832/O).

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council
No Objection

4.2 Wessex Water
Statutory public sewer easements should be maintained by way of condition and there should not be any bridge structure within 3 metres of the public sewer.

4.3 Highways Agency
No objection.

4.4 Civil Aviation Authority
No Comment

4.4 Local Residents
No Comments Received

5. ANALYSIS OF PROPOSAL

5.1 The proposed development consists of the erection of a car sales show room with associated works and access.

5.2 Principle of Development
The principle of this development is now established through the approval of the previous planning applications (PT00/0832/O and PT07/0263/RM). This application seeks a variation of the development as approved to allow the repositioning of the approved access and associated bridge approximately 8 metres to the Northeast. This report will consider the merits of that variation only as the remainder of the application (including the position and appearance of the approved building) is identical to the previous approval.

5.3 Design and Landscape character Considerations
The proposed development including the design and position of the buildings, the car parking/service areas and landscaping remains fundamentally the same as the development which was previously approved. The previous materials conditions should also apply to any approval of this proposal.

5.4 However, it is proposed to relocate the access and bridge into the site by 8 metres to the Northeast. In landscape terms it is considered that this revision will not materially impact upon the landscaping of the site; and the development would enable to existing landscaping/Henbury Trym Wildlife corridor to be retained in a manner that is functionally the same as the previously approved scheme. The remaining areas of landscaping would also remain as previously approved. As with the previous approval, a landscape management plan should be secured as part of any approval by way of appropriately worded condition.

5.5 Drainage
Again, the layout of the development remains fundamentally the same as the existing approval. The purpose of relocating the approved bridge is to move it out side the statutory public sewer easements following discussions between the developer and Wessex Water. Although, Wessex Water have requested

that this easement is protected by way of planning condition it should be noted that such easements are statutory and Wessex Water has access to other legislation by which to control development within it. On this basis, such a planning condition is not appropriate.

5.6 Notwithstanding the above, the conditions connected with the previous approval that relate to drainage of the site itself will still apply in this instance.

5.7 Transportation

It is considered that there is no material impact in highway safety terms as a result of the relocation of the proposed access and bridge. The variation would not result in any material change in respect of the operation of site itself. However, there remains the requirement to provide a strip of land along the southern part of the site for the future implementation of a bus lane. As such, the same planning condition should be applied to any approval of this application.

5.8 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)

5.9 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 Having regard to the above assessment, it is concluded that the proposed variation of the previous planning consents is acceptable and the relocation of the approved bridge will not materially change the scope of the approved development.

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

7. RECOMMENDATION

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

Background Papers **PT07/3555/F**

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

Appendix 1

CIRCULATED SCHEDULE REPORT

App No.:	PT07/0263/RM	Applicant:	J T Bayliss Land Development Partnership
Site:	Land off Lysander Road/Merlin Road Cribbs Causeway BRISTOL South Gloucestershire	Date Reg:	31st January 2007
Proposal:	Erection of Car showroom with ancillary car parking, access and landscaping (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PT00/0832/O).	Parish:	Almondsbury Parish Council
Map Ref:	58061 80852	Ward:	Almondsbury

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The site consists of an open area of land accessed via the link road between Lysander Road and Merlin Road at Cribbs Causeway. The land contains trees and scrub and also contains part of the Henbury Trym and the associated Wildlife Corridor.
- 1.2 The proposed development consists of the construction of a new car sales centre and associated workshop/office accommodation. Access is from Lysander Road via the above mentioned link road.

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
- L1 Landscape Protection and Enhancement
- L5 Open Areas within the Existing Urban Areas and Defined Settlements
- L9 Species Protection
- L17 The Water Environment
- EP1 Environmental Pollution
- EP2 Flood Risk and New Development
- T3 Public Transport Route and Park and Ride
- T4 Bus Priority Measure
- T8 Parking Standards
- T12 Transportation Development Control Policy for New Development
- E4 Safeguarded Employment Areas

2.3 Supplementary Planning Guidance

3. RELEVANT PLANNING HISTORY

- 3.1 PT00/0832/O Car showroom (including maintenance and service depts.), ancillary car parking, access and landscaping. (Outline)
Approved February 2004

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
No Objection
- 4.3 Environment Agency
The Development is acceptable in principle
- 4.3 Highways Agency No objection in Principle.
Advise that the proposed parking exceeds the maximum standards detailed in the South Gloucestershire Local Plan (Adopted) January 2006; and that a Travel Plan, broadly in line with the submitted draft travel plan should be submitted for approval by the Local Planning Authority
- 4.4 Civil Aviation Authority
No Comment
- 4.4 Local Residents
No Comments Received

5. ANALYSIS OF PROPOSAL

- 5.1 The proposed development consists of the construction of a new car sales centre and associated workshop/office accommodation.
- 5.2 Principle of Development
This site benefits from outline planning consent (PT00/0832/O) for the construction of a new car showroom, maintenance and servicing accommodation with associated car parking and landscaping. The principle of the development is therefore established. The purpose of this planning application is to consider the matters reserved for further consideration. These are outlined below.
- 5.3 Design Considerations
Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development achieves a high standard of design that achieves good energy/sustainability objectives and respects and enhances the site and the surrounding locality. The Draft South Gloucestershire Design Checklist reinforces this principle.
- 5.4 The proposed building consists of a lightweight steel framed structure that is to be clad with a mixture of steel, aluminium and glass. It is intended that the design is synonymous with the 'high tech' image associated with Audi, who will occupy the building. The primary view of the building will be from 'The Cone' Roundabout and its approaches from Lysander Road and Merlin Road. The Eastern Elevation of the building (facing towards 'The Cone' Roundabout) will be predominantly glass to allow the presentation of the internal car showroom

- display. The Southern elevation (To Lysander Road) is predominantly high quality profiled steel/aluminium cladding; painted in a light silver/grey colour. The external areas to the North and East of the proposed building is proposed to accommodate the external sales display areas associated with the building, whilst the external areas to the South of the proposed building are proposed to accommodate service parking and an external secure storage compound. The secure compound is proposed to be enclosed by a 2.4 metre high palisade fence. The area to the South of the building is set down from the level of the Lysander Road by approximately 1½ metres, effectively reducing the views of parked vehicles from the surrounding area.
- 5.5 The whole site is in turn enclosed within high quality landscaping. This is made up of formal landscaping to the Merlin Road, Lysander Road and 'The Cone' Roundabout elevations of the site, whilst, the North-western area of the site is made up of informal landscaping associated with the Henbury Trym Wildlife Corridor. The landscaping of the site is specifically addressed below.
- 5.6 At present the site is left to scrub and contains some trees. The site is not considered to be of any particular visual quality within this locality. It is considered that the visual appearance of the proposed building is of a high quality and clearly demonstrates its function. To this end, it is considered that the building would successfully improve the visual amenity of the locality and would represent an appropriate design solution in the context of the site.
- 5.7 In energy and sustainability terms, the building has been designed to accommodate its function in such a way that it is flexible and can be maintained and adapted to future requirements effectively; ultimately the building is capable of being substantially recyclable. There is an emphasis on providing as much natural daylight into the building to create a sustainable working environment and to reduce the requirement to use artificial internal lighting. Similarly, the ventilation and air handling within the building use energy efficient methods also to effectively reduce energy consumption within the building. Notwithstanding this, it is considered appropriate to require that this building achieve a minimum BREEAM standard of 'very good'. This is appropriately the subject of a planning condition attached to any approval of this development proposal.
- 5.8 Having regard to the above assessment, it is considered that the proposed development meets the design objectives set within Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the Draft South Gloucestershire Design Checklist.
- 5.9 Landscape Considerations
Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development effectively contributes to the conservation and enhancement of the landscapes of South Gloucestershire. Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 is supportive of this principle.
- 5.10 In landscape terms, the proposed development can be broken into two main areas being; formal landscaping facing onto Lysander Road, Merlin Road and 'The Cone' Roundabout, and informal landscaping associated with the Henbury Trym. These are assessed as follows.
- 5.12 *Formal Landscaping.*

Essentially, the formal landscaping is located around the principle elevations of the site and acts to enclose both the building external display/parking areas associated with the car sales use. This comprises a six metre wide strip containing a mixture of high quality shrub planting and standard trees (spaced approximately eight metres apart), with a strip of mown grass between the above and the back edge of Lysander Road. (This area is left to mown grass as it is within the area of the site that is to be reserved for the introduction of a new bus lane. This is addressed below.)

5.13 The design and layout of the formal landscaping is consistent with the wider landscaping associated with the Cribbs Causeway Area. In addition, it is considered that the introduction of shrubs, together with the standard trees positively addresses the context of the proposed development and would allow the new building and associated development to successfully integrate with the surrounding location.

5.14 Henbury Trym Informal Landscaping

The North-western part site contains part of the water courses associated with the Henbury Trym. This area also forms part the Henbury Trym Wildlife Corridor, which continues throughout the Cribbs Causeway Area and beyond. The landscaping of this area is proposed to be treated in an informal manner to take account of the ecological nature of this area of the site effectively (this issue is discussed in more detail below). At present, there are some relatively good tree specimens located within this area of the site. However, it is acknowledged that it is not possible to retain these trees within the scope of the proposed development and it is considered that this loss is adequately mitigated through the planting of new indigenous trees and shrubs as part of the landscaping of this area. It is also proposed to remodel the banks of the water course within this area. Further, it is considered that the design and layout of this informal landscaping is of good quality and adequately addresses the context of this part of the site and allows for good management of the Henbury Trym Wildlife Corridor.

5.15 Having regard to the above assessment, it is considered that the proposed landscaping treatment associated with this development is of a high quality and would act to enhance the quality and amenity of the surrounding landscape; and therefore successfully addresses the objectives of Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.16 Ecological and Water Environment Considerations

As referred to above, the site contains part of the Henbury Trym Water Course. At present, two watercourses join in the centre of the site and flow in a south-westerly direction to the southwest corner of the site. It is proposed as part of this development, to culvert the southern most water course along the southern edge of the site. The Environment Agency have commented that this measure is acceptable in principle. This would allow the development of the site as detailed.

5.17 The North-western element of the watercourse is proposed to be remodelled and remain open, whilst remaining on a very similar course to existing. The existing balancing pond will be reduced as part of the remodelling work as it is no longer required. The new culvert will rejoin the main watercourse in the south-western part of the site, before continuing under Lysander Road and beyond the site. The Environment Agency has commented that this measure is also acceptable in principle.

- 5.18 It is considered that the above measures positively contribute to the enhancement of ecological value of the Henbury Trym and complies with the objectives of Policy L1 and L9 of the South Gloucestershire Local Plan (Adopted) January 2006. However, it is appropriate to apply a suitable ecological management plan for this area of the site in agreement with the Local Planning Authority. Such a management regime can be incorporated into a landscape management plan for the site and is appropriately the subject of a planning condition to any approval of the scheme.
- 5.19 Drainage Considerations
Policy L17, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development would not harm the existing water environment and increase flood risk.
- 5.20 The Environment Agency has advised that the alterations to the water course are acceptable in principle. However, it is necessary to ensure that the development would minimise the level of surface water run-off; and that any surface water is adequately protected from contamination before entering the water environment, through the use of an appropriate drainage system. This is appropriately the subject of a suitably worded planning condition attached to any consent of this planning application.
- 5.21 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 the safety and amenity of the surrounding highway network. Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006 provides the maximum parking standards for new development.
- 5.22 The Highways Agency have commented that the proposed development appears to offer a level of parking that exceeds the standards set out within Policy T8. In this instance, the majority of parking spaces proposed are intended to accommodate the display and storage of vehicles for sale and the keeping of vehicles being serviced and/or repaired. In real terms, the parking spaces reserved for staff vehicles is consistent with the parking standards contained within Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006. Further, the submission includes a draft Travel Plan which adequately addresses measures by which to reduce the specific use of private cars to travel to work at this site. The Highway Agency has advised that this draft travel plan is acceptable and should form part of any approval of this planning application. Officers also agree that the principles of the draft travel plan area acceptable; and accordingly this can be formalised by way of planning condition.
- 5.23 In this instance, there is the opportunity to provide improvements to the public transport infrastructure as part of this development and contribute towards the objectives of Policies T3 and T4 of the South Gloucestershire Local Plan (Adopted) January 2006. The applicant has agreed to reserve part of the Southern area of the site, along Lysander Road. This area of land is sufficient to provide a 'bus priority lane' for approximately 230 metres of the East bound carriageway of Lysander Road, leading up to 'The Cone Roundabout'. As this land is within the application site, the reservation of this land can be secured by an appropriately worded condition.

5.24 Residential Amenity

Given the location of the site and its relationship with surrounding dwellings, it is not considered that there would be any material impact upon residential privacy and amenity as a result of this development.

5.25 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).

5.26 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 conditions.

Background Papers PT07/0263/RM

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 A 6 metre strip of land within the Southern extreme of the site positioned between the junction of the link road (located to the north of the Site and linking Lysander Road with Merlin Road) with Lysander Road and the 'Cone' Roundabout Junction with

Lysander Road and Merlin Road shall be reserved for a period of not less than 10 years for the facilitation of a 4.2 metre wide bus lane and footway to the east bound carriageway of Lysander Road, (as shown within drawing number 4394/P/302A received by the Council on 2nd February 2007).

Reason(s):

To contribute towards the implementation of the Greater Bristol Bus Network Initiative Showcase Bus Corridor 1 and to comply with Policies T3, T4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 3 No development shall take place until a commuter plan has been submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use; or otherwise as agreed in the commuter plan.

Reason(s):

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

- 4 Notwithstanding the submitted details, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, including the land reserved under condition 2 of this Decision Notice; the management of wildlife within the area of the site that falls within the Henbury Wildlife Corridor, and the measures of the protection of this area during the construction of the development hereby approved shall be submitted to and agreed in writing by the Local Planning Authority prior to the first occupation of the development, for its permitted use. The landscape management plan shall be carried out as approved unless the Local Planning Authority Agree in writing to any variation..

Reason(s):

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

To protect the wildlife and the ecological interests of the site, in accordance with Policy L8/I9 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 5 Notwithstanding the submitted details, no development shall take place until samples of the roofing and external facing materials; the colour, specification and detailing of the 2.4 metre high palisade fence (enclosing the secure storage compound); the colour, specification and detailing of the type of anti-ram hoop barriers proposed to be used have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

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

- 6 Prior to the commencement of the development hereby approved, details demonstrating the location and method of storage of construction materials within the site shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with the agreed details unless the Local Planning Authority Agree to any variation in writing.

Reason(s):

In order to protect the ecological value of the Henbury Trym Water Course and to comply with Policy L9, L17 and EP2 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 L17/L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 8 All surface water run-off from outside storage, parking or vehicle washdown areas shall pass through a properly constructed oil/ petrol interceptor or such other alternative system as may be agreed with the Local Planning Authority, before discharge to the public sewer, or other drainage system.

Reason(s):

To prevent non-point source pollution and flooding, and to accord with Policies L17/L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

To ensure the development minimises the use of energy and resources in accordance with PPS1 and Policy D1 of the Local Plan.

CIRCULATED SCHEDULE NO. 05/08 – 01 FEBRUARY 2008

App No.: PT07/3668/F

Applicant: Mr J Rodriguez Pwr
Complete Building
Servies

Site: King William IV, Severn Road, Hallen,
South Gloucestershire, BS10 7RZ

Date Reg: 18th December
2007

Proposal: Erection of 1 no. detached dwelling

Parish: Almondsbury Parish
Council

Map Ref: 55073 80064

Ward: Almondsbury



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100023410, 2008.

N.T.S

PT07/3668/F

INTRODUCTION

This application is placed on the circulated schedule because there have been objections to the scheme from local residents.

1. THE PROPOSAL

- 1.1 The applicant seeks consent for the erection of a detached dwelling. The proposed dwelling will be sited in the car park of the public house. The site is located at the junction of Berwick Lane and Severn Road within the settlement boundary of Hallen in the Bristol/Bath Green Belt. The site also lies within Flood Zone 1 (low risk) requiring the submission of a low-level flood risk assessment
- 1.2 This application is the re-submission of PT07/3286/F which was withdrawn on the advice of the council due to the lack of a Flood Risk Assessment.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG2 Green Belt
PPS3 Housing
PPS7 Sustainable Development in Rural Areas
PPG13 Transport
PPS25 Development and Flood Risk
- 2.2 Adopted Joint Replacement Structure Plan September 2002
Policy 1 Sustainable Development
Policy 16 The Green Belt
Policy 24 Flood Risk
- 2.3 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
EP1 Environmental Pollution
EP2 Flood Risk
L17/18 The Water Environment
GB1 Green Belt
T8 Parking Standards
T12 Transportation Development Control Policy
H2 Proposals for Residential Development (within Urban Area and Defined Settlement Boundaries)
T7 Cycle Parking
- 2.4 Supplementary Planning Document
South Gloucestershire Design Checklist (adopted)
South Gloucestershire Green Belt (adopted).

3. RELEVANT PLANNING HISTORY

- 3.1 PT06/1788/F Erection of rear extension to form skittle alley and conservatory. Erection of two storey extension to facilitate the extension of a dwelling, and the conversion of the 1st and 2nd floor of the building to form a dwelling.
Approved 26th July 2006

- 3.2 PT07/3286/F Erection of a dwelling.
Withdrawn (lack of a FRA)

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
No response received
- 4.2 Environment Agency
No objection to the proposal
- 4.3 Sustainable Transport
There is no transportation objection to the principle of this proposal, subject to a number of conditions to ensure that the car parking for public house on the same site is not affected.
- 4.4 Lower Severn Internal Drainage Board
No objection subject to compliance with the Byelaws
- 4.5 Local Residents
Three letters of objection have been received and they raise the following issues:
- a) Lack of car parking space for the pub, and new dwellings
 - b) Parking layout is not feasible
 - c) Previous conditions on the site not being addressed (issue to be passed to enforcement)
 - d) Loss of privacy
 - e) Dwelling is out of keeping with the area
 - f) is this scheme part of a bigger scheme to build houses on the whole of the pubs car parks
 - g) Highway safety concerns
 - h) Impact upon the Rhine near the site

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

New Dwellings

The application site is situated within the Green Belt but within the settlement boundary of Hallen. Local Plan Policy (GB1) and Central Government guidance allows for the limited infilling within the boundaries of settlements and the proposal will fall within that category and is therefore considered appropriate development. Green Belt Policy also requires that new development should not have an adverse impact upon the visual amenity of the Green Belt and again the proposal is considered acceptable in these terms however this is considered in more detail under the heading of design below.

- 5.2 Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 following guidance in PPS3 deals “new-build development which allows for residential development within existing Urban Areas and within settlement boundaries as defined on the proposals maps subject to the following criteria relating to:

- a) Unacceptable environmental and transportation effects and whether it would significantly prejudice residential amenity
- b) The maximum density compatible with the site is achieved, the expectation that all developments will achieve a maximum density of 30 dwellings per hectare and that higher densities will be achieved where local circumstances permit
- c) The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination
- d) Provision for education, leisure, recreation and other community facilities is adequate to meet the needs arising from the proposal.

5.3 Density

The density of the development on the site is considered acceptable given the context of the area. The density of this development is 62.5 dwellings per hectare. This is in line with policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.4 Noise or Environmental Impact

It is not considered that the site is subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination.

5.5 Design

Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 indicates that development will only be permitted where good standards of site planning and design are achieved. It is required that siting, layout, density, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness of both the site and the locality. Furthermore Policy H2 requires an assessment of the environmental impact of new development.

- 5.6 It is considered that the proposed design of dwelling is acceptable as in terms of size, scale and position it fits in well with the surrounding area. The dwelling is designed to match those built along side the existing public house. The dwelling has also been designed to accommodate the flood risk in the area and it will be constructed 0.6m above the surrounding area.

5.7 Residential Amenity

It is considered that given the size and location of the proposed dwelling it will not impact upon the residential amenity of the surrounding properties. No dwellings are to the front of dwelling, but one is to the rear of the dwelling. However sufficient distance remains between the habitable windows. The small bathroom window will be obscure glazed to further protect privacy.

5.8 Drainage/Flood Risk

The Environmental Services Team raise no objection to the proposal. Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006 considers Flood Risk and new development. The site is identified as being within Zone 1 (low risk) as defined by the Environment Agency requiring a low level flood risk. An assessment has been submitted indicating floor levels and site usage. These are considered acceptable.

5.9 Transportation

In broad terms the proposed scheme is considered acceptable. It will not give rise to any highway safety concerns. The site will provide the following in terms of parking provision. This includes provision for the Public house.

- a) 2 parking spaces (1 x garage, 1 x elongated space to rear of car park) have been retained for the existing 3 bed dwelling (house 1).
- b) 1.5 parking spaces for the proposed dwelling, 1.5 parking spaces for house 2. This accords with our maximum parking standards and it is envisaged 1 of the 3 parking space will be shared or used by visitors.
- c) 9 parking spaces will be available for the public house. The internal ground floor area of the public house has been measured by the applicant to be approximately 57 sq m which would equate to 11 parking spaces as outlined in the maximum parking standards. To offset this the applicant has agreed to implement sheltered cycle parking.

5.10 A visibility zone is required and must be maintained across the frontage of the pub car park and the proposed dwelling. This will be delivered by way of a condition. The resurfacing of the car park is also required, along with the spaces marked out given the limited room to manoeuvre.

5.11 Other Issues

In response to the consultation exercise carried out a number of objections has been received objecting to the lack of enforcement of the exiting condition attached to the redevelopment of the public house. These issues will be passed to the Councils Enforcement team for further consideration.

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 (Consultation Draft).

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Planning Permission be granted subject to the following conditions and the enforcement issues raised by local residents in relation to a separate planning application on broadly the same site shall be investigated by our enforcement Team.

Background Papers **PT07/3668/F**

Contact Officer: **Gareth John**
Tel. No. **01454 863438**

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. Before the dwelling hereby permitted is first occupied a visibility zone shall be provided from edge of carriageway over the frontage with Berwick Lane. Nothing over 0.9m in height above the level of the adjacent carriageway shall be permitted to remain.

Reason(s)

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

3. The development hereby permitted shall not be brought into use until the access and the areas for the manoeuvring and parking of vehicles has been made available, surfaced and marked out and subsequently kept available for these proposes.

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.

4. A total of 4 cycle parking spaces shall be provided before the building is first occupied.

Reason(s)

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy T7 and T12 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(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/H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 6 - 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 EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 12

CIRCULATED SCHEDULE NO. 05/08 – 01 FEBR

App No.: PT07/3706/F

Site: 60 Bourne Villa, Dragon Road, Winterbourne, South Gloucestershire, BS36 1BJ

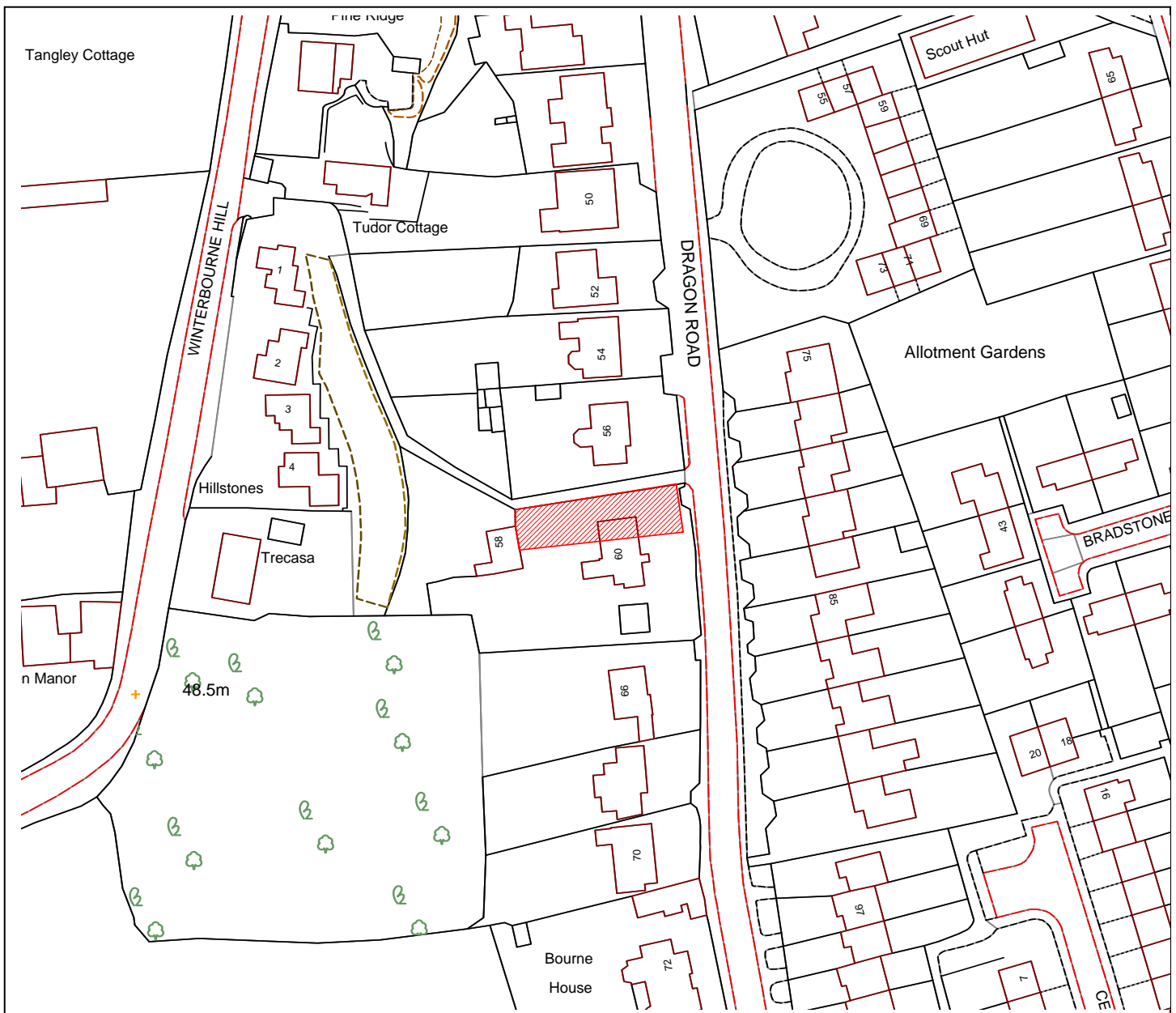
Proposal: Erection of detached dwelling and creation of new vehicular access. Creation of footpath to front of site (in accordance with amended plans received by the Council on 23 January 2008).

Map Ref: 64788 80214

Applicant: Mr R Bruce
Date Reg: 20th December 2007

Parish: Winterbourne Parish Council

Ward: Winterbourne



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100023410, 2008.

DC0901MW

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This full application relates to the demolition of existing attached garage to facilitate the erection of a 4/5 bed detached dwelling at 60 Dragon Road, Winterbourne. The proposal also includes the revision of access to serve the existing dwelling as well as the creation of new vehicular access to serve the proposed dwelling, including the provision of 2 off-street parking spaces to the front of the proposed dwelling. The front boundary wall is also to be reduced to a height of 0.9m to facilitate access.
- 1.2 The application site forms part of the side garden associated with 60 Dragon Road, located to the north of this existing property. The site has an area of some 0.032 hectares. It is rectangular in shape and has a depth of approximately 35m and a width ranging from 7m to 12m. A public footpath runs along the northern boundary to the site, linking Dragon Road with Winterbourne Hill. Part of the rear elevation of the property of 58 Dragon Road directly abuts the rear site boundary but is below the ground level of the application site and set into the hill side. This property also has no vehicular access.
- 1.3 Vehicular access to the application site is to the front and off Dragon Road. The site lies within the settlement boundary of Winterbourne.

2. POLICY CONTEXT

- 2.1 National Guidance
 - PPS1 Delivering Sustainable Development
 - PPS3 Housing
 - PPG13 Transport
- 2.2 Adopted Joint Replacement Structure Plan
 - Policy 1 Sustainable development objectives
 - Policy 2 Location of development
 - Policy 33 Housing provision and distribution
 - Policy 34 Re-use of Previously Developed Land
 - Policy 35 Housing Density (20-25 per ha)
- 2.3 South Gloucestershire Local Plan (Adopted) January 2006
 - D1 Achieving Good Quality Design in New Development
 - L4 Forest of Avon
 - H2 Proposals for Residential Development within the existing Urban Area and Defined Settlement Boundaries
 - H4 Development within Existing Residential Curtilages, including Extensions and New Dwellings
 - T8 Parking Standards
 - T12 Transportation Development Control Policy for New Development
- 2.4 Supplementary Planning Guidance
 - South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 N668 Conversion of existing garage to lounge and erection of detached double garage.
Approved 13 February 1975.
- 3.2 N668/1 Erection of first floor extension.
Approved 13 November 1975.
- 3.3 P95/2619 Erection of rear conservatory.
Approved 11 December 1995.
- 3.4 P96/1253 Erection of detached double garage.
Approved 1 April 1996.
- 3.5 PT04/2120/F Conversion and extension of existing detached double garage to form self-contained granny annex.
Approved 14 July 2004.
- 3.6 PT05/2649/O Erection of dwelling (outline).
Approved 2 November 2005.
- 3.7 PT06/1082/RM Erection of dwelling (Approval of Reserved Matters).
Approved 26 May 2006.
- 3.8 PT07/2085/F Partial demolition of existing house to facilitate erection of 2 detached dwellings, creation of new access and associated works. Alterations to roofline of existing house to create 2nd storey extension, installation of 2 no. front dormers and single storey rear extension.
Refused on design grounds 7 August 2007.
- 3.9 PT07/2899/RM Erection of 1 no. detached dwelling with associated works (Approval of reserved matters associated with PT05/2649/O) (Amendment to PT06/1082/RM).
Approved 26 October 2007.
- 3.10 PT07/3001/F Demolition of part of existing dwelling to facilitate erection of single storey rear extension. Installation of two dormer windows to facilitate loft conversion and alterations to roof line.
Approved 6 November 2007.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
No objection, subject to adequate off-road parking.
- 4.2 Sustainable Transport
No objection.
- 4.3 Local Residents
4 letters have been received objecting to the proposal on the following grounds:-

- a) not in keeping;
- b) plot too small for detached house;
- c) design;
- d) cramped and out of keeping;
- e) unsold properties within the vicinity;
- f) overlooking/loss of privacy;
- g) overbearing impact;
- h) overshadow garden;
- i) block views;
- j) previous application refused;
- k) detrimental to the area;
- l) roof design;
- m) increased on-road parking;
- n) access;
- o) highway/pedestrian safety;
- p) proximity to adjoining pathway;
- q) gap between existing cottage and new dwelling.

Of the above, e and i are not relevant planning considerations.

5. ANALYSIS OF PROPOSAL

5.1 Background

As can be seen from the planning history, the principle of residential development has previously been accepted on the southern part of the site by virtue of planning permission PT06/1082/RM. A recent application for three dwellings for the whole of the site relating to 60 Dragon Road including this part of the site was refused on the grounds of design. Planning permission was recently granted for partial demolition of the property of 60 Dragon Road to facilitate redevelopment and extension of this property. This application purely relates to the northern part of the site as well as alterations to the existing access serving the original property.

5.2 Principle of Development

Advice contained within PPS3 states that Local Planning Authorities should make effective use of land by re-using land that has been previously developed. Using land efficiently is a key consideration in planning for housing. Additional housing on previously developed land within existing towns and cities promotes more sustainable patterns of development. This policy stance is reflected in policies contained within the Adopted Joint Replacement Structure Plan and the South Gloucestershire Local Plan (Adopted) January 2006. However, such development must be acceptable in terms of its impact upon the character of its surroundings.

5.3 Policy H2 of the adopted Local Plan specifically relates to new 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;

i) Transportation Issues

In transportation terms, the site fronts onto a classified road with no footpath and where visibility is restricted. However, the application has

now been revised to provide a 1m footway across the whole of the site (the land originally associated with 60 Dragon Road). This footway whilst also improving pedestrian safety would also improve visibility for the two previously approved dwellings and the current application. The boundary wall would be set back to provide the footway and rebuilt to a maximum height of 0.9m. This would open up the site and improve levels of intervisibility. Two off-street parking spaces are also provided as well as turning area within the site. As such the application is acceptable in transportation terms.

ii) Residential Amenity

With regard to residential amenity issues, the proposal is also considered acceptable. Due to its detached nature, design and location to the side of adjacent dwellings, the proposal will not result in any overbearing impact or loss of privacy. The two storey element of the dwelling does not extend beyond the front or rear building line of the adjacent properties of 56 and 60 Dragon Road and the rear extension is single storey in nature and of limited depth at 3m. Although one window is located on the side (northern) elevation of the property, this serves a bathroom and not a habitable room. The glazing to this window will be obscurely glazed and this will be a condition of any consent. The proposal therefore complies with this criterion.

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

The application site has an area of some 0.032 hectares resulting in a density of 31 dwellings per hectare. A minimum density of 30 dwellings per hectare is advocated within the Local Plan where local circumstances permit. It is considered that the proposal is acceptable in terms of its density. It maintains the building line prevalent on this side of Dragon Road and would be compatible with its surroundings in terms of the character and appearance of the street scene. The proposal therefore accords with this criterion.

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

The proposal is not affected by any of the above to a material degree and therefore complies with this criterion.

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

The proposal is for 1 additional dwelling and as such will not impinge upon levels of service provision within the locality to a significant degree. The application therefore complies with this criterion.

- 5.4 Policy H4 of the emerging local plan is also relevant as it relates to residential development within existing residential curtilages and is concerned with more detailed design issues. This policy allows for new development provided the massing, scale, proportions, materials and overall design and character of the existing property and street scene are respected; the amenities of nearby occupiers are not adversely affected; highway safety/parking is acceptable and

adequate private amenity space is available for the existing and proposed dwelling. Of the above, design and garden area have not been covered in any depth under the preceding paragraphs.

- 5.5 It is considered that the proposal, on balance, accords with the above policy criteria. The part of Dragon Road to which the application relates has a distinctive character. The buildings are predominately two storey, although there are some single storey buildings and some houses have development in the roof-space (dormers/rooflights). The buildings are set some 10m back from the road and have large front gardens with mature landscape. This mature landscape contributes to the enclosure and character of the road. The buildings are also well spaced off their boundary; where development is next to the boundary it is usually single storey. The character of the west side of Dragon Road is therefore substantial houses that are set within landscaped gardens.
- 5.6 The east side of the road also has buildings set back some 10m and again the large front gardens with mature landscape contribute to the enclosure and character of the road. The properties on the east side are however predominately terraced and are modern in appearance.
- 5.7 It is considered that the proposal would integrate within the street scene. The design of the dwelling is bespoke as are the majority of dwellings along the western side of Dragon Road. The design incorporates a projecting two storey gable but this is narrow in width. Part of the roof also extends to single storey level which reduces the scale and massing of the proposal to the front elevation. It is recognised that the gap between the existing and proposed dwelling will be minimal. However, although the site lies to the edge of the settlement boundary of Winterbourne it will not be visible from below the ridge to the west of the site. It is considered that the proposal can be accommodated without detracting from the scale and character of the existing building and the street scene. The ridge height is also below that approved under the recent application relating to the original dwelling of 60 Dragon Road, allowing the development to further integrate within the street scene.
- 5.8 With regard to garden area, the proposal will have a garden depth of over 12m and an area of approximately 100m². The size of the garden is considered commensurate with the size of dwelling it serves whilst also allowing the existing dwelling of 60 Dragon Road a garden area in excess of 260m². The proposal is therefore acceptable in this respect.
- 5.9 In conclusion, the proposal complies with policy H2 and H4 in its entirety and is acceptable.
- 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 decision to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 Planning permission be granted.

Background Papers **PT07/3706/F**

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

CONDITIONS

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

Reason(s):

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

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

Reason(s):

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

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

Reason(s):

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

- 4 The proposed parking and turning areas shall be constructed of a bound material.

Reason(s):

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

- 5 No doors or gates shall be hung so as to open over or across the public highway/footway.

Reason(s):

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

- 6 The glazing on the side [north] elevation at first floor level serving the bathroom shall at all times be of obscured glass. The obscure glazing to be used shall be at least level 3 obscure glazing.

Reason(s):

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

- 7 Prior to the first occupation of the approved dwelling, full details demonstrating the adoptable standard of the 1 metre wide footway, as shown on approved drawing 1370-31A, shall be submitted to and approved in writing by the Local Planning Authority. The footway shall be constructed to adoptable standards in accordance with the agreed details before the first occupation of the dwelling and thereafter retained as such.

Reason(s):

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

- 8 The relocated stone boundary wall shall not exceed 0.9 metres in height and shall match the appearance of the original wall. The wall shall be constructed prior to the first occupation of the dwelling hereby permitted.

Reason(s):

In the interests of highway safety and to ensure a satisfactory standard of external appearance and to accord with Policies D1 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

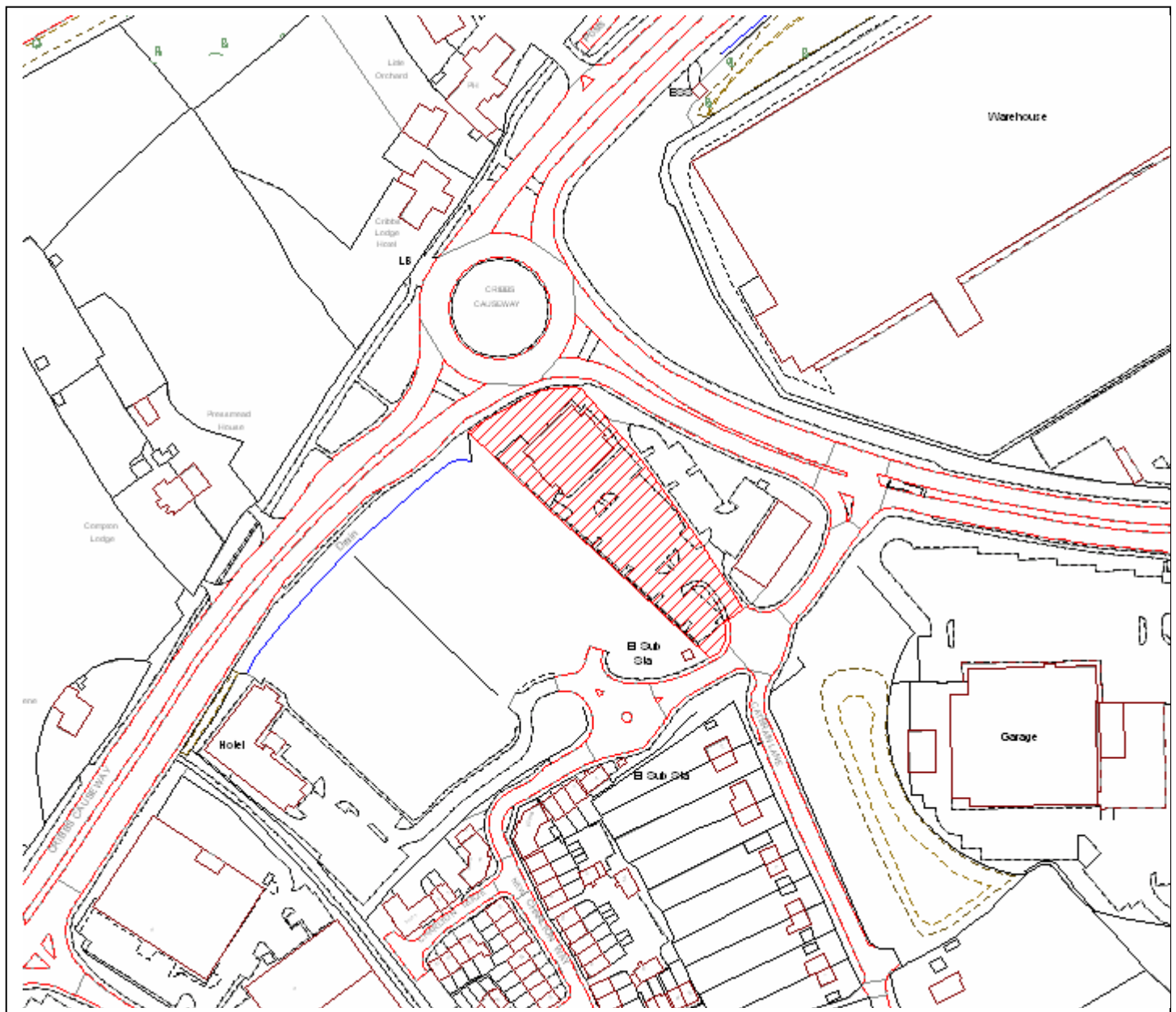
- 9 The hours of working on site during the period of construction shall be restricted to 07.30 to 18.00 hours Monday to Fridays and 08.00 to 13.00 hours on Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason(s):

To minimise disturbance to occupiers of neighbouring properties and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 05/08 – 01 FEBRUARY 2008

App No.: PT07/3735/F	Applicant: Terramond Ltd
Site: Harry Ramsdens Catbrain Lane Cribbs Causeway South Gloucestershire	Date Reg: 28th December 2007
Proposal: Erection of new office building with associated works (Resubmission of PT07/0987/F).	Parish: Almondsbury Parish Council
Map Ref: 57477 80765	Ward: Patchway



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PT07/3735/F

INTRODUCTION

This application is placed on the Circulated Schedule according to the procedure as it is classed as a “major” application.

1. THE PROPOSAL

- 1.1 This application is submitted in order to allow the Local Planning Authority to consider amendments to the development as approved under PT07/0987/F (a copy of the previous report is attached for information). That planning application remains valid and development under that approval may commence at any time until 2nd July 2010.
- 1.2 The proposed development consists of a three storey building providing office accommodation with associated car parking and landscaping.
- 1.3 The site has now been cleared. Until recently the site contained restaurant accommodation associated with the Harry Ramsden’s Restaurants.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Design
L1	Landscape Protection and Enhancement
L17	The Water Environment
EP1	Environmental Pollution
EP2	Flood Risk
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy
E3	Employment Development
E4	Safeguarded Employment Areas
LC13	Public Art

South Gloucestershire Design Checklist. SPD ((Adopted) January 2006

3. RELEVANT PLANNING HISTORY

Relevant to the Harry Ramsden Restaurant site are the following:-

- 3.1 P97/2558 Development of 3.44 hectares for Class B8 (wholesale/distribution), Class C1 (hotel) and 3 Class A3 restaurant units (Approve)
- 3.2 PT00/1262/RM and PT00/1263/RM Landscaping and Drainage Reserved Matters (Approved)

- 3.3 PT05/3216/F Erection of two storey office building with associated parking (Approved)
- 3.4 PT06/1608/CLP Certificate of Lawfulness for the proposed sub-division of building to form 2 no. restaurants (Approve)
- 3.5 PT07/0987/F Demolition of restaurant to facilitate the erection of new office building with associated works.
Approved 3 July 2007

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
Object on the basis that there is not sufficient parking proposed which will not cope with the numbers of staff within the building. The nearby residential streets are already congested.
- 4.2 Highways Agency
No Objection
- 4.3 Sustainable Transport
Two parking spaces have now been replaced with a bin store although the level of parking provided still closely accords with the Local Plan parking standards and as such remains acceptable. An appropriate level of cycle parking has now been introduced and a contribution of £15000 has been paid in full towards the transport infrastructure (as required under the previous planning consent.)
- 4.4 Local Residents
No Comments have been received.

5. ANALYSIS OF PROPOSAL

- 5.1 The proposed development consists of the development of an office building and associated car parking and landscaping. The site is located within the Bristol North Fringe Urban Area.
- 5.2 Principle of Development
The principle of this development has been established through the approval under PT07/0987/F. This application seeks to make amendments to the development as approved. The consideration of those amendments is as follows.
- 5.3 Design
The scale, siting, form and general design principles of the proposed building under this submission remain fundamentally the same as the approved development. The submitted amendments relate to alterations to the fenestration of the building relating to the central tower forming the main access and circulation area within the approved building. These amendments are very minor and provide additional mechanical plant screening to the front of the building and remove a curved window which faces into the car park to the south of the approved building. Having regard to the scale of the amendments to the building, it is considered that there would be no material impact in regards to the appearance of the building previously approved; and as such are acceptable.

5.4 Residential Amenity

Having regards to the above also, it is considered that the proposed amendments would not have any material impact upon residential amenity in the surrounding locality as the proposed building is fundamentally the same as the previously approved building.

5.5 Transportation

The proposed amendments also detail the reduction of the overall number of approved parking spaces from 93 to 91. This amendment would make room for recycling facilities within the site. Notwithstanding the concern raised by Almondsbury Parish Council regarding the level of parking within the site, the previous assessment of the approved development (PT07/0987/F) concluded that 93 parking spaces was sufficient on the basis that a Travel Plan would also be implemented in order to help reduce private vehicle usage in relation to this development. In this instance it is considered that the reduction in space numbers by two would not materially impact upon the operation of this site in traffic generation terms. Nonetheless, it remains appropriate to implement a Travel Plan in conjunction with the development and as such this should be conditioned as part of any approval. The revised proposal now details sufficient secure cycle parking. The previous condition relating to this is now not necessary.

5.6 A sum of £15000 has been paid to the Council in contribution towards the implementation of the Bristol North Fringe Major Scheme (Transport Measures) in respect of the approved development. Given that this proposal is fundamentally the same as the approved development, then this requirement has been met and no further contribution can be requested.

5.7 Other Considerations

As discussed above, this application details amendments to the previously approved development. The proposed development remains fundamentally the same as that which is approved and the issues relating to it (including the provision of public art as part of the development) remain the same as previously considered. As such, all the planning conditions (with the exception of that relating to cycle parking) remain appropriate and should be carried forward as part of any approval of this development.

5.8 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)

5.9 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 given the existing contribution under the S278 Highways Act Agreement, conditions are sufficient.

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 **PT07/3573/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. Prior to the commencement of the development a scheme for the protection of all existing planting in accordance with BS5837:2005 shall be submitted to and approved in writing by the Local Planning Authority. All work shall be carried out in accordance with the approved details and all planting that has been previously damaged shall be replaced on a "like for like" basis.

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.

3. Prior to the commencement of development, full details of all hard surfacing materials shall be submitted to and approved in writing by the Local Planning Authority. All works 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 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The development hereby approved shall be constructed to a BREEAM standard of "very good". A formal assessment pre-construction or following construction shall be undertaken by a licensed BREEAM assessor and a copy of the assessors report and the certificate shall be submitted to the Local Planning Authority prior to the occupation of the building.

Reason(s):

To ensure the development minimises the use of energy and natural resources and to accord with Policy D1G and PPS1.

5. A detailed travel plan (consistent with the details set out in the framework document (Framework Travel Plan June 2007 (Rev D) shall be agreed in writing by the Local Planning Authority and shall be implemented within 6 months of the occupation of the building hereby approved. The development shall operate thereafter in accordance with the approved details.

Reason(s):

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

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

Reason(s):

To encourage means of transportation other than the private car, to accord with Policy T7 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. A detailed scheme of artwork (including any method of lighting) shall be submitted to, agreed in writing by the Local Planning Authority and installed to the full satisfaction of the Council prior to the first occupation of the building.

Reason(s):

In the interest of achieving a high quality distinctive design to accord with Policies D1 and LC13 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

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

Appendix One

INTRODUCTION

This application is placed on the Circulated Schedule according to the procedure as it is classed as a “major” application (in addition two objections have been received – see responses below)

1. THE PROPOSAL

- 1.1 The applicant seeks consent for the erection of a three-storey office building with associated car parking and landscaping. The proposal would involve the demolition of the existing Harry Ramsden Restaurant, with the new building positioned closer to the junction of Lysander Road and Cribbs Causeway.

In terms of layout, the building would have two colonnaded wings with a central tower (staircases and entrance). These wings as indicated above are situated close to boundary edge. Access to the site would be as existing from the Catbrain Lane mini-roundabout. Landscaping would be provided around the perimeter of the site.

In terms of scale, although three storey throughout, the height of the 4 –bay wing would be higher. The colonnades would have a white render finish and slim frame aluminium window units between. The roof would be finished curved aluminium.

Parking provision would be raised from the existing 76 spaces to 91 spaces. The overall floor space would be 3150 sqm.

- 1.2 Within context, to the south of the site lies an area of vacant land beyond which lies a four-storey hotel. To the north on the other side of Lysander Road lies a retail warehouse. To the east lies a modest two-storey wine and warehouse building. The site lies within the Urban boundary and is a safeguarded employment site as defined in Policy E4 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 1.3 In support of the application the applicant has submitted a Framework Travel Plan, Design and Access Statement and Transportation Statement.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Design
L1	Landscape Protection and Enhancement
L17	The Water Environment
EP1	Environmental Pollution
EP2	Flood Risk

T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy
E3	Employment Development
E4	Safeguarded Employment Areas
LC13	Public Art

South Gloucestershire Design Checklist. SPD (draft for public consultation Sept 2006)

3. **RELEVANT PLANNING HISTORY**

Relevant to the Harry Ramsden Restaurant site are the following:-

- 3.1 P97/2558 Development of 3.44 hectares for Class B8 (wholesale/distribution), Class C1 (hotel) and 3 Class A3 restaurant units (Approve)
- 3.2 PT00/1262/RM and PT00/1263/RM Landscaping and Drainage Reserved Matters (Approved)
- 3.3 PT05/3216/F Erection of two storey office building with associated parking (Approved)
- 3.4 PT06/1608/CLP Certificate of Lawfulness for the proposed sub-division of building to form 2 no. restaurants (Approve)

4. **CONSULTATION RESPONSES**

- 4.1 Almondsbury Parish Council
No objection raised
- 4.2 Highways Agency
Subject to the submission of a detailed travel plan to be agreed in writing by the Local Planning Authority, the Agency is happy to lift the initial holding direction.
- 4.3 Sustainable Transport
The proposal seeks to replace the existing Harry Ramsdens restaurant and takeaway with 3276 square metres of office. There is also an extant permission on the site for a smaller office that has not been implemented. This proposal would supersede this existing permission.

The proposed parking ratios and layout are acceptable. Any cycle provision should be secure covered and overlooked. Details to be submitted and approved prior to the commencement of on site works. The applicant has submitted a TA that is broadly acceptable as the driver in traffic terms in the locality is retail at weekends and on that basis the traffic associated with this proposal will not clash. There is however an increase in peak hour traffic on Cribbs Causeway, a major commuter route into Bristol.

In order to mitigate this impact and to encourage modal shift a contribution of £15K towards public transport infrastructure in the locality is required. This should be secured via an appropriate legal agreement and received prior to the commencement of on site works. Further to this there is an acceptable "framework" travel plan provided. This will be superseded by a full travel plan

based on survey data. This should be agreed with the council and implemented within 6 months of occupation of the facility.

On that basis, and subject to the following conditions, there is no transportation objection to this proposal.

4.4 Local Residents

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

- a) The proposed development is not in keeping with the existing retail nature of the site
- b) The development would lead to circulation difficulties for traffic
- c) There is an under provision of parking spaces

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006 supports proposals for employment uses within the existing urban areas (the site is identified as a safeguarded employment site in Policy E4). In these circumstances in line with PPG4 the overriding objective is to seek to enhance employment activities. This support is subject to an assessment of the environmental effects of the proposal with specific reference to design and landscaping, the impact upon the surrounding highways network, impact upon neighbouring residential amenity, subject to the character of the area not being adversely affected and the density being acceptable. Policies L1, D1, L17 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 consider the impact in terms of Landscaping, Design, Drainage and transportation. Subject to the consideration of these issues the proposed development is considered acceptable in principle.

5.2 Design

Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 indicates that development will only be permitted where good standards of site planning and design are achieved having regard to, siting, layout, form, scale, height, massing, detail and materials. This assessment should be made having regard to the character of the area. Development should be distinctive and achieve good quality design. This policy is supported by guidance in the South Gloucestershire Design Checklist. SPD (draft for public consultation Sept 2006).

In terms of layout, it is considered that the building, situated close to the northern boundary of the site is located such that it addresses the road frontage well, allowing the central tower (that forms a visual hinge between the two wings) to appear as a landmark focus. Parking areas are located to the rear largely reflecting the current arrangements, subject to an appropriate landscaping scheme this is considered satisfactory.

With respect to the scale of the proposal, it is considered that a three-storey building is entirely appropriate give the surrounding context. It is considered that the development would have an acceptable visual impact. The use of different materials and detailing is considered to “break-up” the wings such that the vertical emphasis has been reduced.

Policy D1g indicates that proposals will be expected to demonstrate that the design, density, orientation and location of buildings and associated landscape proposals incorporate measures to achieve energy conservation and the protection of environmental resources. It is considered that in order to achieve this objective, that the proposal should be assessed against the BREEAM methodology and achieve a minimum standard of “very good”. To this end a condition will be attached to the decision notice.

Subject to this condition it is considered that the proposed development will be in accord with the aims and objectives of Policy D1.

5.3 Landscaping

Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 states that development will only be permitted where those attributes of the landscape are conserved and where possible enhanced.

The applicant has submitted a landscaping scheme, indicating planting to the front and rear (entrance elevation) with some elements within the car park area and paving. This scheme is considered acceptable and to be in accord with the aims and objectives of Policy L1 subject to a condition to secure the protection of existing planting and subject to a condition requiring details of the paving materials to be used.

5.4 Residential Amenity

The site is situated approximately 40 metres from the nearest property in Catbrain Lane, with building itself approximately 100 metres distant. Given this it is not considered that this office development would cause any significant detriment to the amenity of adjoining occupiers. An office use (B1) is a use that is by definition considered to be a suitable use to be sited close to residential properties. It is considered that the proposal is acceptable in terms of the impact upon residential amenity.

5.5 Drainage

Policy L17 of the South Gloucestershire Local Plan (As Intended to be Adopted) November 2005 considers the impact of development upon the water environment. Policy EP1 considers pollution issues while Policy EP2 considers flood risk. There are no specific objections to the proposed development subject to a condition to secure best drainage practice.

5.6 Transportation

Although concern has been raised regarding the impact of the development upon traffic circulation. It is considered that the level of parking provided and the layout proposed is acceptable. A condition will be attached to the decision notice to secure, covered and overlooked cycle provision. A framework travel plan/Transport Statement has been submitted that is broadly acceptable, however a condition will be attached to the decision notice to require a full travel plan to be agreed by the Council and implemented within 6 months of full occupation.

Notwithstanding the submission of the Travel Plan it is considered that the proposal will result in an increase in peak hour traffic, in order to mitigate this impact and to encourage a modal shift a contribution of £15,000 towards public infrastructure in the locality has been agreed with the applicant. This will be secured by agreement.

Subject to the above conditions and agreement, the proposed development is considered acceptable and would be in accord with the aims and objectives of Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

Public Art

Policy LC13 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks the allocation by developers of a contribution for the commissioning and incorporation of art and craft works as an integral part of the development. This contribution is voluntary.

In this case the applicant is willing to accept a condition to secure artwork at the site to be agreed by Council Officers. This art work should be installed to the full satisfaction of the Council prior to the first occupation of the building.

5.7 Other Issues

Concern has been raised that the proposal is not appropriate given the existing retail nature of the site. Transportation implication are considered above however it should be noted that the land is allocated for employment use within the South Gloucestershire Local Plan (Adopted) January 2006 and that the proposed development would be in accord with this use.

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 (Consultation Draft).

5.9 Section 106 Requirements

In this instance, having regard to the above advice, the transportation improvements are appropriately the subject of a Section 278 Agreement and a Section 106 agreement is not therefore necessary.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That Planning Permission is GRANTED subject to the conditions.

Background Papers **PT07/0987/F**

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

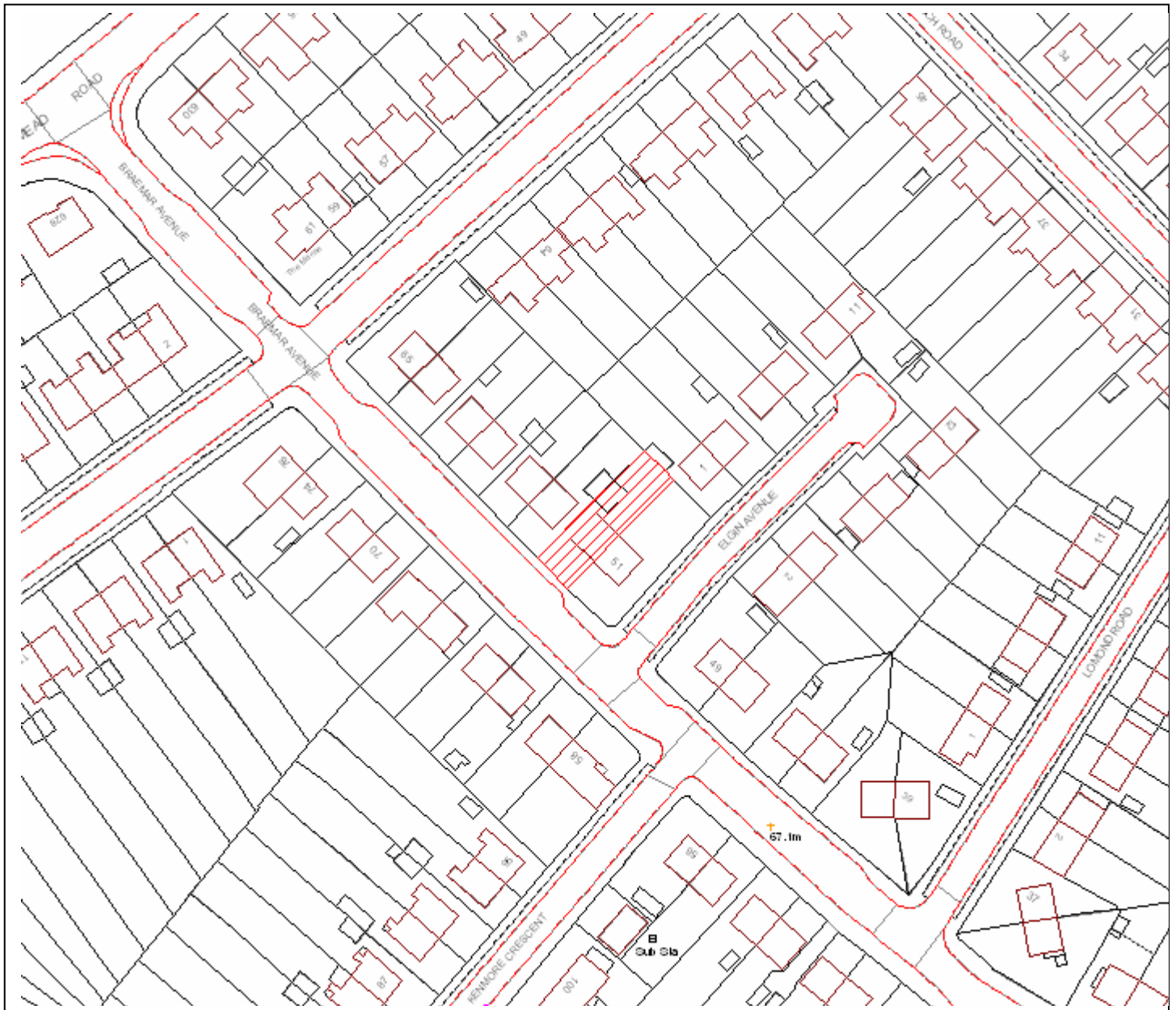
CIRCULATED SCHEDULE NO. 05/08 – 01 FEBRUARY 2008

App No.: PT08/0005/F
Site: 53 Braemar Avenue, Filton, South
 Gloucestershire, BS7 0TF

Applicant: Mr & Mrs Martin
Date Reg: 2nd January 2008

Proposal: Erection of front porch.
Map Ref: 59552 78452

Parish: Filton Town Council
Ward: Filton



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N.T.S

PT08/0005/F

INTRODUCTION

This application appears on the Circulated Schedule as a representation was made contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a front porch.
- 1.2 This is a semi-detached pebbledash rendered property within the existing urban area of Filton. The proposal consists of a front porch with Cattybrook Berkley Red face brick, 1.5 m deep, 3.0 m in width and 3.2 m in height. The roof is pitched and materials consist of concrete tiles to match existing.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design
H4 Development within Existing Residential Curtilage
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant history

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council

Objection – Out of character, disproportionate to the existing building.

Other Representations

- 4.2 Local Residents
No response

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development

Policy H4 states that *proposals for development within existing residential curtilages*, will be permitted subject to certain criteria. The principle of the development is therefore acceptable subject to the following detailed assessment.

5.2 Residential Amenity

Overbearing Analysis

Due to the overall scale and size of the proposed development and sufficient boundary treatment between the neighbouring properties the proposal would not be overbearing on the residential amenity of neighbouring occupiers. There are approximately 3.5 m high bushes on the party boundary with no. 51 and a drive way separates no. 53 from no. 55 Braemar Avenue, a distance of approximately 3 m.

Privacy Analysis

The proposal is single storey and there is existing shrubbery approximately 3.5 m in height so therefore there would be no overlooking or loss of privacy as a result of the proposal.

Highway Safety Analysis

The front porch will not impact on the property's parking arrangements, located at the side of the house, nor will it prejudice highway safety.

5.3 Design / Visual Amenity

The proposal is modest in scale and with a depth of 1.5 m and a width of 3 m is considered to be subservient and not disproportionate. The porch fits with the character of the existing property, although the proposed use of Cattybrook Berkley Red brick is not considered acceptable as it would not match the palette of materials displayed in the existing building. Consequently, a condition will be attached to the decision notice requiring the building materials to match the existing pebbledash render. The proposal is well screened from the public realm to the side and rear and therefore there is no harm caused to the visual amenity.

5.4 Section 106 Requirements

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

6. CONCLUSION

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

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

7. **RECOMMENDATION**

7.1 That planning permission is **GRANTED** subject to the following conditions.

Background Papers **PT08/0005/F**

Contact Officer: **Will Collins**
Tel. No. **01454 863819**

CONDITIONS

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

Reason(s):

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

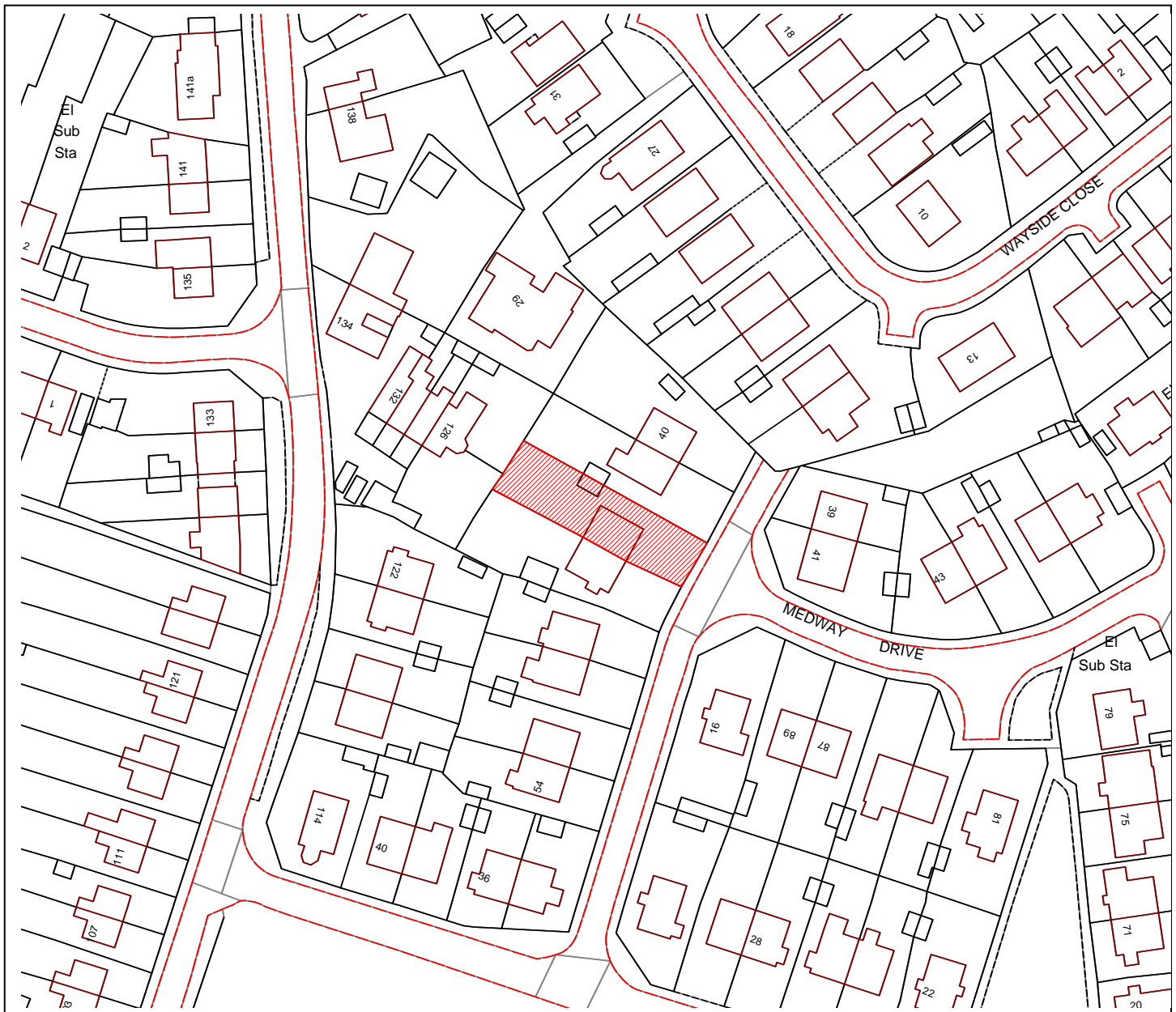
2. Notwithstanding the submitted details the materials to be used externally in the development hereby permitted shall match those of the existing building in colour and texture.

Reason(s):

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

CIRCULATED SCHEDULE NO. 05/08 – 01 FEBRUARY 2008

App No.:	PT08/0008/F	Applicant:	Mr & Mrs Tanner
Site:	44 Medway Drive, Frampton Cotterell, South Gloucestershire, BS36 2HQ	Date Reg:	2nd January 2008
Proposal:	Alterations to existing roofline with 1 no. dormer and 1 no. side window to facilitate loft conversion.	Parish:	Frampton Cotterell Parish Council
Map Ref:	66720 81080	Ward:	Frampton Cotterell



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N.T.S

PT08/0008/F

INTRODUCTION

This application appears on the Circulated Schedule as a representation was received contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for alterations to existing roofline with erection of 1 no. dormer and addition of 1 no. side window to facilitate loft conversion.
- 1.2 This is a semi-detached bungalow within the existing urban area of Frampton Cotterell. The proposal consists of a flat roofed dormer window to the rear with plain tiles to match existing, 4.6 m deep, 6.8 m in width and 2.7 m in height.

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
H4 Development within Existing Residential Curtilage
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant history

4. CONSULTATION RESPONSES

- 4.1 Frampton Cotterell Parish Council
No objection raised
- 4.2 Local Residents
One letter of objection was received citing two reasons for objection:
 - a) Dormer window will have an adverse impact on privacy
 - b) The hours of building work at the site, if the application was approved should be restricted due to a resident with a serious medical condition.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy H4 states that *proposals for development within existing residential curtilages*, will be permitted subject to certain criteria. The principle of the development is therefore acceptable subject to the following detailed assessment.

5.2 Residential Amenity

Overbearing Analysis

Due to the overall scale and size of the proposed development and sufficient boundary treatment between the neighbouring properties the proposal would not be overbearing on the residential amenity of neighbouring occupiers. No. 46 Medway Drive has a similar existing flat roof rear dormer and there are two driveways between the proposed dormer at no. 44 Medway Drive and the neighbouring property no. 42 and therefore the proposal is not overbearing.

Privacy Analysis

The proposal is on the first floor of no. 44 Medway Drive. The distance between the proposed dormer window and the rear garden of no. 126 Park Lane (the nearest neighbouring property to the rear) is approximately 20 m. The distance from the proposed dormer window to the habitable rooms of no. 126 Park Lane is approximately 28 m. The proposed side window is to be obscured as it is a bathroom window. It is therefore considered that there would be no overlooking or loss of privacy as a result of the proposal.

5.3 Design / Visual Amenity

The proposal is modest in scale and fits with the character of the locality which is characterised by many flat roof dormer windows. Its location to the rear of the building together with the chosen construction materials, which match the palette of materials displayed in the existing building, means that this is an appropriate addition to the dwelling and streetscene. The proposal is well screened from the public realm to the side and rear and therefore there is no harm caused to the visual amenity.

5.4 Other Matters

Concerns were raised by a local resident regarding hours of building work due to a neighbour having a medical condition. This is a matter that can be dealt with through a planning condition.

5.5 Section 106 Requirements

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

6. CONCLUSION

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

6.2 The decision to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006

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

7. RECOMMENDATION

7.1 That planning permission is **GRANTED** subject to the following conditions.

Background Papers **PT08/0008/F**

Contact Officer: **Will Collins**
Tel. No. **01454 863819**

CONDITIONS

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

Reason(s):

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

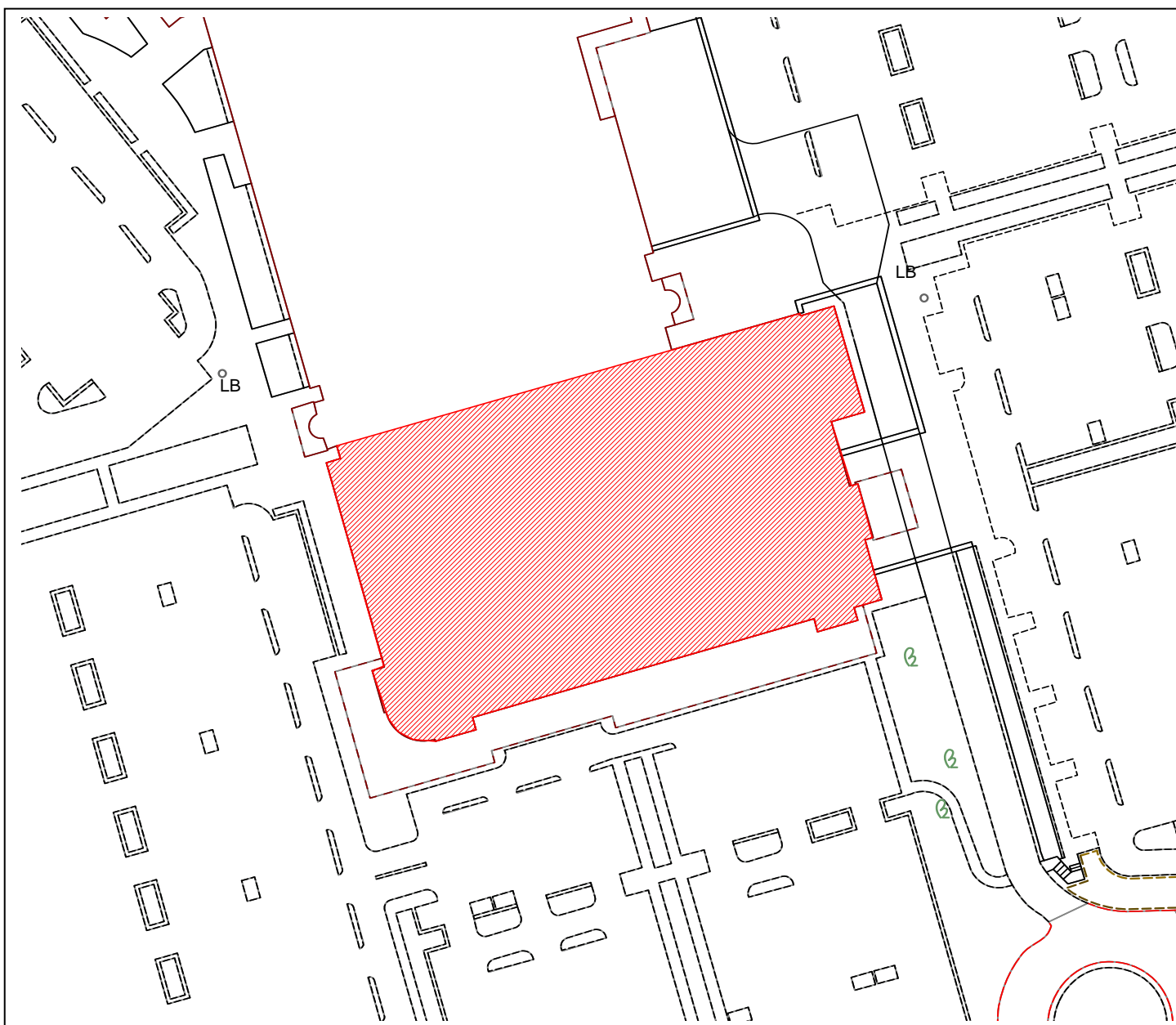
- 2 Building work shall not commence on the premises before 8am on weekdays nor after 6pm on weekdays nor at any time on Saturdays, Sundays or Bank Holidays.

Reason(s):

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

CIRCULATED SCHEDULE NO. 05/08 – 01 FEBRUARY 2008

App No.:	PT08/0012/F	Applicant:	Mr A Chisholm Marks & Spencer
Site:	Marks & Spencer The Mall Cribbs Causeway Bristol South Gloucestershire BS34 5QT	Date Reg:	2nd January 2008
Proposal:	Installation of 12 metre Meteorological Mast for the temporary period of 4 months.	Parish:	Almondsbury Parish Council
Map Ref:	58866 80703	Ward:	Patchway



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N.T.S

PT08/0012/F

INTRODUCTION

This application has been placed on the Circulated Schedule due to an objection from Almondsbury Parish Council.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission to erect a 12m high anemometry mast for the measurement of wind speed and direction. Given the existing wind screen which surrounds the mall only approximately half of the mast will be visible. The proposed mast would be removed from site after a period of 4 months of use.
- 1.2 The proposed mast will comprise a single metal pole of 55mm in diameter supported by 4No. guy wires. The mast is intended to measure wind speed and direction.
- 1.3 Another application PT08/0014/F has been submitted for the same site, but this is for 6 wind turbines on the roof.
- 1.4 The site of the application is The Mall shopping centre.
- 1.5 The application submitted by Marks and Spencer is part of the applicants plan to tackle climate change. The chain has decided to tackle this by installing renewable energy sources on some of its stores.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS22 Renewable Energy
- 2.2 Joint Replacement Structure Plan
Policy 25 Renewable energy
- 2.3 South Gloucestershire Local Plan (Adopted) January 2006
L1 Landscape protection
L9 Species Protection
EP5 Renewable Energy Installations
T12 Transportation

3. RELEVANT PLANNING HISTORY

- 3.1 PT08/0014/F Erection of 6 roof mounted wind turbines.....Undetermined

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
Object to the application on the following grounds:
 - a) This application should be considered alongside PT08/0014/F
 - b) The mast will ruin the aesthetics of the building
 - c) The development will set a dangerous precedent

4.2 Sustainable Transport
No objection in principle.

4.3 Local Residents
No responses received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Whilst the proposal is not strictly for a renewable energy installation, it is prudent to assess the scheme with reference to this policy as it has links to the feasibility of the wind turbine proposal.

5.2 National Context

PPS1 Delivering Sustainable Communities and PPS22 Renewable Energy both support the principle of developing systems and mechanisms for harnessing the energy created by infinite energy sources. PPS22 states that by 2010 the Government will seek to generate 10% of its electricity from renewable energy sources, and by 2020 the target will reach 20%. It goes on to state that increased development of renewable energy resources is vital to the government's commitment on both climate change and renewable energy. It is made clear that the wider environmental and economic benefits of renewable energy projects is a key material consideration and should be given significant weight when determining application for development which seeks to provide energy through renewable means.

5.3 Local Context

Policy EP5 of the South Gloucestershire Local Plan (Adopted) January 2006 is specifically concerned with development that comprises renewable energy installations. This policy follows on from the guidance received from national Government and states that development should be permitted provided that it would not have unacceptable environmental or transportation effects nor would it prejudice residential

5.4 In terms of environment affects, the main considerations are whether:

- a) The amenity of the landscape is adversely affected (policy L1).
- b) Any protected species are affected (PolicyL9).
- c) Are the aesthetics of the building affected

5.5 There is no nearby residential property that could be considered as being affected by the proposed development.

5.6 Visual Impact

Landscape

The proposed mast is a single pole of diameter 55mm. As such, it is considered that in the broader landscape it would be almost imperceptible. The site also benefits from some nearby tree cover and there is also a background of a line of pylons and, from some directions, motorway lighting columns. In this context, the proposed mast will have no material impact within the landscape. No existing landscape features will be affected. The visual amenities and character of the landscape of this area will not be adversely affected.

Built form

Given that only approximately 6 metres of the slim line mast will be visible above the windshield, it will not have detrimental impact upon the aesthetics of the building. This mast will not be easily seen from the wider area.

5.7 Nature Conservation

The area where the mast will be located is of negligible botanical or nature conservation interest. There are no nature conservation designations or records of protected species on the site. There will be no adverse nature conservation concerns.

5.8 Transportation

No transport objection is raised to the proposal.

5.9 Design and Access Statement

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

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

7. RECOMMENDATION

7.1 Planning permission be granted

Background Papers **PT08/0012/F**

Contact Officer: **Gareth John**
Tel. No. **01454 863438**

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. 05/08 – 01 FEBRUARY 2008

App No.: PT08/0019/F

Applicant: Charfield Tennis Club

Site: Charfield Tennis Club Little Bristol Lane
Charfield WOTTON-UNDER EDGE
BRISTOL South Gloucestershire GL12
8SZ

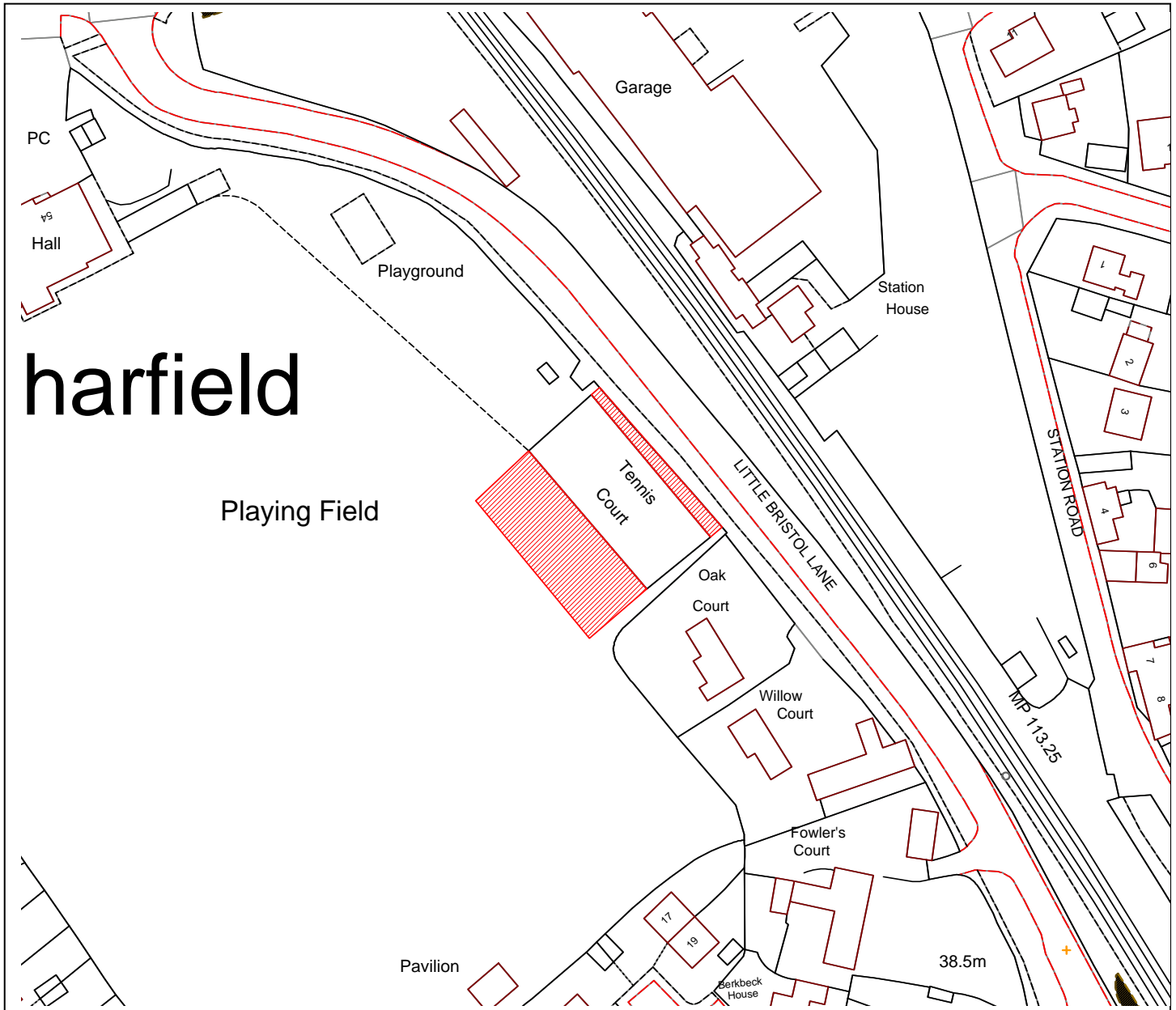
Date Reg: 2nd January 2008

Proposal: Erection of 4 metre high fence to facilitate construction of tennis court.

Parish: Charfield Parish Council

Map Ref: 72403 92169

Ward: Charfield



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N.T.S

PT08/0019/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for a 4m high fence to facilitate the construction of a second tennis court.
- 1.2 The application site comprises Charfield tennis club on the east side of Little Bristol Lane, Charfield. The site 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
L1: Landscape Protection and Enhancement
LC3: Proposals for Sports & Leisure Facilities within the Settlement Boundaries
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 N6742: Extension to village hall to provide bar, store, committee room and skittle alley. Permitted: 3 July 1980
- 3.2 P85/2218: Wooden hut for storage of tennis equipment. Permitted: 9 Oct 1988
- 3.3 P88/2203: Side extension to provide bar area, changing rooms, kitchen, skittle alley, meeting room, cellar and WC's. Permitted: 3 Aug 1988
- 3.4 P90/2515: Single-storey building for storage of equipment for maintenance of adjoining cricket and football pitches. Permitted: 24 Oct 1990
- 3.5 P90/2933: Wooden hut for storage of tennis equipment. Permitted: 9 Jan 1991
- 3.6 P91/2166: Extension to hall to form lounge, changing rooms, kitchen, servery and WC's. Permitted: 11 Sept 1991
- 3.7 P94/2415: Construction of tennis courts with 9ft high perimeter mesh fence. Permitted: 21 Nov 1991
- 3.8 P95/2658: Single-storey rear addition to provide store. Permitted: 18 Dec 1995

4. CONSULTATION RESPONSES

- 4.1 Charfield Parish Council
'Charfield Parish Council supports this proposed development, but wishes to stress that it does not wish see any damage sustained to the adjacent Oak Tree by any contractors.'

4.2 Landscape Officer

no objection

4.3 Highways DC

No objection

4.3 Summary of Local Residents Comments

One letter received expressing the following concerns:

- a) The ample parking area referred to is not used, vehicles tend to park along Little Bristol Lane causing access and visibility problems;
- b) Noise levels at the rear of the property are ongoing from 8am until dusk in the summer months. An acoustic fence is advised;
- c) Drainage details would need to be clarified given that the site proposed acts as a natural flood plain area to the field.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy LC3 of the South Gloucestershire Local Plan allows for the development, expansion or improvement of indoor or outdoor sports and leisure facilities within the existing built up areas and settlement boundaries provided that:

- a) Those which are likely to be major travel generators are located on sites that are/ will be highly accessible by public transport, foot and bicycle; and
- b) It would not unacceptably prejudice residential amenity; and
- c) The scheme would not have an unacceptable environmental/ transportation impact; and
- d) Development would not give rise to an unacceptable level of on street parking.

5.2 Design/ Visual Amenity

The application relates to Charfield tennis club sited adjacent to the Charfield playing fields west of Little Bristol Lane. The application seeks permission for an additional tennis court to be sited adjacent to the existing to the east side of the playing fields. It would also increase the size of the existing court closer to Little Bristol Lane with the new enlarged facility contained by a 4m high fence.

5.3 In view of the above, it is noted that that the proposal would continue the line of existing perimeter development around the playing field sat behind the existing court. To this extent, the existing court comprises an established feature within the landscape and generally integrates well into the backdrop of the field. As such, and having regard to the nature of the proposal, there is no objection to this current scheme.

5.4 Notwithstanding the above, no finish is specified for the fencing or posts and if it is to be coloured, then a black finish is generally the least obtrusive feature; this should be controlled by condition.

5.5 Further, in view of the concerns raised by the Parish Council with regards to the adjacent tree, it is noted that two trees stand within proximity of the site, that adjacent to the existing court within the front garden of Oak Court and the second some 10m away (again from the existing court) to the north. Given the position of these trees and the nature of the proposal, there is no objection to

the application on this basis subject to a condition requiring protective fencing during the construction period.

5.6 Residential Amenity

'Oak Court' forms a two-storey detached dwelling to the south of the application site that benefits from a detached garage to this side with tree/ hedgerow screening lining the side/ rear boundaries. As such, and in view of the nature of the proposal, it is not considered that any significant adverse impact in residential amenity would be caused. In this regard, it is noted that the court would extend no closer than the existing facility whilst it would be unreasonable to request an acoustic fence given that this area already provides a community facility where sports activities would reasonably be anticipated during daylight.

5.7 All other neighbouring properties stand at an appreciable distance from the site of the proposal. Accordingly, it is not considered that any significant adverse impact in residential amenity would be caused.

5.8 Highway Safety

In view of the level of car parking available, and given the scale and nature of the proposed facility, 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 considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

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 **GRANTED** subject to the following conditions:

Background Papers **PT08/0019/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 the colour of the proposed fencing/ fence posts hereby approved 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 Planning Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 3 Prior to the commencement of development, protective fencing shall be erected around the existing tree positioned to the north of the application site adjacent to the childrens play/ skateboarding area. This fencing shall be retained for the course of the development.

Reason(s):

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

- 4 The tennis courts hereby approved shall at no time be flood lit or benefit from any other form of external illumination.

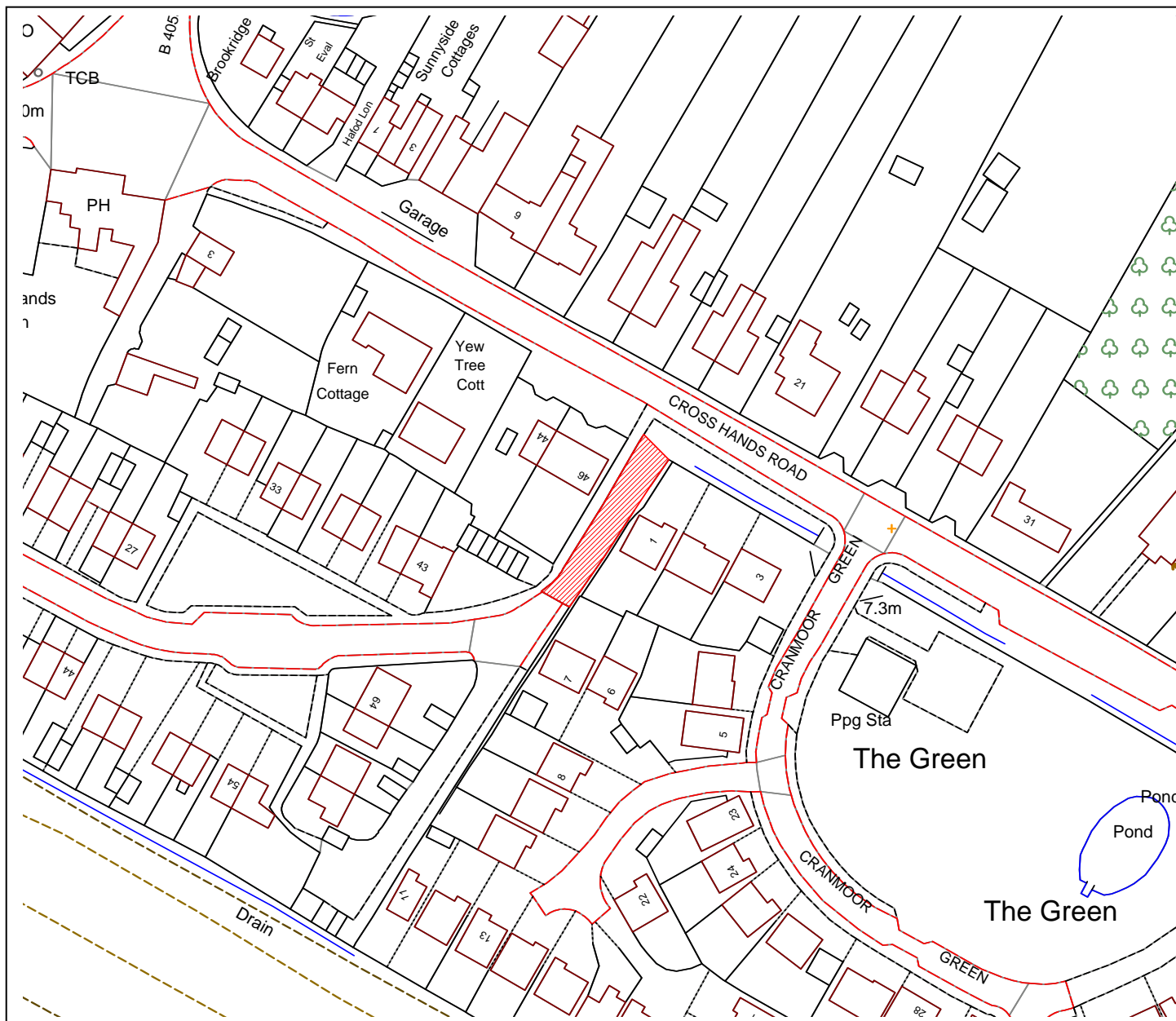
Reason(s):

In the interests of visual amenity and to safeguard the residential amenities of neighbouring occupiers, all to accord with policy LC3 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 05/08 – 01 FEBRUARY 2008

App No.: PT08/0044/RM
Site: Land off Wainbridge Crescent, Pilning, South Gloucestershire, BS35 4LJ
Proposal: Erection of 1 no. detached dwelling. (Approval of reserved matters to be read in conjunction with outline planning permission PT04/3714/O).
Map Ref: 55649 85063

Applicant: Mr J Robins
Date Reg: 4th January 2008
Parish: Pilning and Severn Beach
Ward: Pilning and Severn Beach



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N.T.S

PT08/0044/RM

INTRODUCTION

This application has been referred to the Circulated Schedule due to an objection from a local resident.

1. THE PROPOSAL

- 1.1 This reserved matters application relates to the erection of a detached dwelling on land off Wainbridge Crescent, Pilning. Details of layout, scale, external appearance, means of access and landscaping are all to be considered by this application. The outline application was allowed on appeal in September 2005.
- 1.2 The application site is linear in shape and overgrown in appearance. It is enclosed along the front, rear and side (western) boundary by a chain link fence with 1.8m close boarded timber fencing along the side boundary with the adjacent property of 1 Cranmoor Green. The site has a maximum width of some 8.5m to the front reducing to a minimum 6.7m to the rear and has a length of approximately 36m. A public footpath runs adjacent to the western boundary of the site and the land is surrounded by residential properties. The road of Wainbridge Crescent forms the rear boundary and the housing estate of Cranmore Green lies directly to the east. The site fronts onto Cross Hands Road, separated by a grass verge which is outside the ownership of the applicant. An Ash tree is located at the front of the site which is covered by a Tree Preservation Order (T1 of Tree Preservation Order 467 Cross Hands Road, Pilning).
- 1.3 The application site lies within the settlement boundary of Pilning.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS3 Housing
PPG13 Transport
PPS25 Development and Flood Risk
- 2.2 Development Plans
Joint Replacement Structure Plan
Policy 24 Flood Risk
Policy 34 Re-use of Previously Developed Land
- 2.3 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
L1 Landscape Protection and Enhancement
L17 The Water Environment
H2 Proposals for Residential Development Within the Existing Urban Area and Defined Settlement Boundaries
T7 Cycle Parking
T12 Transportation Development Control Policy for New Development
- 2.4 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 P96/2821 Erection of detached dwelling and garage.
Refused 13 January 1997 on the grounds of cramped form of development.
- 3.2 PT02/0027/O Erection of detached dwelling (outline).
Refused 15 February 2002 on the following grounds:-
a) overbearing impact on occupiers of adjacent dwellings;
b) site situated within a tidal flood plain and no flood risk assessment submitted.
- 3.3 PT04/3714/O Erection of dwelling (Outline) (Resubmission of PT02/0027/O).
Allowed on appeal 19 September 2005.

4. CONSULTATION RESPONSES

- 4.1 Pilning and Severn Beach Parish Council
No response received.
- 4.2 Sustainable Transport
No objection.
- 4.3 Local Residents
1 letter has been received objecting to the proposal on the following grounds:-
- a) proposed car parking spaces will result in ‘headlights’ shining into rooms;
 - b) tree within the grounds is unstable and requires regular maintenance. It is subject to a TPO and there should be agreement in place for its upkeep;
 - c) boundary hedge was ripped out when land was previously cleared.
- 4.4 A further letter has also been received stating that they wish for the hours of construction condition imposed under the outline application to be adhered to and that the Ash tree covered by a TPO requires maintenance which should be carried out prior to the commencement of works.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The principle of residential development has already been accepted by virtue of the previous outline application PT04/3714/O. This application must therefore be assessed purely on the grounds of layout, scale, external appearance, means of access and landscaping.
- 5.2 The site currently constitutes vacant land. As such policy D1 of the adopted Local Plan is particularly relevant. This policy is a general design policy that requires new development to, amongst other things, respect and enhance the character of the area; conserve existing features of landscape and provide safe vehicular and pedestrian access.
- 5.3 It is considered that the application accords with the above policy criteria. The site is subject to numerous constraints. It is narrow in width and linear in appearance and an Ash tree covered by a TPO is located to the front part of

- the site. To protect the Ash tree the Inspector in his decision letter imposed conditions requiring that an 8m distance be provided between the Ash tree and any dwelling and that the dwelling be accessed solely from Wainbridge Crescent. The siting of the dwelling reflects these conditions. The front and rear building line of the adjacent property of 1 Cranmoor Crescent to the east is also maintained. Two off-street parking spaces have also been provided and the layout of the dwelling is such that the front door faces onto Wainbridge Crescent. The application is therefore acceptable in terms of its layout and access.
- 5.4 With regard to the issues of scale and external appearance, the proposal is also acceptable. The scale of the dwelling reflects the constrained nature of the site by being long and narrow in nature. It has a width of 6.1m and an overall depth of 9.2m but is of a size and scale that is commensurate with the size of the plot. Moreover, it does not appear incongruous in appearance by virtue of its location within the street scene. It is set back some 20m from Cross Hands Road to the north of the site. Furthermore, the Ash tree has the effect of visually divorcing the proposal and would significantly screen the development, especially when in leaf from the Cross Hands Road elevation.
- 5.5 The siting of the dwelling also respects the building line of the nearest property of 1 Cranmoor Green. Although the surrounding properties do not face onto Wainbridge Crescent, either backing on to the Crescent or fronting Cross Hands Road, in visual terms the continuation of the building line of 1, 2 and 3 Cranmoor Green enables the development to integrate within the street scene. In addition, although the ridge height is some 350mm higher than 1 Cranmoor Green this is considered a marginal increase. Moreover, it has a similar ridge height to the property of Bramley House to the west. The design of the proposal also incorporates a small gabled feature on the elevation facing Cross Hands Road which reflects a similar design feature present to the front elevation of the adjacent property of 1 Cranmoor Green. The proposed materials of render, brickwork and Double Roman tiles also match this property. The scale and appearance of the development is therefore considered appropriate to the site's context.
- 5.6 With regard to landscaping, the conditions imposed under the Outline application to protect the Ash tree have been reflected under this Reserved Matters application. The grass verge fronting the site adjacent to Cross Hands Road is outside the application site and will be unaffected by the proposal. However, details of the proposed boundary treatment are not clear on the submitted plans and as such will be the subject of a further planning condition.
- 5.7 Residential Amenity
The siting of the dwelling has largely been dictated by the location of the Ash tree to the front of the site which was considered by the Planning Inspector under the previous Outline application. A planning condition requiring an 8m protection distance from the trunk of this tree to any development was imposed as part of the Outline consent.
- 5.8 In determining the outline application the Inspector did not raise residential amenity as an issue, even though it was clear that any dwelling would be sited to the rear of the site and some distance beyond the rear elevation of Bramley House to the west of the site. The nearest property of 1 Cranmoor Green to the east is located approximately 2.4m away. The proposal does not extend beyond the front or rear building line of this property and as such will not result

in any overbearing impact or loss of privacy to occupiers of this dwelling. The nearest house to the rear is that of 7 Cranmoor Green. A distance of some 22m will exist between the rear elevations of these properties. Although the rear garden of number 7 will be overlooked to a degree by the proposal, the distance is acceptable and it does not worsen the existing level of overlooking already occurring from 1 Cranmoor Green. With regard to Bramley House immediately to the west of the site, a 3m gap will be maintained. It is recognised that the dwelling will extend beyond the rear elevation of Bramley House by 8.8m. However, the Inspector was of the view that as the site was separated from Bramley House by a footpath which was itself set off the boundary with the footpath, the degree of separation would provide adequate space and would avoid a cramped appearance. Overbearing impact was not considered an issue.

5.9 Transportation Issues

Two off-street parking spaces are provided off Wainbridge Crescent, a residential cul-de-sac. No vehicular access is proposed off Cross Hands Road to the front of the site. The application is therefore considered acceptable.

5.10 Other Issues

With regard to hours of construction on the site the outline condition covers this issue. With regard to maintenance of the Ash tree an informative on any planning consent will be added to inform the applicant that the tree is covered by a TPO, any works require planning permission and such works should be discussed with the Council's Tree Officer and preferably carried out prior to commencement of development.

5.11 Design and Access Statement

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

5.12 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 That the Reserved Matters submitted in accordance with Conditions 1, 2 and 3 associated with Outline Planning Permission PT04/3714/O dated 19 September 2005 be APPROVED.

Background Papers PT08/0044/RM

Contact Officer: Vivian Butt
Tel. No. 01454 863427

CONDITIONS

- 1 Notwithstanding the details submitted on drawing number 07-1190-101, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied and 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 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(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 Policies T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 3 The glazing serving the landing on the west elevation shall at all times be of obscured glass and be permanently fixed in a closed position. The obscure glazing to be used shall be at least level 3 obscure glazing.

Reason(s):

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

- 4 Prior to the occupation of the dwelling hereby permitted, a cycle store, the details of which shall be submitted to and approved in writing by the Council, shall be provided and thereafter retained for that purpose. For the avoidance of doubt, the cycle store shall be secure and covered.

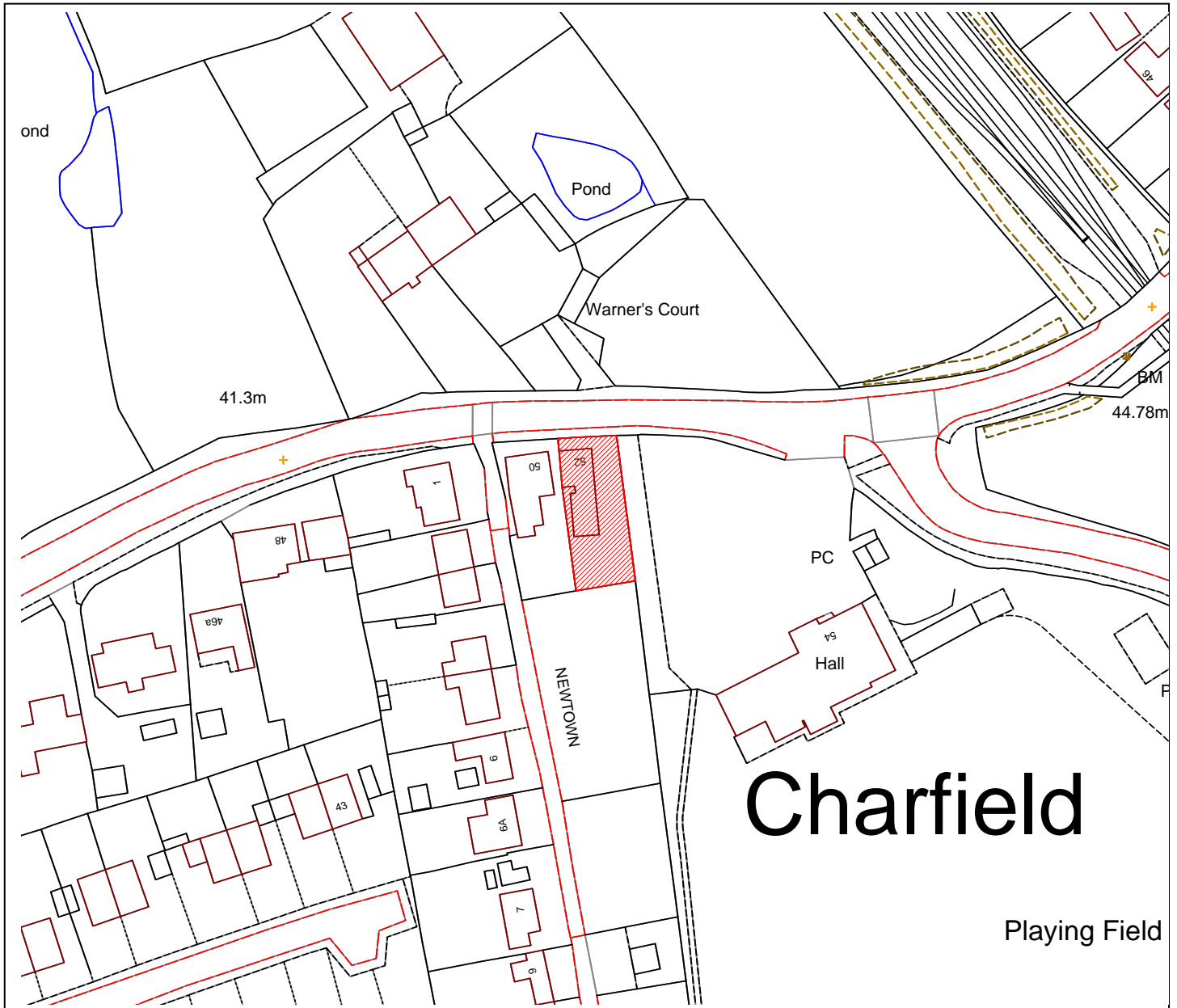
Reason(s):

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

CIRCULATED SCHEDULE NO. 05/08 – 01 FEBRUARY 2008

App No.: PT08/0055/CLE
Site: 52 Wotton Road, Charfield, South Gloucestershire, GL12 8TG
Proposal: Application for Certificate of Lawfulness for the existing use of vehicular access.
Map Ref: 72241 92256

Applicant: Dr & Mrs J Dormer
Date Reg: 7th January 2008
Parish: Charfield Parish Council
Ward: Charfield



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PT08/0055/CLE

INTRODUCTION

This application comprises a Certificate of Lawfulness and as such appears on the Circulated Schedule.

1. THE PROPOSAL

- 1.1 The application submitted comprises a Certificate of Lawfulness in respect of the existing use of vehicular access at 52 Wotton Road, Charfield.
- 1.2 The site is a detached dwelling that fronts onto Wotton Road. The access has been constructed, is paved and lies to the east of the dwelling. A dropped kerb has been installed at some point, but this does not extend the whole width of the access. The site lies within the settlement boundary of Charfield.
- 1.3 In order to obtain such a certificate the applicant must produce evidence that demonstrates on the balance of probabilities that the access way was created in excess of 4 years prior to the application date. Accordingly, this is purely an evidential test and not a question of planning merit. The applicant should produce precise and unambiguous evidence to this end.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 P89/2188 Construction of vehicular access.
Refused on highway safety issues 17 August 1989.
Appeal dismissed 6 February 1990.
- 3.2 PT00/3046/CLE Construction of vehicular access (Certificate of Lawfulness).
Application withdrawn 8 January 2008.

4. CONSULTATION RESPONSES

- 4.1 Charfield Parish Council
The Parish Council reiterate their previous objections relating to application PT00/3046/CLE. They are adamant that the previous access was that of a single pedestrian three foot wide metal gate, with no vehicular access.
- 4.2 Other Representations
None.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 A site plan.
- 5.2 Statutory declaration from a Mr. MK McQuaid dated 26 February 2001 stating that when he purchased the property in 1995 a dropped kerb was in existence. He replaced overgrown shrubbery and grass with flagstones to provide parking area. The paved area was extended round to the back of the property to

provide a turning space for vehicles thereby removing the need to reverse on to the main road. The vehicular access way started being used in or about September 1995 and was used constantly until the property was sold in November 1999.

5.3 Statutory declaration from a Mr. JC Dormer dated 7 September 2007 stating that the property was purchased in November 1999, from Mr. MK McQuaid, who purchased the property in August 1995. On purchasing the property in 1999 there was a dropped kerb, driveway into the property and a paved turning area at the rear of the property that allows access and exit of the property of vehicles in forward gear. Since November 1999 we have used and continue to use the pavement crossing, gateway drive and turning area to gain access to and exit the property.

5.4 Photograph of lowered kerb stones outside 52 Wotton Road.

6. **SUMMARY OF CONTRARY EVIDENCE**

6.1 None.

7. **EVALUATION**

7.1 The only issues which are relevant to the determination of an application for a Certificate of Lawfulness are whether, in this case, the access way was created in excess of 4 years prior to the application date and whether or not the use is in contravention of any Enforcement Notice which is in force. With regard to the latter point, no Enforcement Notice is in force on any part of the site.

7.2 The relevant test of the submitted evidence

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

7.3 Hierarchy of Evidence

The evidence submitted comprises two statutory declarations and photo. Although at the time of the previous application in 2000 the access may not have been lawful, that application was never determined and was recently withdrawn. However, the previous application PT00/3046/CLE clearly shows that the access was in existence back in November 2000 and as such it can be proven beyond any doubt that the access was created in excess of four years prior to this submission.

7.4 Inspectors and the Secretary of State usually value and give weight to evidence in the following order of worth:-

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

7.5 Having regard to the above, the information submitted is considered to demonstrate that beyond doubt, the access way has been used in excess of 4 years prior to the date of this submission. It is therefore considered that the granting of this certificate should be allowed in this instance.

8. RECOMMENDATION

8.1 A Certificate of Lawfulness be granted.

Background Papers PT08/0055/CLE

Contact Officer: Vivian Butt
Tel. No. 01454 863427